1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH PLANNING BOARD 3 - - - X In the Matter of 4 5 WEBB PROPERTIES (2014 - 10)6 Route 17K & Auto Park Place 7 Section 97; Block 2; Lots 35 & 43 IB Zone 8 9 SITE PLAN & LOT LINE CHANGE 10 Date: October 16, 2014 Time: 7:17 p.m. Place: Town of Newburgh 11 Town Hall 12 1496 Route 300 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman FRANK S. GALLI 15 CLIFFORD C. BROWNE KENNETH MENNERICH 16 DAVID DOMINICK JOHN A. WARD 17 ALSO PRESENT: MICHAEL H. DONNELLY, ESQ. 18 PATRICK HINES GERALD CANFIELD 19 KENNETH WERSTED 20 APPLICANT'S REPRESENTATIVE: ROBERT JAMES 21 RONALD BARTON 22 -- - - - X MICHELLE L. CONERO 23 10 Westview Drive Wallkill, New York 12589 24 (845)895-3018 25

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2 MR. BROWNE: Our next item of business 3 is Webb Properties, project number 2014-10. This 4 is a site plan and lot line change being 5 presented by --6 MR. JAMES: Bob James of A. Diachishin 7 & Associates. 8 Okay. We've made a few changes since we 9 were here last. We'll start out with the first 10 sheet which is a subdivision/lot consolidation 11 plan. We originally had the subdivision as part 12 of a lot line revision but what we've done in 13 addition to that is created an additional lot. 14 The original lot line revision concerned a 15 fifteen-acre parcel on which the GM service 16 center was on, and then the vacant tax lot 35 and 17 the existing -- the former bank, tax lot 43. 18 There were two lot line revisions, one with the 19 former bank, parcel 43, and parcel 35, and also a 20 lot line change between parcel 1322 and 35. 1322 21 is now broken into two lots along the center of 22 Auto Park Place. So what we're doing is creating 23 basically four different -- four lots, one new 24 lot with different -- with lots 1, 2 and 3 having 25 different acreages.

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2 Lot 1 is the lot that the proposed 3 dealership is going on, it's about 5.1 acres. Lot 2 is the former bank parcel. That's going to be 4 1.34 acres. Lot 3 is a vacant lot on which the 5 6 detention pond -- the existing detention pond and 7 the proposed detention pond is on. That's going 8 to be about 4.5 acres. And then the GM service 9 center to the south of Auto Park Place is going 10 to be about 10.5 acres. 11 In addition to the new subdivision plan 12 we've provided a site grading plan, a drainage 13 plan, a utility plan with construction details, 14 as well as an erosion control plan and a 15 stormwater pollution prevention plan. 16 The site plan shows the drainage as 17 well as the proposed detention pond with 18 retaining walls around it. The drainage is 19 contained within the site in water quality 20 underneath the parking lot leading to the 21 detention pond. The detention pond is sized for 22 the full build out of lot 3, the lot between the 23 dealership lot, Auto Park Place, 17K and 24 Enterprise Rental to the east. 25 I just received a comment -- comments

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2	from Pat Hines.
3	That's my narrative for the time being.
4	We can go over the letter or how do you want
5	to proceed from here?
6	CHAIRMAN EWASUTYN: There's a lot of
7	detail that Pat is saying in his letter needs to
8	be addressed.
9	MR. JAMES: Yes.
10	CHAIRMAN EWASUTYN: Let Pat speak to
11	how he'd like to see it and when he would like to
12	see it.
13	Pat.
14	MR. HINES: Well, I don't know if the
15	Board wants to go through all these or if it
16	would be a candidate for a technical work session
17	later in the month. We do have those scheduled
18	the last Tuesday the fourth Tuesday of each
19	month, if that would be appropriate.
20	I do have some concerns. Just the
21	display of the vehicles for sale on what is the
22	bank lot brings up a zoning issue of displaying
23	those vehicles not on the auto dealership parcel.
24	I don't believe that's permitted by zoning. I'm
25	looking to Jerry a little bit for that. I know we

1	WEBB PROPERTIES 24
2	discussed at work session that would not be a
3	permitted use. The two displays that are on the
4	proposed dealership lot are fine. The one that's
5	off site would be inconsistent with the zoning
6	provisions.
7	There are cross grading easements,
8	access easements that need to be worked out.
9	One of the concerns we have is what the
10	balance parcel, the lot not proposed to be built
11	on right now, will look like. We need some detail
12	on that. Whatever that's going to look like,
13	grass, lawn, or whatever landscaping plan is
14	implemented.
15	We do have numerous technical comments
16	on the stormwater that I think could be resolved
17	during the technical work session.
18	That's probably the extent of our
19	comments at this point. I do believe this would
20	be a good candidate for that work session.
21	I do want to bring up I have a concern,
22	and it's more for the owner who I know is here
23	tonight. The retaining walls that are proposed
24	along the east property, they're rather large.
25	They're proposed cast-in-place concrete. I don't

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2 know if you have a price on those yet but I'm 3 concerned that when you get the cost for those 4 precast or poured-in-place retaining walls, that 5 you may have some sticker shock. So it's kind of 6 a red flag for you to take a look at that. 7 There's hundreds of feet of retaining wall in 8 excess of eight feet high, twelve inches thick at 9 the top and eighteen inches thick at the bottom 10 in some locations. You're talking some big 11 dollars there. If you want to work with your 12 representative to figure that out. 13 MR. BARTON: We've kicked that back and 14 forth. I don't know if there's a simpler 15 solution, but without the retaining walls the scope of those ponds ends up taking up -- it 16 17 almost doubles in size coming over to this 18 buildable --19 MR. HINES: I identified that for the 20 Board. I think you're trying to retain value for 21 the balance lot there. 22 MR. BARTON: So by trying to push it 23 over and consolidate it, you're into, you know,

taking advantage of whatever you can on that land. The sticker shock -- I mean we knew it was

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2 going to be expensive, the numbers coming in. I 3 mean I could dump a quarter of a million dollars 4 into retaining walls, I mean but that's to make 5 them look good. That's to make them so they're 6 not an eyesore. We're not only taking care of the 7 detention for the facility we're building on but, 8 as you pointed out Pat, we've got, you know, the 9 better part of three, three-and-a-half acres, you 10 know, on 17K. You know, if I were on the back 11 part of the property we wouldn't be putting any 12 walls in or anything. If there was a way to get 13 that water to another location through a pipe, 14 we'd be doing that. 15 MR. HINES: I just wanted to bring it 16 up so you're aware. As long as you're aware of 17 it. We've had site plans such as this come in in 18 the past and when they go to build it we see them 19 back on. 20 MR. BARTON: I'm getting sticker shock 21 on the whole thing, by the way. It's not just 22 this.

As far as the landscaping of this parcel, I mean I think we've done a good job of presentation on 17K with vacant land, keeping it

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1 WEBB PROPERTIES 27 2 mowed, keeping it green. That's really all our 3 plan is with this. 4 MR. HINES: That's fine. It's up to the Board. We need to have the level of detail 5 6 showing how it's going to be --7 MR. BARTON: Just define it, even 8 though we're just leaving it as is? MR. HINES: The amount of topsoil, a 9 10 the seeding spec, the erosion control needs to be 11 addressed on that site, some timing, how long 12 it's going to look like that. 13 MR. BARTON: This one pod over here on 14 the bank parcel, that was really a display 15 vehicle for the bank so that they could advertise they do auto loans. I mean I was just giving them 16 17 a vehicle to use. 18 MR. HINES: We'll let you work that out 19 with code enforcement. Sounds like a car 20 salesman, you know. 21 MR. DONNELLY: He is. CHAIRMAN EWASUTYN: While we have the 22 23 opportunity, we have Ken Wersted here. There was 24 a point in this process where your first concern 25 was getting a negative declaration and to move it

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2 on to the DOT, and for some design issues that 3 you want. We did have a consultants' work meeting 4 with that in mind and that was, at that point in 5 time, the only outstanding feature. I'd like a 6 summary from Ken Wersted on how far that's gone 7 before we go on to what probably should be a 8 second meeting to resolve what needs to be 9 resolved. We're kind of bound by a procedure and 10 we have to sort of guarantee our product. What 11 we don't want is any recalls because recalls are 12 very expensive. So that's why we need the amount 13 of detail that we still have to get. I apologize. 14 MR. BARTON: I know it's part of the 15 process. Thanks, John. 16 MR. WERSTED: On the topic of traffic, 17 as the Chairman had mentioned, at the work 18 session I believe in September, maybe it's 19 October now, I provided you and your applicant 20 or/and your engineer with a scope of work. They 21 expanded on that. They did go beyond that. I 22 believe that might have been in part with some 23 consultation with DOT. 24 That traffic impact study was provided 25 to us. Generally speaking, it followed the

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industry standards both in the methodologies and the trip generation estimates.

4 The noteworthy things that came from it 5 was that the study included, obviously, the analysis of the proposed dealership, it assumed 6 7 the reoccupancy of lot number 2, which is the existing former use as a bank, and also analyzed 8 9 a possible use of lot 3 as a restaurant. It also 10 assumed the continued use or reoccupancy of the 11 existing GM center as an additional car dealership. On top of those things it also 12 13 included a number of other developments that are being proposed in the area, and then analyzed the 14 15traffic impacts for Route 17K at Route 300, at 16 Unity Place and at the proposed site driveway on 17 17K opposite the park and ride lot. With the 18 analysis, the results show that the Route 300/17K 19 intersection wasn't going to change substantially 20 with the project. They did note that there are 21 some timing plan adjustments that could be made 22 by DOT that might help improve those. The intersection with 17K and Unity Place wasn't 23 24 going to change substantially, but they had also 25 assumed construction of a right-turn lane on 17K

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2 and Unity Place. And then at the site driveway 3 intersection it's going to continue to be unsignalized. The operations coming out of the 4 site would be a level of service C in the 5 morning, level of service C -- I'm sorry, E in 6 7 the afternoon peak hours and level of service F on a Saturday, which is consistent with what we 8 9 would expect for an unsignalized intersection on 10 17K. We don't feel that there's any need to do 11 any traffic signal improvements to that 12 intersection or try and change the control there 13 because drivers who are exiting that area will 14 have the opportunity to come out to Auto Park 15 Place and go over to Unity Place and make a left 16 turn at a traffic signal if that's their desire.

They are proposing to take the painted median on Route 17K and restripe that as a leftturn lane to get into the site, and we agree with all of those items.

The improvements that are proposed out there will obviously have to go before DOT. I did send DOT my comments. They did ask if they were going to receive a set of plans and a copy of a traffic study. I replied that that will likely

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2 be the direction of the Board tonight, to send 3 the material over to them to get their input. The only other couple of comments that 4 5 I had related to the site plan is that on lot 1 the delivery truck circulation should be shown 6 7 just so we know how the trucks are going to come in, the car carriers mainly, where they are going 8 9 to drop off and circulate through the site. 10 The lot 3 site, we also recommended 11 that any access to that lot be from the site 12 driveway and not have a direct access to Route 13 17K, just because it would be in close proximity 14 to kind of existing intersections along there. 15 And then lastly was putting a sidewalk 16 in for Unity Place, either down to the site 17 driveway or down to the curb cut for the Michael 18 Bigg Junior property which would be consistent with other recently improved developments in the 19 20 Town in that area. 21 That was the extent of our comments. 22 CHAIRMAN EWASUTYN: Comments from Board 23 Members? 24 MR. GALLI: Where do you want the 25 sidewalk again? I missed that before.

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MR. CANFIELD: Typically with that, 25 with other projects when the property is on the

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2	DOT's property we require an agreement with the
3	DOT for maintenance thereof. Walgreen's is an
4	example. That was one of the those projects that
5	that sidewalk ended up out in the DOT, and it was
6	a task to execute that agreement.
7	MR. HINES: Crystal Run is a recent one
8	that has it in there.
9	MR. CANFIELD: Yes. I don't know that
10	there's any other sidewalks on 17K, though. I
11	know in the past that's been an issue. A
12	sidewalk to where? Where does it go? Just a
13	point for consideration.
14	MR. BARTON: I know from Union Avenue
15	to the city line there's no sidewalks on 17K on
16	either side.
17	MR. CANFIELD: Right.
18	CHAIRMAN EWASUTYN: Okay.
19	MR. GALLI: I mean you see people
20	walking to the bus terminal there all the time
21	from the City of Newburgh, but they walk on the
22	Target side and they walk in the grass. You see
23	the path all worn out. I don't know if they are
24	going to cross the street and walk up to Nissan.
25	MR. WERSTED: It's offered for the

1	WEBB PROPERTIES 34
2	Board's
3	CHAIRMAN EWASUTYN: Does the Board want
4	to see a sidewalk? Ken Wersted said it's up to
5	the Board.
6	Frank?
7	MR. GALLI: I don't want to see a
8	sidewalk.
9	MR. BROWNE: I don't see a need for it,
10	unless he cuts them a good deal and they walk
11	back and forth to the bank.
12	MR. MENNERICH: No.
13	MR. DOMINICK: I don't see a reason.
14	MR. WARD: No.
15	CHAIRMAN EWASUTYN: Then we won't see a
16	sidewalk on the site plan.
17	Ken, would you prefer to get the map to
18	send to the DOT, should we have it brought to Pat
19	Hines' office and he can circulate it to the DOT?
20	MR. HINES: It's probably easier for
21	them to get it to me.
22	MR. WERSTED: Circulate it to Pat's
23	office.
24	CHAIRMAN EWASUTYN: If you get a copy
25	of the map to Pat, since we are the lead agency

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2 we'll do the coordinated response with the 3 involved agencies. It works better internally 4 that way. 5 MR. HINES: The map and the traffic 6 study. This also needs to go to County Planning, 7 which it's at that level of detail now. I think 8 we can do that also. 9 MR. JAMES: Do we need a full set? 10 There are some details that DOT would like to see 11 I'm sure. 12 MR. HINES: I would like to get DOT the 13 traffic studies as soon as possible, even if 14 you're going to generate additional studies in the future. We should get it up to them to make 15 16 sure they are still on board. 17 MR. JAMES: So basically just the 18 single sheet and the site plan sheet? 19 MR. HINES: And the traffic study. 20 MR. JAMES: And the traffic study, 21 right. 22 MR. HINES: And for the County we need 23 a complete set of everything, which will be the traffic study, the drainage, the EAF, the 24 25 application, traffic study.

1	WEBB PROPERTIES 36
2	CHAIRMAN EWASUTYN: Pat, what's the
3	date of the consultants' meeting?
4	MR. HINES: The 28th.
5	CHAIRMAN EWASUTYN: Are you in
6	agreement with that?
7	MR. BARTON: The 28th
8	MR. DONNELLY: Of October.
9	MR. BARTON: this month?
10	MR. HINES: For the technical work
11	session.
12	MR. BARTON: Yes.
13	MR. JAMES: Absolutely.
14	CHAIRMAN EWASUTYN: That would be 1:00
15	in the afternoon?
16	MR. HINES: I'll send out a schedule. I
17	believe there's going to be a couple items, at
18	least one more potentially.
19	CHAIRMAN EWASUTYN: The other one that
20	we're going to have is for Newburgh Toyota.
21	MR. HINES: Right.
22	CHAIRMAN EWASUTYN: Okay. Any
23	additional questions or comments?
24	(No response.)
25	CHAIRMAN EWASUTYN: Okay. I'll make two

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2 parts to the motion on this. I'll make first that we circulate to the Orange County Planning 3 4 Department, and then next is that we move to set 5 this for a consultants' work session for the 28th 6 of October. 7 MR. DOMINICK: I'll make that motion. 8 MR. WARD: Second. 9 CHAIRMAN EWASUTYN: A motion by Dave 10 Dominick, a second by John Ward. I'll ask for a 11 roll call vote starting with Frank Galli. 12 MR. GALLI: Aye. 13 MR. BROWNE: Aye. 14 MR. MENNERICH: Aye. 15 MR. DOMINICK: Aye. 16 MR. WARD: Aye. 17 CHAIRMAN EWASUTYN: Aye. So carried. 18 I apologize for the delay but we need 19 to get a sign off from everyone --20 MR. BARTON: Understood. 21 CHAIRMAN EWASUTYN: -- before we move 22 forward. 23 MR. BARTON: Thank you. 24 (Time noted: 7:38 p.m.) 25

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3		CERTIFICATION
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7		I, Michelle Conero, a Shorthand
8		Reporter and Notary Public within and for
9		the State of New York, do hereby certify
10		that I recorded stenographically the
11		proceedings herein at the time and place
12		noted in the heading hereof, and that the
13		foregoing is an accurate and complete
14		transcript of same to the best of my
15		knowledge and belief.
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23	DATI	ED: October 28, 2014
24		
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