

PB# 00-15

**Hannaford Bros.
(SP)**

70-1-16.1,16.2,2.21

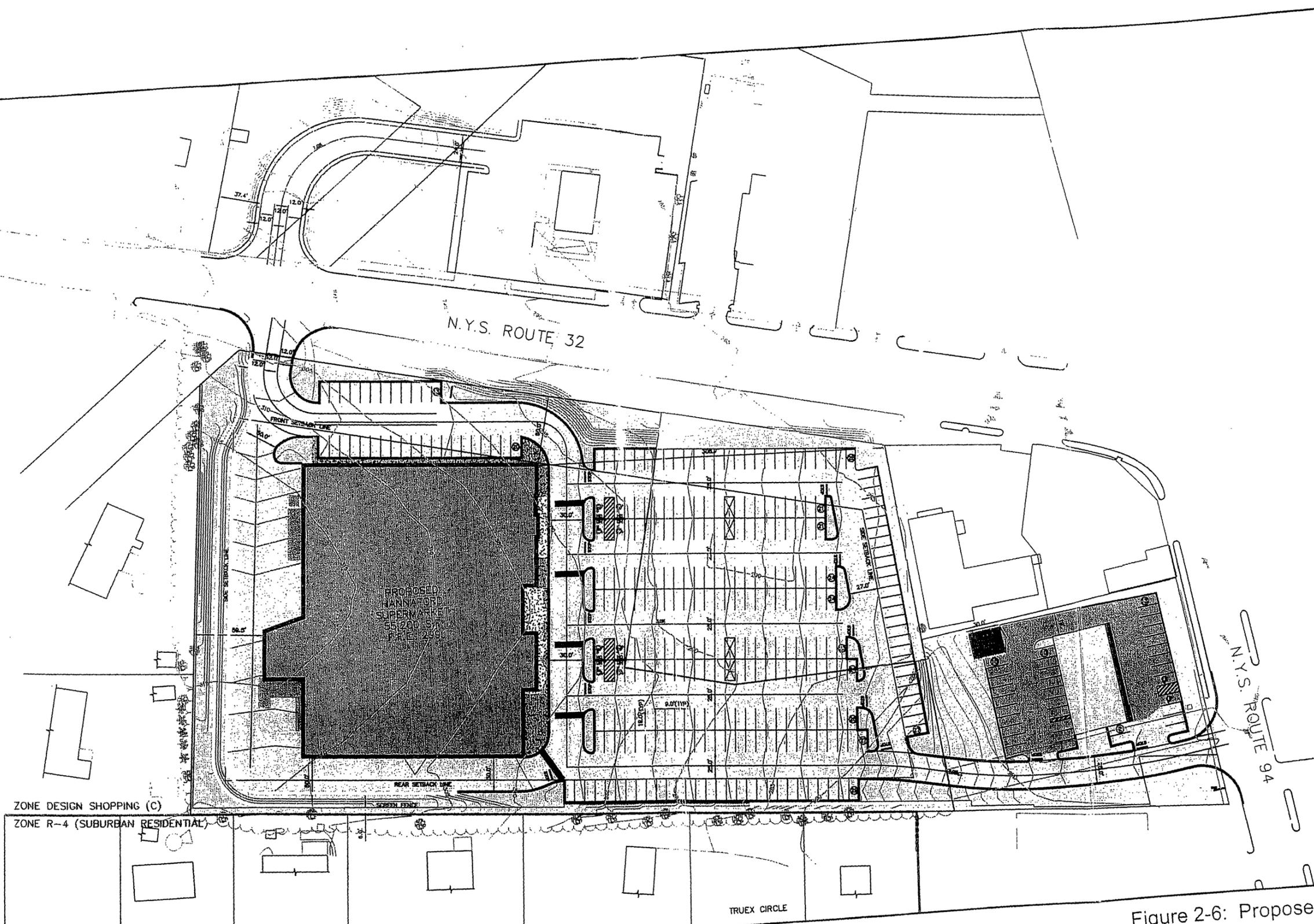
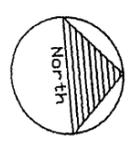


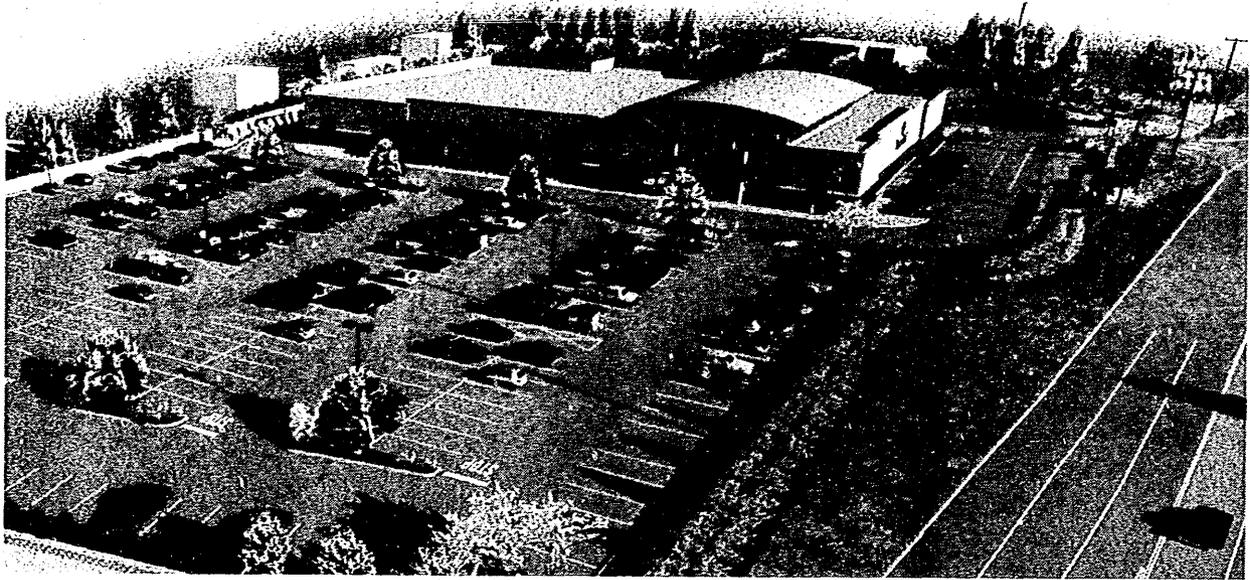
Figure 2-6: Proposed Site Plan
 Hannaford Food & Drug EIS
 Town of New Windsor, Orange County, New York
 Source: Tectonic Engineering Consultants, PC
 Not to Scale

JM: File 0124, MT-CV-258601-C103.dwg Fig 2-6 TMA 05/23/01



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**FINAL
ENVIRONMENTAL IMPACT STATEMENT**



HANNAFORD FOOD & DRUG

NYS Route 32

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prepared by:
Tim Miller Associates, Inc.

Lead Agency:
Town of New Windsor Planning Board

Revised February 7, 2002

HANNAFORD FOOD & DRUG

**SITE PLAN APPLICATION
NYS Route 32**

FINAL ENVIRONMENTAL IMPACT STATEMENT

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Tax Map Numbers:

Section 70, Block 1, Lots 16.1 and 16.2

Section 70, Block 1, Lots 2.1 and 2.21

Section 69, Block 4, Lots 19.2, 25, 26.12 and 28

Project Sponsor: **MARTIN'S FOOD OF SOUTH BURLINGTON, INC.**

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Lead Agency: **TOWN OF NEW WINDSOR PLANNING BOARD**

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Lead Agency Acceptance Date: _____

Revised February 7, 2002

November 2, 2001

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FINAL ENVIRONMENTAL IMPACT STATEMENT

HANNAFORD FOOD & DRUG
Site Plan Application

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1.0 INTRODUCTION

This document is a Final Environmental Impact Statement (FEIS) prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations, 6 NYCRR Part 617. The FEIS provides responses to public comments received by the lead agency on the Draft Environmental Impact Statement (DEIS). The lead agency for this action pursuant to SEQRA is the Town of New Windsor Planning Board, to which a Site Plan Application has been made. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of the FEIS.

The Final Environmental Impact Statement consists of this volume, including appendices, accompanying maps, and referenced technical data, and the Draft Environmental Impact Statement, which is hereby incorporated by reference into this FEIS.

Martin's Foods of South Burlington, Inc., (the Applicant) prepared the DEIS for this application based on a written Scope accepted by the lead agency on May 23, 2001. The lead agency reviewed the DEIS, dated revised July 25, 2001, for adequacy with respect to its scope and content for the purpose of public review, and issued a Notice of Completion of the DEIS and a Notice of Joint SEQRA and Site Plan Public Hearing on July 25, 2001. The lead agency held a public hearing on the DEIS and Site Plan on August 22, 2001, at which time the hearing was closed. The lead agency received written comments during the public comment period, which extended for fourteen (14) days following the close of the public hearing.

In accordance with SEQRA, this FEIS provides written responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period, including oral comments made at the public hearing. Complete copies of all written comments received on the DEIS are included in FEIS Appendix C. The Town's transcript of the public hearing is included in FEIS Appendix D.

The FEIS is arranged in sections, with comment summaries and responses arranged by subject area similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. The sources of each comment are referenced. The format of the comments and responses is as follows:

Comment # (Source): Comment summary text.

Response #: Response text.

Page numbers cited in comment references refer to pages in the Town's public hearing transcript, FEIS Appendix D. Substantive and relevant comments from the hearing are underlined and marked with references to the FEIS comment/response numbers in the margins of the transcript.

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Mary Fernandez, Letter #2): I was at the hearing last Wednesday and was disappointed that so many people were against Hannaford. They seem to blame Hannaford for the mess on Five Corners. Why don't we give them a chance, maybe it will work out. ... We could use another supermarket, competition is good.

Response 2-1: Comment noted.

Comment 2-2 (James G. Sweeney, Letter #4): You are correct in your observation that ordinarily, indeed for the most part, when a use is permitted by the underlying zoning law a planning board would be hard pressed to deny site plan approval because of adverse environmental factors. However, there are some times when the overall "public health, safety and welfare" of the community as well as "the comfort and convenience of the public in general" (see Zoning Law §48-19[A] "Objectives") override the individual interests of the developer and the Board would be well within its jurisdiction to deny an application in such a circumstance. This project, even though facially permitted by the Zoning Law, does not "fit" and your Board would be justified in denying the site plan approval. The evidence is overwhelming in this regard and it is backed up by sound scientific data supplied by Bila's traffic engineers and the NYS DOT. As such it is not unreasonable to deny the application on traffic grounds alone. The legal failure is another. *CF. Gilchrist v. Town of Lake George Planning Board, 255 A.D.2d 791, 680 N.Y.S.2d 320 (3d Dept., 1998).*

Response 2-2: The Planning Board will take into consideration the "the comfort and convenience of the public in general", consistent with the objectives outlined in Section 48-19A of the Zoning Code, as well as compliance with all applicable provisions of the Town Zoning Law. The Planning Board has spent considerable time reviewing and assessing traffic and access considerations of the application and coordinating its review with the NYSDOT and soliciting input from its own experts, the public and the NYSDOT.

Comment 2-3 (Town of Cornwall Planning Board, Letter #6): The Town of Cornwall Planning Board respectfully requests that we be included as an Interested Agency in the SEQR review of the Hannaford Supermarket application on Route 32.

Response 2-3: The Town of Cornwall Planning Board Chairman is included on the distribution list for the DEIS and FEIS.

Comment 2-4 (Public Hearing, August 22, 2001, Richard Randazzo, pp. 26, 27, and 28): [The] bottom line is everyone does have a right to use their property for a reasonable use, reasonable purpose. The property in that neighborhood, certainly they have a right to develop it, but perhaps the circumstances that exist now do not permit them to use the property in a way that maybe it had been zoned, maybe that's what they thought they wanted to do, but they haven't gotten in there before these problems. The real problems exist with traffic, so the bottom line is while they have a right to use their property, perhaps this traffic project generates too many traffic movements to be accommodated by the infrastructure that exists there right now. At sometime in the future if improvements are made, maybe they can build a project that they want tobut perhaps New Windsor has to start looking at what the zoning is in particular areas and basically based on whatever infrastructure's available maybe you're going

to have to start limiting the projects that can go into various areas so they don't allow the types that would generate 10,000 cars a day, whatever it is. But I think there are limits that have to go on there and I think it's up to local government to continually look at it..... you do have zoning but the point is maybe right now, something that generates 10,000 cars a day just doesn't work because in reality if they're proposing something else that had far fewer cars in and out and less activity, maybe it would fit in there. All I'm saying at this point in time this place, that project is not the right project for the Five corners in Vails Gate..... the project does not fit because the Five Corners and the roads in that area will not handle it.....

Response 2-4: *Refer to response to comment 2-2.*

Comment 2-5 (Public Hearing, August 22, 2001, Richard Randazzo, pp. 27 and 28): When you do the environmental studies isn't one of the purposes quality of life issues? Isn't that really one of the factors, is it going to impact the quality of life of the people that live and work in the area..... When you really look at all the information, you evaluate all the facts that are there, you can reach a conclusion that based on traffic alone, that it will diminish the quality of life for everyone that has to use the area.

Response 2-5: *Quality of life, as embodied in the visual resources, ambient noise, cultural resources, and traffic conditions of the area, has been addressed in the SEQRA review. Where impacts have been identified, the applicant has proposed mitigation measures to address the potential impacts. For the traffic conditions in particular, which would most likely be most noticeable to most people, the applicant has proposed mitigation measures which are proposed to be incorporated into the project proposal, and have submitted those proposed improvements to the NYSDOT, who has jurisdiction over the involved public roadways.*

Comment 2-6 (Public Hearing, August 22, 2001, Jim Sweeney, p. 29): you're searching for an answer, you have a guideline in your code in the state Law, it's in any zoning ordinance, any zoning procedure, you act for the benefit of the community and you must in that aspect look for the health, safety and welfare of the community. The property is zoned for what it's zoned for no question about it. You're here for a reason, to take a look at what's zoned and what people want to use their property for, individuals. You've got to look at in a higher light, in the community light and you must measure it against the health, safety and welfare of the community. Rarely, rarely does it come a point where you deny something because the health, safety and welfare of the community [are] jeopardized, but this is a situation which I think warrants it. It just doesn't fit.

Response 2-6: *Refer to response to comment 2-2.*

Comment 2-7 (Public Hearing, August 22, 2001, William Preston, pp. 31 and 32): Why must you fellows have to make a decision? Why couldn't it be a referendum and let the residents of New Windsor vote on it?

Response 2-7: *In accordance with the New Windsor Zoning code, the proposed action requires approval of the New Windsor Planning Board, among other agencies. A public referendum is not the legal forum for this approval under the applicable laws.*

3.0 TRAFFIC AND TRANSPORTATION COMMENTS AND RESPONSES

Comment 3-1 (Richard Malec, Letter #1): The DEIS restates the Level of Service for the 'Five Corners' intersection for existing, No Build, Build without improvements, Build with improvements, and a Build sensitivity analysis. Therefore, the results for the overall intersection LOS remain at LOS F (98.4 sec.) for Build with improvements (PM Peak Hour) and F (108.5 sec.) under the Build sensitivity analysis. This confirms the statement by NYSDOT (Letter of November 27, 2000 to Town of New Windsor Planning Board Engineer) that "the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures." This analysis also corroborates the NYSDOT statement that "there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken". The NYSDOT further emphasizes their position (letter of December 29, 2000 to CME, LLP) stating that "even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considered unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development, which would correct the condition".

Response 3-1: *The comment is correct in stating that the Five Corners intersection currently operates at LOS F during the PM peak hour, and will continue to operate at LOS F under the No-Build, Build, and Build with mitigation conditions. This level of service indicates that the traffic flow demand through this intersection exceeds the capacity of the intersection to process this demand.*

Levels of service represent a range of conditions within certain thresholds measured by the amount of delay that a driver may experience. Therefore drivers can experience different operating conditions within the same level of service. As shown in DEIS Table 3.3-15, the existing intersection delay at the Five Corners intersection is approximately 220 seconds per vehicle. This delay will increase to 240 seconds of delay per vehicle with the completion of other approved/pending projects in the area. With the traffic generated by the proposed Hannaford project, and the proposed improvements associated with it, the intersection delay at the Five Corners intersection will be reduced to approximately 98 seconds per vehicle. Therefore, while overall LOS F will continue to prevail during peak periods, overall vehicular delays will be less.

Comment 3-2 (Richard Malec, Letter #1): The DEIS restates that the project impacts are mitigated -- however, the 'Five Corners' intersection will nevertheless operate at LOS F. The mitigative measures proposed at this intersection do not improve the above noted 'lane group' LOS. As a result of this project, the unsignalized intersections at Route 300/Old Temple Hill Road, Route 94/Old Temple Hill Road and Route 32/Jacqueline Street will experience increases in delay for three movements. Also, the introduction of a new signal at Route 32/Site Driveway, intersection will increase delays along Route 32.

Response 3-2: *See response to comment 3-1. While the overall LOS at the five corners intersection will remain at LOS F, the average vehicular delay will be significantly reduced thereby fully mitigating potential impacts resulting from the proposed project. The resulting mitigation is a reduction in the overall signal delays of approximately 3 minutes per vehicle. Lane group levels of service will not degrade at*

the five corners intersection. Nor will lane group levels of service degrade at the Route 300/Old Temple Hill Road intersection, or the Route 32/Jacqueline Street intersection.

Comment 3-3 (Richard Malec, Letter #1): Another issue that has not been adequately addressed is the effect of vehicle queue or spill back from the 'Five Corners' intersection. The DEIS presented vehicle queue lengths at the approaches of the 'Five Corners' intersection under the existing, no-build, build, and build with improvements scenarios. These values were generated from a macroscopic analysis of the intersection. Traffic queue length for Route 32 Northbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

- Rte. 32 NB left movement to Rte. 300 - 23 vehicles (575')
- Rte. 32 NB through/right movement to Rte. 32/ Rte. 94 - 24 vehicles (600')

These maximum queue lengths can be expected to occur during 5% of the signal cycles within the peak hour. Queue lengths during the remainder of the peak hour will be shorter but can still be comparable in magnitude.

Response 3-3: There is nearly 700 feet of storage available to accommodate these design condition vehicular queues.

Comment 3-4 (Richard Malec, Letter #1): Projecting the queue lengths over the next 10 years (build + 10 yr.) yields queue lengths of 28 vehicles (Rte. 32 NB left movement to Rte. 300) and 30 vehicles (Rte 32 NB through/right movement to Rte. 32./ Rte 94). A queue of 30 vehicles would extend 750' from the 'Five Corners' intersection, thus blocking the proposed Rte. 32/Site Driveway signalized intersection which itself is located 750' from the 'Five Corners' intersection. When considering a potentially critical - and possibly unsafe - scenario of intersection blockage and interference, it is well to note that traffic projections and simulations are not infallible. Actual real life conditions may be better or worse than those predicated. Should they be worse, it would only require a slight increase to result in serious and possibly intractable problems in the operation of the driveway intersection. It must also be borne in mind that the 10-year projection assumes a slow but steady rate of growth in background traffic. If a major new development were to be sited to the south, it is possible that the results projected for a 10-year horizon could be experienced within a much shorter time frame.

Response 3-4: Comment noted. Traffic operations may continue to degrade in the future with or without the project. Future signal timing adjustments can be implemented at the site driveway traffic signal to prevent vehicles from the "five-corners" intersection from queuing into the site driveway intersection. There is no state or local requirement that the project must mitigate unrelated background traffic growth over the next ten years.

Comment 3-5 (Richard Malec, Letter #1): The traffic queue length for Route 94 Westbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

- Rte. 94 WB left movement to Rte 32 SB - 10 vehicles (250')
- Rte. 94 WB through/right movement to Rte 94/Rte 300 - 21 vehicles (525')

The existing queues extend past the Rte. 94 / Old Temple Hill Rd. intersection as would the projected queues under the Build with improvement scenario. The proposed Rte. 94 / Site

Driveway, located approximately 150 feet from the 'Five Corners' intersection, would also be affected. WB Rte. 94 left turn movements into the site driveway and left turn movements out of the site driveway to WB Rte. 94 would be difficult maneuvers. The intersection would most likely function under restricted conditions of right turn maneuvers only. This intersection and the 'Five Corners' intersection should therefore be reanalyzed to reflect a redistribution of traffic volume.

Response 3-5: *With the completion of the project and the proposed mitigation, vehicular queue lengths on Route 94 westbound will be less than they are today. Left turning vehicles entering the site from Route 94 will experience LOS A with minimal queuing. Probability calculations show that there is a 95 percent probability that these left turning vehicles will enter the site without delaying westbound through traffic on Route 94.*

The left turning traffic volume from the site driveway is approximately 30 vehicles (one vehicle every two minutes) during the PM and Saturday peak hours. Supplemental calculations were conducted to redistribute this volume of traffic to the Route 32/Site driveway in the event that a left turn exiting turn prohibition is implemented on the Route 94 site driveway. The results are provided under Appendix E.1 and show that no LOS degradation's will occur. Based on the analysis, the implementation of the turn prohibition will not affect the conclusion of the previous studies that the proposed mitigation fully mitigates the project impacts.

Comment 3-6 (Richard Malec, Letter #1): The long range traffic impacts (Build + 10 yr. horizon) are presented for the 'Five Corners' intersection. The statement "future delays at the 'Five Corners' intersection will be less than today with overall delays under three minutes" is misleading. Although the overall delay is less than existing delay, approximately 50% (5 out of 11) of the approach movement operations will degrade (increase in delay) under the long range conditions when compared to existing conditions.

Response 3-6: *The comment is correct. In ten years, with the completion of the project and the proposed mitigation, five of the 11 lane groups at the five corners intersection will experience increased delay as compared to existing conditions. The overall intersection delay however will be less than today. This increased delay cited is associated with general background growth in the area and is not directly related to the proposed development.*

Comment 3-7 (Richard Malec, Letter #1): The DEIS presented a project site trip summary table which indicates approximately 10,000 daily trips are generated by this site for a typical Saturday. This is 10 times as many trips than the 1,000 (approximately) daily trips currently generated by the Friendly's restaurant. The impact of this significant increase in daily trips to this location was not addressed.

Response 3-7: *The traffic impact of the proposed supermarket is addressed under DEIS section 3.3 Traffic and Transportation. This section identifies the daily and peak hour trip generation volumes and compares the operating conditions with and without the proposed project. The analysis methods developed for determining the operations of signalized and unsignalized intersection utilize the peak hourly conditions of both the adjacent street traffic and the proposed development. The impact and mitigation of*

such impact is illustrated in DEIS Table 3.3-15. Section 3.3-14 and Table 3.3-17 of the DEIS address off-peak traffic impacts and show that the proposed mitigation will provide operational improvements during all hours of the day.

Comment 3-8 (Mary Fernandez, Letter #2): I don't think there are 4 or 5 corner intersections that you don't have to wait for 2 or 3 lights to get through, for example: 17K and Union Avenue, Union Avenue and 300, and Route 32 and Union Avenue.

Response 3-8: *Comment noted. These intersections are outside the study area. Within the study area, the proposed improvements at the "five-corners" intersection will reduce overall motorist's wait times at the intersection.*

Comment 3-9 (Mary Fernandez, Letter #2): Try getting out of Temple Hill Road and past Wash and Foam onto Route 32.

Response 3-9: *Levels-of-service for turning movements onto Route 32 from Old Temple Hill Road are not projected to change from existing in the 2002 No-Build, 2002 Build, or 2002 Mitigation scenarios. They are currently LOS C or better (see DEIS Table 3.3-15).*

Comment 3-10 (Town of Cornwall Planning Board, Letter #3): The Cornwall Planning Board would like to go on record as opposing the construction of the Hannaford Supermarket at Vails Gate. We have previously voiced concerns about the affect the increased traffic would have on a heavily populated neighborhood. Both Ardmore and Jacqueline Streets intersect with Rt. 32 less than ¼ mile from the proposed entrance to the project. Although Hannaford included Jacqueline St. in its traffic study, the count was not done during the peak hours of 4 - 6 p.m. Monday - Friday.

Response 3-10: *The turning movement count for the Route 32/Jacqueline Street intersection was conducted from 4:00 PM to 6:00 PM on Wednesday, April 4, 2001, and from 11:00 AM to 2:00 PM on Saturday, April 7, 2001, and is contained under DEIS Appendix C, pages C1-13 and C1-14. The analysis of the Jacqueline St. intersection shows no level of service impacts from the project.*

Comment 3-11 (Town of Cornwall Planning Board, Letter #3): The proposed solution to the problem, another traffic light, would only exacerbate the problem at these intersections. The net result would be extending the traffic tie up which frequently extends at least a mile south of the present light at least a least a few hundred feet further. It would also create an unmanageable snarl between the present and the new light.

Response 3-11: *The proposed traffic signal located at the intersection of the proposed site driveway and Route 32 is designed to provide a break in the traffic flow on Route 32 to allow the ingress and egress of site generated traffic. The traffic volumes entering and exiting the site driveway are minor compared to the through volumes on Route 32, therefore the green time required to serve the site driveway movements is considerably less than the green time that will be allocated to Route 32. The priority movements at this intersection are the northbound and southbound approaches. Signal timing will be implemented to minimize northbound and southbound delays at the expense of the site*

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driveway. Overall northbound vehicular queuing and delay on Route 32 will be comparable to or less than current conditions.

Comment 3-12 (Town of Cornwall Planning Board, Letter #3): There have been frequent accidents at the Jacqueline St. / Rt. 32 intersection because of the dangers created in trying to enter or exit.

Response 3-12: Crash history reports were obtained from the Department of Motor Vehicles. This information was presented in the DEIS in Table 3.3-12 and showed that three (3) accidents occurred at the Jacqueline Street intersection between January 1, 1996 and December 31, 1998. Updated crash reports were obtained for this FEIS for the most recent three-year period on record, October 1, 1996 through September 30, 1999, and no new accidents were reported. Safety deficient locations are identified through accident rate calculations. The accident rate in the DEIS at the Jacqueline Street intersection was reported to be 0.12 accidents per million vehicles entering (acc/MVE) which is less than the statewide average for similar intersections which is 0.19 acc/MVE. The accident rate at Jacqueline Street is now calculated to be 0.08 acc/MVE based on the most recent accident reports which confirms the rate to be below the statewide average. Sight distances were also measured and compared to State guidelines and were determined to be adequate. This evidence indicates that there are no apparent safety problems at this location.

Comment 3-13 (James G. Sweeney, Letter #4): The legal issue involving the Rt. 94 access is very real. This narrow (25 feet wide overall) entrance way is no mere "shared driveway" as termed in the DEIS (at pg. 2-8). It is a full fledged street that is open to the general public (it is longer than the length of nearby Old Temple Hill Road between Routes 32 and 94) and will be used by hundreds of cars each day and thousands upon thousands each year. Yet it cannot even meet the Town's design standard for a minor private road (24 feet of pavement plus gutters and shoulders on a 50 foot wide ROW). This major roadway barely meets common driveway standards. Since this is a "street" as defined by the Town's Code (§38-2) and open to the general public it must meet Town standards regardless of whether they are privately owned (Town Code §38-7). It can't and since it is vital to the entire project, I do not see how you can approve the project in light of that serious legal defect.

Response 3-13: The width of the driveway throat (25 feet) exceeds the Town standard for access to parking (two ten-foot lanes) based on "ZONING Chapter 48 From the CODE of the Town of NEW WINDSOR". Also, Hannaford Bros. Co. will obtain a Highway Work Permit from the NYSDOT for all driveway entrances and off-site highway improvements within the State's ROW. The driveway entrances will comply with all required standards.

Comment 3-14 (James G. Sweeney, Letter #4): Although it was not fully explored at the public hearing you can imagine how motorists will use this road and the parking lot as a bypass to and from Rt. 94 and Rt. 32 in order to avoid the light at "Five Corners". This realization emphasizes its categorization as a street and not a "shared driveway".

Response 3-14: *Supplemental calculations were conducted to determine the impact of traffic that might pass through the site to avoid five corners. The results of these calculations are contained under Appendix E.2 and indicate that the levels of service at the site driveways will be adequate and the operations at the five-corners intersection would improve slightly. Nevertheless, traffic passing through the site is expected to be minimal and can be deterred by traffic calming measures, if it is determined to be necessary upon project completion.*

Comment 3-15 (NYSDOT, Letter #5): It should be understood that the Level of Service at the Vails Gate "Five Corners" intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures. Simply, there is not sufficient or available traffic capacity at this intersection, nor are there "reasonable" improvements that can be undertaken. If this development, including the proposed mitigation measures, is built, there will be no perceived improvement to the traffic conditions at "Five Corners". However, since the Town is responsible for land use control, the status of this application is strictly a local issue.

Response 3-15: *The comment is correct in the statement traffic volumes at the Five Corners intersections exceed the capacity. While there may be no "reasonable" improvements that can be made to increase the capacity of this intersection substantially below LOS F, there are signal and lane designation improvements that will reduce existing delays and mitigate the impact of the proposed development.*

Comment 3-16 (NYSDOT, Letter #5): Improvements proposed as part of this project (modifications to the lane geometry, signal phasing changes, construction of turning lanes and installation of new traffic signal), safety related issues and the proposed location of driveways would be reviewed in detail by our Traffic Engineering and Safety Group as part of highway work permit process.

Response 3-16: *Comment noted.*

Comment 3-17 (NYSDOT, Letter #5): We would like to remind you that a State Highway work Permit will be required for any curb cuts and / or work within the Routes 300, 94, and 32 right-of-way. An application and final site plans should be forwarded to this Department's local residency office, as soon as possible to initiate the review process.

Response 3-17: *Comment noted. Upon approval of the project by the New Windsor Planning Board, Hannaford Bros. Co. will initiate the State Highway Work Permit process with the NYSDOT.*

Comment 3-18 (Town of Cornwall Planning Board, Letter #6): Traffic conditions are extremely congested in the Vails Gate area during peak periods, and our concern is that this major traffic generator located so close to the existing 5-way intersection will worsen these already difficult conditions, to the detriment of emergency services delivery as well as routine traffic. New York State Route 32 is the second most heavily traveled two lane highway in this area, after Route 9W. Already the PM peak traffic backs up to points between the Ardmore Street and Holleran Road intersections of Route 32, creating traffic bottlenecks on the side streets and many driveways fronting on the highway. The concern is that the proposed supermarket will only make things worse.

Response 3-18: *Without any improvements, the traffic from the proposed project would create an impact, as will the additional traffic generated by other developments in the area. The concern that traffic conditions would worsen is understandable. The proposed improvements will mitigate the impacts of both the proposed development and from "other development" such that delays will be less upon project completion than they are today. This overall operational improvement has been confirmed by NYSDOT: "the Department concurs with the findings of the report and of the future operational forecasts without and with development." (NYSDOT, letter Nov. 11, 2000).*

Comment 3-19 (Town of Cornwall Planning Board, Letter #6): The New Windsor Planning Board may recall that there is a pending 32-lot subdivision ("ADC Orange") in the Town of Cornwall whose traffic would exit on Jacqueline or Ardmore Street and Route 32. There is no other outlet for land uses in the Town of Cornwall on the east side of the highway due to the presence of the Monday Creek and steep slopes adjoining the same. Traffic conditions are already quite hazardous in the area of Jacqueline and Ardmore Streets and Route 32 due to the heavy traffic on Route 32 combined with limited gaps in traffic and the absence of a left turn lane at Route 32 and Jacqueline Street.

Response 3-19: *Comment noted. See response to comment 3-12. Also, as part of the development of the 32-lot subdivision, Jacqueline Street will be widened to provide two approach lanes – separate left and right turn lanes. Jacqueline Street will also be raised at the Route 32 intersection to minimize the gradient. These improvements have been accounted for in the traffic analysis contained in the DEIS.*

Comment 3-20 (Town of Cornwall Planning Board, Letter #6): In addition to the accidents that have already occurred there, in the area of Jacqueline and Ardmore Streets and Route 32, there have been several near misses reported to us. The effect on traffic safety for the entire corridor from Vails Gate to Quaker Avenue and Route 32 should be considered in your Board's SEQR analysis, because traffic safety and conditions on that section of highway are clearly linked to conditions at Vails Gate.

Response 3-20: *The accident history reports contained in the DEIS have been updated for this FEIS as contained under Appendix E.3. This accident history table summarizes all accidents that occurred within the study area for the most recent 3-year period on record. Accident rate calculations were conducted which confirm the trends reported in the DEIS. The accident rate at the five corners intersection is 0.56 acc/MVE which is less than the state average of 0.64 acc/MVE. The accident rate at Jacqueline Street is 0.08 acc/MVE which is less than the statewide average of 0.19 acc/MVE, and the accident rate for the segment of Route 32 south of five-corners is 5.34 accidents per million vehicle miles (acc/MVM) traveled which is greater than the statewide average of 3.94 acc/MVM. One benefit of the access management improvements proposed as part of this project is that the number of right angle accidents experienced along this section of roadway should be reduced*

Comment 3-21 (NYSDOT, Letter #7): The average delay for the "Five Corners" intersection is shown to be 98.7 seconds, with individual movements as high as 180.2 seconds, with improvements. So, with the existing L.O.S. being "F" and the L.O.S. with improvements being "F" it may be difficult for the motorists to see the improvements as he observes the traffic signal cycling from his vantage point in a queue of vehicles on one of the intersection approaches. It will remain the Town's responsibility to determine if the measures proposed are satisfactory. We wish to emphasize that, even with improvements, the forecast operational Level of Service at the "Five Corners" will remain "F", with delays during the peak periods which are considered unacceptable and there are no "reasonable" improvements, which can be undertaken as part of the development, which would correct this condition.

Response 3-21: See response to comment 3-1. The comment is correct in stating that the Five Corners intersection currently operates at LOS F during the PM peak hour, and will continue to operate at LOS F under the No-Build, Build, and Build with mitigation conditions. With the proposed improvements by the Hannaford project, the intersection delay at the Five Corners intersection will be reduced to approximately 98 seconds per vehicle. Therefore, while overall LOS F will continue to prevail during peak periods, overall vehicular delays will be less.

Comment 3-22 (Public Hearing, August 22, 2001, Jim Sweeney, pp. 9-12): I'm talking about the, what's called the secondary entrance way, secondary route or road from Route 94..... I thought that that was a street, a street as defined by your Town Code and should at least comply with the street regulations that have been promulgated by the Town Board over the years..... it was called in the DEIS a shared driveway..... I want to take issue with that and I want to put on the record some indications of why I do feel that this way [which] really..... amounts to a small alleyway is a street and needs to conform with your street standards and street specifications and it really can't..... what is this particular facility? Is it a street? That's the issue. If it is a street you have to treat it as a street..... Any street, even your private street regulations call for a right-of-way of at least 50 feet. Your private roads,..... call for a paved improvement of I believe 25 feet with roads and gutters. And additionally, your suburban streets, ones that carry a modicum of traffic paved way 30 feet, streets and gutters, major streets paved right-of-way 60 feet paved way 30 feet street and gutters. That can't even make private road specs, that's the bottom line and is it important? You bet it's important..... when you look at your street ordinance, it says that even privately owned maintained streets that you approve in this type of a process must conform to the subdivision regulations, rules and regulations, that 's the bottom line..... you can't get 30 feet of pavement on 25 feet.

Response 3-22: See responses to comments 3-13 and 3-14.

Comment 3-23 (Public Hearing, August 22, 2001, Jim Sweeney, pp. 12 and 13): strangely, there were three or four letters not included in the DEIS and I don't understand why,..... One is the DOT letter that we heard about, actually two DOT letters, there's a letter from your supervisor, then there is a letter from the planning board of the Town of Cornwall, your adjoining town. I want to read three quotes from the DOT letter that we heard about before concerning acceptance and compliance and so forth. Let me read from the letter of November 27, 2000, the level of service at the Five Corners intersection will be F during the peak traffic [period] even with the incorporation of the mitigation measures. From [the

letter of] November 27, 2000, again, there is not sufficient or available traffic capacity at this intersection nor are there reasonable improvements which can be undertaken even with the improvements, the forecast operational level of service at the Five Corners will remain F, with delays during peak periods which are considerably unacceptable and there are no reasonable improvements which can be undertaken as part of the development which will correct the conditions. I don't mean to indicate that this project has caused the level F. The level F is there and it's only going to exacerbate the level F and make it worse. That's the point of my comment.

Response 3-23: See response to comment 3-1.

Comment 3-24 (Public Hearing, August 22, 2001, Richard Malec, p. 15):although the [DEIS] consultant had indicated the this intersection would be improved. Nevertheless, there aremovements that will [remain] at level of service [F] , even after the improvements are in place..... there's seven out the eleven movements, lane groups at this intersection that will still operate at level [of] service F. In addition to the focus on this intersection, there are other intersections that were analyzed and there are still movements that still operate on level [of] service F and there are no improvements at Old Temple Hill Road and State Route 94, Jacqueline Street – Route 32 and Route 300 and Old Temple Hill Road, no mitigation improvements, they are intersections that are operated at low service, they'll remain at level [of] service F.

Response 3-24: See response to comment 3-2.

Comment 3-25 (Public Hearing, August 22, 2001, Richard Malec, pp. 15 and 16): The development of the proposed additional signal that can only increase delays along Route 32, as you add another signal, you can expect delays. What this particular [table in the DEIS] showsis what we call vehicle queuing for backup at an intersection. With the build, with the improvements, they project that there will be a23 vehicle backup along northbound Route 32 headed towards Route 300 with the new lane arrangement in place. They also anticipate 24 vehicles will back up headed towards Route 94. Currently there's a backup of about 42 vehicles destined for Route 94 and Route 300. With the improvements they have shortened that, but the point here is that when they [Hannaford's] open, you'll have backups almost to the new site driveway, it will not be long before those backups will reach this intersection.

Response 3-25: See responses to comments 3-3, 3-4 and 3-5.

Comment 3-26 (Public Hearing, August 22, 2001, Richard Malec, p. 16): They did an analysis with the ten year long range projection and found out that you'll have approximately 30 vehicles backed up where you now project 24 and that's within the ten year horizon. If the development..... goes on sooner than that, that..... condition will appear much earlier than the 10 year horizon and we feel that that's a concern. What will happen is that vehicles will not be able to exit from the driveway.

Response 3-26: See response to comments 3-4 and 3-6.

Comment 3-27 (Public Hearing, August 22, 2001, Richard Malec, p. 16): The other queue is around Route 94. Now, the existing queue backs up past Old Temple Hill Road. With the development in place, build with mitigation, it will still back up through Old Temple Hill Road. These are the figures out of the DEIS. We feel that there will be difficulty in negotiating a left turn into the site driveway number 2 and [a] left turn exiting the site driveway because of the queue backup. Vehicles will have difficulty maneuvering.

Response 3-27: See response to comment 3-5.

Comment 3-28 (Public Hearing, August 22, 2001, Richard Malec, p. 16): [There was a] statement in the DEIS that said that future delays at the Five Corners intersection will be less than today with overall delays under three minutes. Somewhat misleading, although it is true overall when you have the entire intersection and it's just a mathematical volume with the delays for each vehicle on each approach that there will remain 5 out of 11 or nearly 50 % of the movements will still be degraded and they will have a longer delay now, I mean, after the build condition, than they do now.

Response 3-28: See response to comment 3-6.

Comment 3-29 (Public Hearing, August 22, 2001, Richard Malec, pp. 16 and 17): [T]he last issue is that a comparison was made and its in the DEIS, of trips to and from the site on a typical Saturday and projected daily traffic,..... not peak hours, just on a whole day, of about 10,000 cars will enter and exit the site..... currently, you have the Friendly's Restaurant and on a typical Saturday we projected that [it] has a traffic volume of about 1,000 cars. So we're concerned..... there's a ten fold increase in the number of cars that will be generated by this particular site.

Response 3-29: See response to comment 3-7.

Comment 3-30 (Public Hearing, August 22, 2001, Jeff Rosenberg, p. 17): I'm here representing [the] Bila Family, we own Big V Town Center. I'm really here for my tenants, including K-Mart, that's going to open up in November, they're concerned..... that their customers [will be] impacted by the proposed development of Hannaford.

Response 3-30: Traffic generated by the modifications of the nearby Big V Town Center as well as the other developments in the area will contribute to the existing traffic congestion at the Five Corners intersection. The proposed Hannaford mitigation will reduce delays, which will benefit all motorists in the area including tenants and customers of the Big V Town Center.

Comment 3-31 (Public Hearing, August 22, 2001, Ron Roberts, p. 31):if they want to build a supermarket, Miron's is a perfect place. Newburgh does not have a supermarket. This place, Miron's is..... empty right now, it would be a great revenue generator for New Windsor, [the] parking lot's already paved, people will walk to your store..... That's something that should be considered because we have a couple of projects that have just started, I'm quite sure everybody's aware [of] Mt. Airy Road housing, that development there, you're projecting 400 families. What do we get out of that 400 families, two car families,

800 plus cars, where's 800 cars going to go unless they're lucky enough to be able to use public transportation and go to Salisbury Mills, they're going to through Five Corners.....

The other issue we've got the sports complex that's going to be a great thing for New Windsor, but that's also going to bring a lot of people from the east end of New Windsor over to 94 to take advantage of this new town benefit that's being provided to them. What do you figure the kids with their cars coming [o]ut of school, the Cornwall High School, that'sdefinitely going to come on line, that's more buses through that area. And I don't know how you guys count these things, but my car, a bus is three cars. If I have to sit behind a bus [it's like] I'm sitting behind three cars. You get three school buses, I never get through the light,.....

Response 3-31: *The applicant's proposal is a permitted use on the parcel of land on which it is proposed. This project does not need a variance of any type to build this store on this property. At a prior Planning Board meeting, it was suggested to Hannaford that there was another more appropriate site for the store that is already approved for a shopping mall, on Union Avenue, and that they should go visit that site. That site was investigated by the applicant and rejected since it did not meet the applicant's criteria for the Hannaford store.*

Future traffic from the proposed Cornwall High School was specifically included in the traffic analysis. Traffic from the 400 units was implicitly included as normal background growth and as the production end of many of the other development trips and site trips.

Comment 3-32 (Public Hearing, August 22, 2001, Ron Roberts, p. 20):it's [the traffic light] a wonderful idea, you put the traffic light up..... that effectively, just backs the traffic up on 32 further down to the..... bridge. You're going to have people coming out of 218 from Cornwall who can't even get on the..... road now with the traffic backups. It's going to be like a traffic accident there every single day if you add that light.

Response 3-32: *The Route 32/site driveway intersection will operate below capacity at LOS C during the PM peak hour and LOS B during the Saturday peak hour. 95th percentile northbound vehicular queue lengths will be less than 25 vehicles during both peak hours which translates into 600 feet or less. The bridge and Route 218 are more than a mile to the south and will not be impacted.*

Comment 3-33 (Public Hearing, August 22, 2001, Bernard Sussman, p. 22): I would like to take a minute and to read what the DOT said long after the November 29th letter. These are quotes, March 26th, Five Corners, one traffic light, I'm going to quote the man who said that,..... too much neighboring commercial development flushes too many cars into an overburdened intersection, said Bill Fitzgerald, DOT Director of Traffic, Engineering and Safety, not exactly a model plan for development and [as] Fitzpatrick put it, you have a demand, we do not have a capacity to handle that demand. If we can't handle the demand, that should be sufficient reason to turn them down.

Response 3-33: *See response 3-18.*

Comment 3-34 (Public Hearing, August 22, 2001, Sandra Kassam, p. 22): I believe that you have a handle here with which to oppose this project and I believe that that handle is to force the applicants to look at the cumulative traffic impacts because according to environmental law,

you're supposed to look at, within a reasonable distance of a project, cumulative traffic impacts particularly since there are stores, major stores, that are under construction now within a quarter of a mile or less of this project. And so I feel that you could take these folks to court and insist that they look at cumulative traffic impacts and cumulative traffic figures for this area around the Five Corners.

Response 3-34: The cumulative impacts of approved and or projects currently under construction is included in the traffic analysis and described under section 3.3.5 of the DEIS.

Comment 3-35 (Public Hearing, August 22, 2001, Curt Atway, p. 23): I'd like to know how many of you here in the past ten years have eaten in Friendly's once, twice, three times for the main reason that we could never get in the place. I have eaten there twice in ten years. And I think that that's an important factor to show you that the people do not like having to make a left-hand turn when they're going south, even though you are going to have a nice little cut across. This afternoon, I came up 32 and the traffic light you're talking about will be exactly at the spot where the road branches out into three lanes. I waited five minutes before I could get to the Five Corners. And I think that's an important factor. I'm against the fact of Hannaford's coming in because of the traffic situation. I have lived here 34 years..... so I'm not a newcomer, and I have seen Five Corners change over and over again. And I think it's important that we consider the whole flow of traffic. We do not need them coming out onto 94 with the new car wash and other buildings that are there. I just think that Hannaford's ought to look for another place.

Response 3-35: See responses to comments 3-18 and 3-31.

Comment 3-36 (Public Hearing, August 22, 2001, Richard Randazzo, p. 25):there's no more capacity for the Five Corners the way it currently exists. I don't care whether it's Hannafords or what business it is for that particular area over there, to generate more traffic, to add to the confusion that's already there to the delays that are there,..... To me, the traffic situation in Five Corners which is confirmed by DOT is at a point where if you continue to add anything to that particular area without making any improvements to it, it's going to be absolutely impossible to get through there.

Response 3-36: See response to comment 3-18.

Comment 3-37 (Public Hearing, August 22, 2001, Richard Randazzo, p. 25): The bottom line is that they [Hannaford's] cannot go in the Five Corners area. And if there's only one reason you need, in all honesty, it's simply the traffic, this traffic continues to build. Five Corners is a commuter area where people go through on 94, they go 32 north, south, east, west. So it's not just serving businesses that are there on top of the people that want to frequent and go to the businesses that are there, you've got a lot of commuter traffic, people just moving through with Stewart, West Point on the other end. So I think that I'm asking this board to really look closely at the capacity of the Five Corners. And if you make a determination based on the facts that you have, whatever studies you have, DOT's input and everybody else's input [then] I think it's reasonable for New Windsor to say that until improvements are made to substantially move traffic more freely in the Five Corners area, that you cannot allow anymore development there.

Response 3-37: See response to comment 3-18.

Comment 3-38 (Public Hearing, August 22, 2001, Steve Rivera, p. 28): I think public safety is an important factor with the buildup of traffic. We have a firehouse right on 94, as you all know, and response time in the impact study doesn't show anything as far as how much time a fire engine [takes] to respond to an emergency, how much time it will be delayed before it can respond to an emergency. Emergencies can happen anytime, anywhere, 24 hours a day, Saturday peak hours, whatever it will be. And I'm with the firehouse there and I feel [response] time..... is delayed somewhat. So this, if that's an issue, I'd like to see if you guys address that impact in the impact study. Does it show anything for the public safety?

Response 3-38: The firehouse is located on the north side of Route 94 east of the site. Under the proposed build conditions with improvements, the delay on the westbound approach to the Five Corners intersection is expected to decrease by approximately 30 seconds per vehicle for the left turn lane and approximately a minute and a half per vehicle for the through/right turn lane as compared to existing PM peak hour delays. This suggests that emergency response times through the five-corners intersection will actually be improved.

Comment 3-39 (Public Hearing, August 22, 2001, Joan Marvel, p. 29): I can't get a left-hand turn out of Cannon now..... I have to go to the stoplight, go out Forge Hill and go to the stoplight and get the left-hand turn. I'm never going to be able to move, I mean it's a terrible situation, 94 is going to be miserable, absolutely miserable.

Response 3-39: See response to comment 3-18.

Comment 3-40 (Public Hearing, August 22, 2001, Sandra Kassam, pp. 29 and 30): A highway is a form of [infrastructure]..... in a community, infrastructure has its limitations, a sewer line is infrastructure, a water line is infrastructure, all of these are public services, a highway is a public service. If you were overloading a sewer system and the sewage was flowing out into the street or flowing out into a river untreated because it was overloaded, the DEC would require that you had a moratorium. So essentially if you're overloading your infrastructure highway system, you should in effect be able to protect that infrastructure by forbidding any additional usage.

Response 3-40: The project as proposed includes improvements to fully mitigate project impacts. The traffic studies indicate that motorists will experience shorter delays with the project and with the improvements, than they currently experience today. See also responses to comments 3-1, 3-2, 3-15, and 3-18.

Comment 3-41 (Public Hearing, August 22, 2001, Bernard Sussman, p. 30): The thing is that the DOT passed the buck to you, perhaps you ought to just pass it back to them and say listen, we must get a ruling from you, if you tell us that the road is incapable of having any more traffic, then you must deny any more traffic. And since they're going to provide more traffic, then the DOT must say to them we have no more capacity. And we do not have any more capacity according to the DOT. And I would suggest that you go to them and say listen, this is the problem, you've dropped it on us, we have perhaps thinner [less] capacity to stop it, but they have [DOT has] the capacity to stop it.

Response 3-41: *NYS DOT acknowledged the overall operational improvement under the mitigation measures proposed by Hannaford: "the Department concurs with the findings of the [DEIS] report and of the future operational forecasts without and with development." (NYS DOT, letter Nov. 27, 2000). The traffic assessment establishes that the mitigation measures incorporated into the project will not have an adverse effect on the local roadway network, but rather can be expected to improve existing traffic conditions. The Department responded in a letter dated January 22, 2002 (Letter #11 herein). For further explanation see Comment and Response Nos. 60 through 71.*

Comment 3-42 (Public Hearing, August 22, 2001, Marilyn Maisonet, p. 36): *-What do you propose for that [the project access] road on 94? Is that right where people try to turn into the road to go to the Vails Gate post office, which is always backed up and you can hardly get there at that time..... How are they going to get out there onto 94, how are they going to make a turn, you're certainly not going to put a light that close?*

Response 3-42: *Unsignalized access onto Route 94 is proposed adjacent to the Monro Muffler shop. Left turns onto Route 94 from this driveway may be prohibited. See response to comment 3-5.*

Comment 3-43 (Public Hearing, August 22, 2001, Jeff Rosenberg, p. 37): *I'd like to know if they can redo the traffic study after K-Mart opens because I think that will have a significant impact on the Five Corners to have additional traffic coming through the K-Mart?*

Response 3-43: *The cumulative impacts of approved and or projects currently under construction is included in the traffic analysis and described under section 3.3.5 of the DEIS. Future K-Mart traffic is included in the analysis.*

Comment 3-44 (Public Hearing, August 22, 2001, Richard Randazzo, p. 37): *.....the question I have [concerns how]..... the traffic improvements that Hannaford proposes for the Five Corners will improve the traffic flow and decrease waiting times. Now that's excluding the turning lane in and out of the property where the light is going to be but at the Five Corners it's rearranging, reconfiguring of the arrows and all, if that is such a..... logical solution to easing the traffic problem, why does DOT throw its hands up in the air and not adopt those proposed changes that they have? You know what I'm saying? Without Hannaford's there, if those changes will ease the traffic, why doesn't DOT do it?*

Response 3-44: *Department of Transportation projects are selected based on various factors including physical condition, participating agencies, accident history, traffic volumes, functional classification, funding and competing projects. Hannaford's proposed mitigation is not on the DOT's five-year Transportation Improvement Plan, and thus will not be completed by the Department in the foreseeable future in the absence of the Hannaford project.*

Comment 3-45 (John Collins Engineers, Letter # 9): In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However, the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.

Response 3-45: Updated traffic counts conducted at the Jacqueline Street intersection during Year 2001 indicated that the original traffic projections were conservative and that a 1% per year growth rate was appropriate to extend the design year to 2002.

Comment 3-46 (John Collins Engineers, Letter # 9): It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of Service "F") and will continue to operate at a Level of Service "F". As shown on Tables 3.3-7 (NO-BD) and 3.3-10 (BD), with the additional supermarket traffic, the intersections overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements). Furthermore, while the Traffic Study recommends re-striping and signal phasing improvements and indicates that the intersection's overall delay will be improved, the intersection will still operate at capacity (LOS "F") as noted in the NYSDOT Review Letter dated November 27, 2000. In addition, the re-striping and signal improvements recommended could be completed under existing and No-Build Conditions. An analysis of No-Build Conditions with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements. Therefore, we have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the weekday Peak PM Hour, all movements will remain the same from No-Build to Build Conditions; however, the overall intersection delay would increase from an 86.6-second delay to a 98.4-second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E", and the Route 32 southbound through will drop from a LOS "E" to a LOS "F", with the overall intersection delay increasing from 83.2 seconds to a 98.7-second delay. Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%, which is considered significant.

Response 3-46: See response to comments 3-1 and 3-2. The proposed improvement to the "five-corners" intersection is not currently planned or programmed by others, as evidenced by NYSDOT in its January 22, 2002 letter. (See Comment 3-71.) The improvement is proposed by Hannaford Bros. Co. as mitigation for the 7% traffic volume increase and resulting operational impacts. The studies indicate that this improvement project will fully mitigate the "significant" 7% traffic volume increase as evidenced by reduced overall delay with the project, as compared to existing conditions.

Comment 3-47 (John Collins Engineers, Letter # 9): How were the queues shown on Table 3.3-11 determined? The Synchro analysis contained in Attachment 2 (Appendix C) should show the calculated queue lengths. In reviewing Table 3.3-11, it appears that the queue lengths at the Route 94/Route 32/Route 300 intersection (even with the proposed re-striping) would extend past the proposed Route 32 and proposed Route 94 driveways.

Response 3-47: *The design vehicular queue lengths were calculated based on the following formula:*

$$\text{Design Queue (Vehicles)} = \{(1-G/C)*[\text{Volume}/(\text{Cycle Length}/3600)]\}^2$$

The appropriateness of this formula is demonstrated in the Table contained in Appendix E.4 which compares the queue lengths reported in the DEIS with the queue lengths predicted by the Syncho Model. This table shows that the Synchro queue lengths are comparable and that the Route 32 northbound approach to the "five-corners" intersection will not queue into the site driveway intersection.

Comment 3-48 (John Collins Engineers, Letter # 9): The CME Study [Tables 3.3-6 (No-BD) and 3.3-9 (BD)] indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS "F") under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection, this intersection will be improved. However, as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" with the recommended improvements. Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%-8%, which is considered significant.

Response 3-48: *The proposed improvement will reduce vehicular queuing and delay on the Route 94 westbound approach to the "five-corners" intersection as documented in the DEIS tables 3.3-15, and 3.3-16. Thus, the queue spill back that blocks the Old Temple Hill Road intersection today will be less frequent with the project, thereby improving the operation of this intersection. This improvement is not captured in the standard isolated highway capacity analysis. Nevertheless, should the NYSDOT determine that the unsignalized LOS operation is justification for traffic signal control at the Route 94/Old Temple Hill Road intersection, then Hannaford Bros. Co. will take responsibility for installation of the signal.*

Comment 3-49 (John Collins Engineers, Letter # 9): The Traffic Study [Tables 3.3-6(NO-BD) and 3.3-9 (BD)] indicates that the unsignalized intersections of Route 300 / Old Temple Hill Road and Route [32] / Jacqueline Street will operate at capacity (LOS "F") under Future Conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above-noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32 / Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

Response 3-49: *See Response No. 3-19. Intersection improvements at the Jacqueline Street intersection are being completed by others, including widening Jacqueline Street to provide separate left and right turn lanes. Also, adequate capacity will exist at Jacqueline Street as per the LOS worksheets contained in Appendix C.2 of the DEIS. These worksheets show that adequate capacity can exist at LOS F. That is, level of*

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service is a measure of the quality of traffic flow and is not directly related to capacity. LOS F can exist when there is ample reserve capacity at the intersection to process additional traffic. Notwithstanding, Hannaford will monitor the intersection for the need for a traffic signal, and will install the signal if warranted and approved by the NYSDOT. The monitoring will take place one year after completion of the project.

Comment 3-50 (John Collins Engineers, Letter # 9): The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and, as shown on Table 3.3-11 - Vehicle Queuing Summary, the Route 94 westbound queue would extend past the site driveway under Build Conditions (even with the recommended CME improvements). Based on this, it is recommended that left turns out of the site be prohibited and possibly prohibiting entering left turns should also be considered because of queuing problems. Note that this would increase the left turns at the critical "Five Corners" intersection and left turns at the Route 32 driveway. Based on this and the conditions at the "Five Corners" intersection, the Applicant should examine the possibility of developing this access driveway further to the east, possibly opposite Old Temple Hill Road or the Firehouse.

Response 3-50: *See response comment 3-5. If a left turn egress turn prohibition is required by the Town and/or the NYSDOT, then additional traffic will travel through the Route 32/site driveway intersection and the "five-corners" intersection. Additional LOS calculations were performed as contained under Appendix E.1 and show that the turn prohibition will have a negligible impact on the operations at these two intersections. Individual lane group levels of service will remain unchanged as compared to the Build with improvement calculations contained in the DEIS for the project. Therefore, implementation of a turn prohibition will not change the conclusions of the traffic impact evaluation for the project. That is, the proposed mitigation will continue to provide significant benefits and that the lane group levels-of-service will remain unchanged.*

A left turn ingress turn prohibition is not considered necessary for the following reasons -1) Projected LOS A for the left turn entering maneuver; 2) Low opposing traffic volume on Route 94 eastbound metered by the "five-corners" traffic signal; 3) Minimal queuing for left turns entering the site; 4) Trip distribution patterns that show nearly 20 percent of the site traffic projected to arrive from points east; and 5) Low probability (5 percent) that a westbound through vehicle will be delayed by a left turning vehicle entering the site. This translates into a 95 percent probability that a westbound through vehicle on Route 94 will pass by unrestricted (See Appendix E.5).

With regard to the possibility of developing the access driveway further to the east, this is not considered feasible. The properties immediately to the east of the site are active businesses. Hannaford does not control the properties in question. This alternative driveway alignment can not be pursued without the State or Town exercising eminent domain property taking.

Comment 3-51 (John Collins Engineers, Letter # 9): While sight distances at the proposed site driveway are shown on Table 3.3-12, sight distance should graphically be shown on a plan to determine the point where sight distance is controlled. Also, the adequacy of the length of southbound left-turn lane for traffic into the site should be determined, since it appears that queues would extend beyond the length shown. Furthermore, it should be determined if there is sufficient Right-of-Way available to build this improvement.

Response 3-51: *The sight distance looking left from the Route 94 driveway is unrestricted to the "five-corners" intersection. The sight distance looking to the right from this driveway is adequate and may not be a factor if a left turn egress turn prohibition is implemented. The sight distances at the Route 32 site driveway are also adequate as documented in Table 3.3.11 of the DEIS. It is the crest vertical curve south of the site that controls the sight distances.*

Table 3.3-16 of the DEIS indicates that the design queue length for the southbound left turn lane on Route 32 at the site driveway is three (3) vehicles, or 75 feet. The conceptual improvement plans show a 100 foot turn lane which is adequate. Preliminary research (NYSDOT Record Plans (D253224)) indicates that the ROW in the vicinity of the site driveway is approximately 95 feet wide. The ROW transitions to approximately 65 feet in width south of the site and will be documented in detail as part of the State Highway Work Permit application.

Comment 3-52 (John Collins Engineers, Letter # 10): In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However, the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.

Response 3-52: *See response to comment 3-45.*

Comment 3-53 (John Collins Engineers, Letter # 10): Accident history is provided in the Traffic Study and includes an accident summary Table for the Five Corners and Jacqueline Street intersections as well as for the section of Route 32 south from the Five Corners intersection. Based on a review of this summary Table, during the three-year period of 1996-1998 there were 3 reported accidents at the Jacqueline Street intersection, 15 reported accidents at the Five Corners intersection and some 52 reported accidents of which many appear to be a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the Five Corners intersection. In addition accident frequency (accident rates) were calculated for these two intersections as well as for the section of Route 32 south from the Five Corners intersection. The calculated accident rates were then compared to State averages. While it is noted that the accident rate for the Five Corners intersection is less than the State average, as indicated above many of the accidents along Route 32 south of the Five Corners intersection are in effect a result of their proximity to the Five Corners intersection. The calculated accident rate for the section of Route 32 from the Five Corners intersection to Jacqueline Street is significantly higher (6.09 accidents per MVE) than the State average of 3.94 accidents per MVE. Again, this is in effect a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the Five Corners intersection. In addition, the above accident data was not provided for the other area intersections or roadway segments including the section of Route 94 from the Five Corners intersection to Old Temple Hill Road. This is important due to the potential conflicts that will be caused by the proposed driveway to this section of Route 94. (See also Comment 5). Also, more recent accident data (1999 and 2000 data if available) would be helpful.

Response 3-53: *An updated accident table is provided under Appendix E.3-1 of the FEIS for the most recent three-year period available and for all study area intersections. Updated accident rates were also calculated and are summarized in the response Nos. 3-12 and 3-20 of the FEIS. This new data confirms the trends identified in the above comment and in the DEIS. Accident rates on the section of Route 32 south of the "five-corners" are higher than statewide averages for similar intersections. The access management improvements proposed as part of the project should reduce the number of right angle accidents in this area, because four uncontrolled full-access driveways would be eliminated, and channelized access would be provided to a new traffic signal.*

Comment 3-54 (John Collins Engineers, Letter # 10): It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of Service "F") and will continue to operate at a Level of Service "F". As shown on Tables 3.3-7 (NO-BD) and 3.3-10 (BD), with the additional supermarket traffic, the intersections overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements). Furthermore, while the Traffic Study recommends re-striping and signal phasing improvements and indicates that the intersection's overall delay will be improved, the intersection will still operate at capacity (LOS "F") as noted in the NYSDOT Review Letter dated November 27, 2000. In addition, the re-striping and signal improvements recommended could be completed under existing and No-Build Conditions. An analysis of No-Build Conditions with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements. Therefore, we have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the weekday Peak PM Hour, all movements will remain the same from No-Build to Build Conditions; however, the overall intersection delay would increase from an 86.6-second delay to a 98.4-second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E", and the Route 32 southbound through will drop from a LOS "E" to a LOS "F", with the overall intersection delay increasing from 83.2 seconds to a 98.7-second delay. Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%, which is considered significant.

Response 3-54: *See response to comment 3-46.*

Comment 3-55 (John Collins Engineers, Letter # 10): While sight distances at the proposed site driveway are shown on Table 3.3-12, sight distance should graphically be shown on a plan to determine the point where sight distance is controlled. Also, the adequacy of the length of southbound left-turn lane for traffic into the site should be determined, since it appears that queues would extend beyond the length shown. Furthermore, it should be determined if there is sufficient Right-of-Way available to build this improvement.

Response 3-55: *See response to comment 3-51.*

Comment 3-56 (John Collins Engineers, Letter # 10): The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and, as shown on Table 3.3-11 - Vehicle Queuing Summary, the Route 94 westbound queue would extend past the site driveway under Build Conditions (even with the recommended CME improvements). Based on this, it is recommended that left turns out of the site be prohibited and possibly prohibiting entering left turns should also be considered because of queuing problems. Note that this would increase the left turns at the critical "Five Corners" intersection and left turns at the Route 32 driveway. Based on this and the conditions at the "Five Corners" intersection, the Applicant should examine the possibility of developing this access driveway further to the east, possibly opposite Old Temple Hill Road or the Firehouse.

Response 3-56: See response to comment 3-50.

Comment 3-57 (John Collins Engineers, Letter # 10): It is indicated in the Traffic Study, the proposed driveway to Route 32 would not operate adequately under stop sign control (this analysis should be provided). Therefore the proposed site driveway was analyzed assuming a traffic signal. While it is shown that traffic signal warrants will be met, the NYSDOT position on the installation of a traffic signal should be determined. Based on the queues shown in Table 3.3-16, it appears that the Route 32 northbound queues would extend beyond the proposed Route 32 driveway. In addition, the adequacy of the length of the proposed southbound left turn lane for traffic into the site should also be determined. Furthermore, it is important that a plan showing the proposed left turn lane, right-of-way and other preliminary design details be provided to determine if the improvements are feasible.

Response 3-57: The unsignalized level of service analysis for the Route 32/site driveway intersection is contained in Table 3.3.9 of the DEIS, and shows LOS F for the side street left turn maneuver with the completion of the project. Based on this LOS result and a preliminary signal warrants analysis, traffic signal control is recommended to provide adequate access to and from the site. The traffic control plan has been discussed with, and reviewed by the Department and no objection has been indicated. NYSDOT conceptually approved the plan in their letter dated November 27, 2000, and again in its letter dated January 22, 2002. In fact, the NYSDOT has acknowledged the potential access management benefits that would be realized by the proposed traffic signal.

Based on Table 3.3-16 of the DEIS, the design queue length northbound on Route 32 will be 600 feet and will not extend back into the Route 32/site driveway intersection.

The plan showing the proposed widening and preliminary design details is contained in Appendix C, Attachment 4 of the DEIS.

Comment 3-58 (John Collins Engineers, Letter # 10): The CME Study [Tables 3.3-6 (No-BD) and 3.3-9 (BD)] indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS "F") under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection, this intersection will be improved. However, as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" with the recommended

improvements. Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%-8%, which is considered significant.

Response 3-58: See response to comment 3-48.

Comment 3-59 (John Collins Engineers, Letter #10): The Traffic Study [Tables 3.3-6(NO-BD) and 3.3-9 (BD)] indicates that the unsignalized intersections of Route 300 / Old Temple Hill Road and Route 94 / Jacqueline Street will operate at capacity (LOS "F") under Future Conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above-noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32 / Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

Response 3-59: See response to comment 3-49.

Comment 3-60 (NYSDOT, Letter #11): As we have previously stated in our December 28, 2001 letter to Creighton Manning Engineers, (with copy to the Planning Board), the existing highway system, which includes the "Five Corners" intersection and Routes 32 and 94 in the proposed development area, operates at a Level of Service 'F' during peak traffic periods and is considered to be unacceptable to most drivers. The traffic study prepared by Creighton Manning does identify the existing conditions properly, as well as the proposed mitigation measures, which we will address on a location basis.

Response 3-60: We concur. It is noted that the "Five Corners" intersection currently operates at LOS F, and that the traffic study properly represents this condition. (See DEIS Figure 2.8)

Comment 3-61 (NYSDOT, Letter #11): The improvements proposed as the "Five Corners" intersection, which would modify the lane use arrangements for Route 32, northbound, and modify the traffic signal operation, does appear to mitigate the impacts created by the construction of the new food market. However, the Level of Service would remain 'F', as identified in the analysis, and the queuing problems will remain.

Response 3-61: Comment noted. The improvements proposed at the "Five Corners" intersection will reduce the overall vehicular delay significantly, thereby mitigating the project's traffic impacts. The proposed improvements will also significantly reduce the queue lengths at the "Five Corners" intersections (see also Response Nos. 3-1, 3-2, 3-3, 3-4, 3-5, 3-15, 3-18, 3-21, and 3-40).

Comment 3-62 (NYSDOT, Letter # 11): The installation of a new traffic control signal at the proposed site access drive to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate the traffic impacts acceptably, while providing better access to the property opposite the site on Route 32. It also reduces the number of uncontrolled access drives.

Response 3-62: *Comment noted. The proposed traffic signal will mitigate traffic impacts at the site driveway. In addition, access management improvements are proposed along Route 32 that will improve access and reduce the number vehicular conflicts in the area (see also response Nos. 3-11, 3-32, and 3-53).*

Comment 3-63 (NYSDOT, Letter #11): The access to Route 94 proposes to convert an existing access for [Monro] Muffler to a joint access to serve Hannaford and [Monro]. We concur with the proposed Level of Service, based upon the analysis. Due to this driveway's proximity to the "Five Corners" intersection and the problem of traffic queues extending past this driveway, we will not allow full vehicle movements and will require the prohibition of left turns out of this joint access.

Response 3-63: *Comment noted. The turn prohibition will result in an acceptable driveway configuration and acceptable traffic operations. This driveway configuration was analyzed and is contained in Appendix E.1 of this FEIS. See also Response Nos. 3-5, 3-42, and 3-50.*

Comment 3-64 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- *Route 32 at Jacqueline Street - delays will increase for traffic exiting this street, with no mitigation measures proposed.*

Response 3-64: *Side street left turning vehicles will experience long delays, which is common along arterials during peak hours. It should be noted that the new traffic signal proposed at the site driveway intersection will have the added benefit of creating platoons of vehicles on Route 32, which will create additional gaps at the Jacqueline Street intersection. Notwithstanding, the applicant will monitor the intersection for the need for a traffic signal one year after completion of the project. If a signal is warranted and meets DOT approval, then the applicant will install the signal. See also Response No. 3-19 and 3-49.*

Comment 3-65 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- *Route 94 at Old Temple Hill Road - The study properly forecast an increase in delays and queuing on the approach to this intersection, which may compromise emergency vehicle response time to some areas of Vail's Gate. Because of this increase in emergency response time, we would pursue a review of signalization of this intersection by the applicant, for the purpose of coordination and emergency preemption, if the project were approved by the Planning Board.*

Response 3-65: *The data and analysis in the DEIS does not support the assertion that emergency response times will be impacted. The increased queuing cited in the NYSDOT comment is only one vehicle. Also, the firehouse is located on the north side of Route 94 east of Old Temple Hill Road. Tables 3.3-15 and 3.3-16 show that the vehicular queue lengths and delays on Route 94 westbound will be less with the project than they are today. This analysis demonstrates that emergency response times from the firehouse through the "Five-Corners" intersection will not be impacted if the intersection were to remain unsignalized. In fact they will be improved. Nevertheless,*

the applicant will install a traffic signal with emergency preemption at the Route 94/Old Temple Hill Road intersection, if so directed by the Department. The supplemental level of service calculations contained in Appendix E.6 of this FEIS show that this intersection will operate at LOS B under traffic signal control. Installation of a traffic signal would mitigate the unspecified potential increased emergency response time cited by the NYSDOT (see also Response Nos. 3-38 and 3-48).

Comment 3-66 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- *Route 300 at Old Temple Road - delays will increase, with no mitigation proposed.*

Response 3-66: *No capacity improvements are proposed because the impact from the project is not significant and no mitigation is necessary. No level of service degradations will occur and adequate capacity will exist to accommodate all side street traffic. Trimming and clearing of vegetation is recommended within the sight distance triangle to maximize the available sight distance (see DEIS page 3.3-11, and FEIS Response No. 3-49).*

Comment 3-67 (NYSDOT, Letter #11): In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the "Five Corners" should be considered only a "bandaid".

Response 3-67: *The mitigation measure proposed for this project will address all significant impacts identified in the Traffic Study for the forecast period, as measured by the capacity and level of service analysis. The DEIS analyzed more than 50 individual peak hour and lane group levels of service. Of the 50+ locations analyzed, only a single lane group was projected to degrade as a result of the project. This lane group was the unsignalized southbound left turn from Old Temple Hill Road onto Route 94 during the Saturday peak hour. As per Comment and Response No. 3-65, the traffic signal will be included as mitigation, if so directed by the NYSDOT.*

The proposed improvement at the "Five-Corners" intersection is not considered a "bandaid". On the contrary, it represents a real long term capacity improvement for the area. Transportation agencies including local, state and federal governments recognize the benefits of signal improvement projects as a means to maximize the capacity and efficiency of the existing highway network. As an example, based on the Volume to Capacity ratios contained in Appendix C.2 of the DEIS, the capacity at the "Five-Corners" intersection will be increased by nearly 50 percent. That is, the intersection is currently capable of processing approximately 2100 vehicles per hour. This capacity will be increased to approximately 3100 vehicles per hour with the completion of the project.

Comment 3-68 (NYSDOT, Letter # 11): Everyone appears to agree that the Level of Service at the "Five Corners" will be an 'F', with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting the direction of

traffic, removing an approach, etc.), no real relief is available and, as the area develops, conditions will only degenerate.

Response 3-68: *It is agreed that the peak hour Level-of-Service at the "Five-Corners" intersection will be LOS F with or without the Hannaford project. However, as a point of clarification, the proposed mitigation greatly improves the LOS F condition. See Figure 2.8 of the DEIS which shows that the average delays at the "Five-Corners" intersection will be reduced by approximately three minutes per vehicle. While this reduction in delay is considered "real relief", it is agreed that a significant change involving a bypass, turn restrictions, reconstruction, etc., would be necessary to improve the operations substantially better than LOS F.*

Comment 3-69 (NYSDOT, Letter #11): The control over land use remains with the Town, along with the responsibility to determine if the mitigation measures proposed are satisfactory. We concur with the mitigation measures proposed and with their forecast that adjacent intersection Levels of Service will degrade, due to increase in traffic.

Response 3-69: *The comment suggests that levels of service will degrade for multiple lane groups at adjacent intersections, which is not true. In fact, only a single unsignalized lane group is projected to degrade during a single peak hour as a result of the project. The DEIS and FEIS have analyzed more than 50 individual peak hour and lane group levels of service, and if the NYSDOT requires a traffic signal at the Route 94/Old Temple Hill Road intersection, then none of the 50+ lane groups will be degraded by the project. The improvements include one new traffic signal, one modified traffic signal, roadway construction to provide left turn lanes on Route 32, access management improvements in the area, and a commitment to provide two additional traffic signals if required by the Department.*

Comment 3-70 (NYSDOT Letter #11): A problem may develop with motorists trying to avoid the "Five Corners" intersection by cutting through a new Hannaford parking lot if it is constructed.

Response 3-70: See Response No. 3-14.

Comment 3-71 (NYSDOT Letter # 11): If the Town accepts the project with the measures proposed, we are prepared to work with Hannaford in order to achieve the best possible access with the least amount of interference with the existing traffic flow. It should be understood that the Department currently has no projects scheduled for improvement along these affected routes.

Response 3-71: *The DEIS and the additional analysis conducted as part of this FEIS has shown that if the Town accepts the project with the measures proposed, then there will be no significant interference with existing traffic. If the Town accepts the project with the measures proposed, then the applicant will apply for a Highway Work Permit with the Department. As part of the Highway Work Permit process, the design details of the improvements will be developed.*

Comment 3-72 (John Collins Engineers, Letter # 12): As we previously noted, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F"). The NYSDOT has also expressed concern regarding the existing and future operation of this intersection in their review letters dated November 27, and December 29, 2000.

Response 3-72: *It is acknowledged that the intersection currently operates at LOS F and will continue to operate at LOS F with the development and with mitigation. However, the overall average delay experienced per vehicle will be reduced by the project. Most recently, the Department stated in their letter dated January 22, 2002, that the improvement project "does appear to mitigate the impacts created by the construction of the new food market....". See also Response Nos. 3-1, 3-2, 3-3, 3-4, 3-5, 3-15, 3-18, 3-21, 3-40, 3-60 and 3-61.*

Comment 3-73 (John Collins Engineers, Letter # 12): Based on conversations with the NYSDOT, it appears that they will allow a traffic signal to be installed at the proposed Route 32 site driveway. If this traffic signal is allowed, this new traffic signal will have to be coordinated with the associated signal timing/phasing modification proposed at the "Five-Corners" intersection. In addition, the adequacy of the conceptual left turn lane located at this intersection will have to be reviewed by the NYSDOT.

Response 3-73: *In the Department's most recent letter, it stated that "The installation of a new traffic control signal at the proposed site access driveway to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate traffic impacts acceptably....". The detailed design of the roadway improvements and the new traffic signal will be reviewed with the Department as part of the Highway Work Permit process, including the left turn lane, the location and type of detectors, and signal coordination. See also Response Nos. 3-16, 3-17, and 3-62.*

Comment 3-74 (John Collins Engineers, Letter # 12): We are still concerned with the expected future queues along Route 94 specifically with respect to the location of the proposed site driveway as well as with the driveway to the Firehouse.

Response 3-74: *The Department is requiring the prohibition of left turns exiting the site driveway onto Route 94. Left turns entering the site from Route 94 are being allowed by the Department and will operate at LOS A. The data and analysis in the DEIS (Tables 3.3-15 and 3.3-16) show that the vehicular queue lengths and delays on Route 94 westbound will be less with the project than they are today. This demonstrates that emergency response times from the firehouse through the "Five-Corners" intersection will be improved by the project. See also Response Nos. 3-5, 3-38, 3-50, 3-63, and 3-65.*

Comment 3-75 (John Collins Engineers, Letter # 12): As we previously noted, the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. Based on this, a traffic signal should be considered at this location and will need to be addressed with the NYSDOT.

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Response 3-75: *The applicant will install a traffic signal with emergency preemption at the Route 94/Old Temple Hill Road intersection, if so directed by the Department. Supplemental calculations show that this intersection will operate at LOS B during both peak hours under traffic signal control. (See FEIS Appendix E.6.) See also Response Nos. 3-48 and 3-65.*

Comment 3-76 (John Collins Engineers, Letter # 12): While the FEIS indicates that the unsignalized intersection of Route 32/Jacqueline Street will operate at the same Level of Service under the No-Build and Build Conditions (Level of Service "F"), the left turn delay will increase by some 28.0 seconds during the Weekday Peak Hour and by some 24.0 seconds during the Saturday Peak Hour. With this intersection operating at a Level of Service "F", we question the wording of the statement that "adequate capacity will continue to exist" at this intersection.

Response 3-76: *The referenced statement "adequate capacity will continue to exist" is factually correct. Level of Service is a measure of the quality of traffic flow, and is not directly related to the quantity of traffic flow. LOS F can exist when there is ample reserve capacity at the intersection to process additional traffic. As an example, the DEIS shows that there is a capacity to process more than 40 left turning vehicles and over 200 right turning vehicles at the Jacqueline Street intersection during the PM peak hour. The demand during this time period is only 12 left turns and 15 right turns. The 12 left turning vehicles will experience LOS F, which is not uncommon for side streets and driveways during peak periods. It should be noted that the new signal being installed at the site driveway intersection will have the added benefit of creating platoons of vehicles on Route 32 which will create additional gaps at the Jacqueline Street intersection. Notwithstanding, the applicant will monitor the Route 32/Jacqueline Street intersection for the need for a traffic signal approximately one year after completion of the project. If a signal is warranted and meets DOT approval, then the applicant will install the signal. See also Response No. 3-19 and 3-49.*

4.0 NOISE COMMENTS AND RESPONSES

Comment 4-1 (Public Hearing, August 22, 2001, Caroline Jaczko, p. 24): Our house is directly behind the proposed building and our concern is the noise. We visited the supermarket that's in the Town of Walkill and the refrigeration seems to go all day, all night and it seemed noisy and that was during the day.

Response 4-1: According to the Sound Impact Study prepared by Cavanaugh Tocci Associates, Inc., for the proposed action, sound in the community surrounding the project site is dominated by traffic noise from Route 94 and Route 32. Sound monitoring was conducted at the site to measure the level of background existing sound. The sound monitoring program (detailed in DEIS Appendix E) used continuous measurement techniques at a point approximately at the center of the south property line. The traffic noise is most significant during daytime hours (6:00 AM to 10:00 PM) when typical background sound levels range between 45 and 55 dBA. During the early morning hours when traffic is light, background sound levels drop to as low as 43 dBA.

Section 48-17.5 of the New Windsor Code defines acceptable limits for environmental sound produced by development projects such as the proposed supermarket in the residential zoning districts of the town:

- (1) From 8:00 AM to 9:00 PM: 65 dBA
- (2) From 9:00 PM to 8:00 AM: 56 dBA

Store mechanical equipment for refrigeration and ventilation will operate continuously throughout the day and night. Due to the proximity of the residences located east and south of the facility, the applicant has specified that sound controls for building mechanical equipment will meet an acoustical design goal of 53 dBA at the nearest residential property lines. This design goal is 3 dBA lower than the most restrictive limits required by the New Windsor Code.

Specifically, the applicant proposes the following measures to control noise from the stationary mechanical equipment: use of acoustical louvers for the compressor room ventilation opening located at the rear of the store; use of low speed fans and variable speed drives for roof top air-cooled condensers; installation of a sound barrier wall on the south side of the air condensers (which will extend from the roof to at least four feet above the top of the condensers); and the addition of a parapet wall extending four feet above the top of the roof on the east side of the building. Air handling units will be located a minimum of 30 feet from the edge of the roof. These provisions will be indicated on the final site plan and would be confirmed by the building inspector at completion of construction and prior to issuance of a certificate of occupancy.

Post-construction noise evaluation studies, performed by a qualified acoustical consultant, will be undertaken to establish conformance with the New Windsor Code. The post-construction noise survey will be performed at the south and east property lines. The general test procedure will involve measuring background sound levels with and without facility mechanical equipment operating to demonstrate facility compliance.

February 7, 2002

In order to reduce the noise from truck unloading activities at the south side of the building, the loading dock for tractor-trailer receiving will be enclosed and will be equipped with hydraulic dock levelers for tractor-trailer unloading. These provisions would also be confirmed by the building inspector upon completion. Deliveries from tractor-trailer trucks (not small vendor vehicles) at the receiving dock will be limited to daytime hours (8:00 A.M. to 9:00 P.M.). All truck engines and refrigeration equipment will be shut off while trucks are unloading as a standard operating procedure. These hour limitations and standard procedure regarding deliveries at the rear receiving dock will be noted on the final site plan.

Comment 4-2 (Public Hearing, August 22, 2001, Bob Jaczko, pp. 39 and 40): [The] refrigeration unit where it's at and where the one is at in the Middletown store is exactly the same. The landscaping here, the houses here are exactly the same as in Middletown, however, there are no houses in Middletown. The refrigeration unit in Middletown, if it's the same as the one you are proposing is noisier than five tractor trailers idling and that will probably run 24 hours a day, am I right?I understand that there's a retaining wall in Middletown as well..... Is there any possibility to have the refrigeration unit on a highway side where all these houses over here won't hear it at night..... Most grocery stores in our area and around our area, there are no houses within 2, 3, 400 feet. Their units really don't matter. But here, it will, so if you can look into it, there's a possibility to move it on the highway side, maybe it would help a lot of people sleep at night.

Response 4-2: See response to Comment 4-1. The Middletown store has no residential neighbors so no sound controls were implemented at that facility. Given that there are adjacent residences at the New Windsor location, the applicant has incorporated sound controls into the project proposal.

The applicant proposes sound controls for building mechanical equipment that will meet an acoustical design goal of 53 dBA at the nearest residences. This design goal is 3 dBA lower than the most restrictive limits required by the New Windsor Code. With the installation of a sound barrier wall on the south side of the rooftop air condensers, and other mitigation measures installed as proposed, this goal is achievable without the need to locate the rooftop equipment to another side of the building.

APPENDIX A
SEQRA Documentation



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196
Telephone: (845) 563-4618
Fax: (845) 563-4695

Office of the Planning Board

August 6, 2001

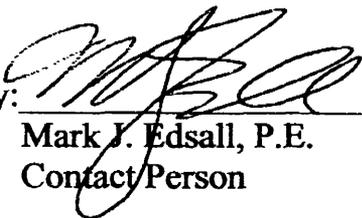
The Town of New Windsor Planning Board, as SEQRA Lead Agency, hereby circulates the enclosed *Notice of Completion of Draft EIS* and copy of the complete DEIS for the Hannaford Food and Drug project located in the Town of New Windsor, Orange County, New York.

The Planning Board requests you forward comments on the DEIS, if any, to the Board at the above address before expiration of the SEQRA public comment period. Your cooperation in this regard is greatly appreciated.

A Public Hearing is scheduled for August 22, 2001 at 7:30 pm at New Windsor Town Hall. Comments on the site plan and DEIS will also be heard at that time.

Very truly yours

Town of New Windsor Planning Board

By: 
Mark J. Edsall, P.E.
Contact Person

**NOTICE OF COMPLETION OF DRAFT EIS
and NOTICE OF JOINT SEQR AND SITE PLAN APPROVAL HEARINGS**

Lead Agency: Town of New Windsor Planning Board

Address: 555 Union Avenue, New Windsor, New York 12553

Date: July 25, 2001

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law.

A Draft Environmental Impact Statement has been completed and accepted for the proposed action described below. Comments on the Draft EIS are requested and may be submitted in writing to the Planning Board. Comments on the Draft EIS will continue to be accepted by the Planning Board until 10 days after the close of the public hearing. A joint public hearing on the Draft EIS and site plan approvals for the principal and related actions will be held on August 22, 2001, at 7:30P.M. or as soon thereafter as the matter can be heard at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553. The purpose of the hearing is to allow all members of the public, involved and interested agencies to personally appear before the Planning Board to provide comments on the DEIS and site plan applications.

Name of Action: Hannaford Food & Drug

SEQR Classification: Unlisted Action

Description of Action: Construction of a 55,200 SF food and drug store and related parking facilities; proposed parking and site access improvements at Monroe Muffler and proposed site access improvements at Long John Silver's.

Location: Near and around New York State Routes 32 and 94, Town of New Windsor, Orange County, New York.

Potential Environmental Impacts:

Significant environmental impacts addressed in the DEIS include: water resources, geology and soils, traffic, utilities, cultural resources, noise and visual resources.

A copy of the Draft EIS will be on file for review at the Planning Board office at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553. For information on how copies of the Draft EIS may be obtained, please contact: Myra Mason, Planning Board Secretary, Town of New Windsor Planning Board, 845-563-4615.

Additional Information can be obtained from:

Contact Person: Contact Person: Mark J. Edsall, P.E. - Planning Board Engineer

Address: McGoey, Hauser & Edsall Consulting Engineers, P.C.
33 Airport Center Drive
Suite 202
New Windsor NY 12553
Phone No.: 845-567-3100

A Copy of this Notice Has Been Sent To:

Commissioner	Department of Environmental Conservation 50 Wolf Road, Albany, New York 12233-0001
Regional Director NYSDEC	Region III, 21 South Putt Corners Road New Paltz, New York 12561
Hon. George J. Meyers	555 Union Avenue New Windsor, New York 12553
New York State Department: of Transportation	4 Burnett Boulevard Poughkeepsie, NY 12603
Environmental Notice Bulletin	625 Broadway 4 th Floor Albany, NY 12233-1750
Orange County Department of Health	124 Main Street Goshen, NY 10924
Orange County Department of Planning	124 Main Street Goshen, NY 10924
Martin Foods of South Burlington Inc.	145 Pleasant Hill Road Scarborough, Maine 04074

DISTRIBUTION OF FEIS
Hannaford Food & Drug

(1)
George J. Meyers, Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(7)
Town of New Windsor Planning Board
Attn: Mr. James Petro, Chairman
555 Union Avenue
New Windsor, NY 12553

(1)
McGoey Hauser & Edsall
Consulting Engineers PC
Attn: Mr. Mark J. Edsall, PE
45 Quassaick Avenue
New Windsor NY 12553

(1)
John Collins Engineers, PC
Attn: Mr. Philip J. Grealy, PE
11 Bradhurst Avenue
Hawthorne NY 10532

(1)
Andrew Krieger, Esq.
219 Quassaick Avenue
New Windsor, NY 12553

(1)
Deborah Green, Town Clerk
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(1)
Town of New Windsor Water Department
555 Union Avenue
New Windsor, NY 12553

(1)
Town of New Windsor Sewer Department
555 Union Avenue
New Windsor, NY 12553

(1)
Orange County Department of Health
Attn: Mr. Matthew Schiffler
124 Main Street
Goshen, NY 10924

(1)
Orange County Planning Department
Attn: Mr. Peter Garrison
124 Main Street
Goshen, NY 10924

(1)
Town of Cornwall Planning Board
Attn: Lorraine Benett, Chairman
183 Main Street
Cornwall, NY 12518

(1)
Newburgh Free Library
Attn: Ms. Muriel Verdibello
124 Grand Street
Newburgh, NY 12550

(1)
NYS Department of Transportation,
Region 8
Attn: Mr. Robert Dennison, Regl. Director
4 Burnett Boulevard
Poughkeepsie, NY 12603

(1)
NYS Department of Transportation,
Region 8
Attn: Mr. Thomas Myers
4 Burnett Boulevard
Poughkeepsie, NY 12603

(1)
NYS Dept. of Environmental Conservation
Attn: Mr. John Cahill
50 Wolf Road
Albany, NY 12233-3505

(1)
NYS Dept. of Environmental Conservation,
Region 3
Attn: Mr. Alexander F. Ciesluk, Jr.
21 South Putt Corners Road
New Paltz, New York 12561-1696

Project Team (10)

Hannaford Food & Drug EIS

APPENDIX B

Correspondence



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196
Telephone: (845) 563-4615
Fax: (845) 563-4695

7 September 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

**SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94 – T/NEW WINDSOR**

Dear Mr. Dennison:

I am writing this letter pursuant to the Public Hearing held on 22 August 2001 for the Site Plan application and SEQRA DEIS for the proposed Hannaford Food & Drug Project. The project is proposed for construction at the Vails Gate Five Corners, with access from NYS Routes 94 and 32.

The Town has received a significant amount of comment and correspondence with regard to traffic concerns, both concerning existing conditions and as may result should the Hannaford project be constructed as proposed. Information was placed on the record with regard to comments and/or opinions of representatives of your Department, which were not previously on formal record via correspondence to the Town Planning Board. Previous comments by NYSDOT personnel indicating that the intersection is *maximized and no additional improvements are possible; improvements to the poor conditions at the intersection must be accomplished by land use control* have been noted. In contrast, the applicant's traffic engineer has indicated, to the Board, that the DOT is in agreement that their proposed improvements will mitigate the impacts of the project.

Since the Town Planning Board, as Lead Agency, has corresponded with your Department directly, and has coordinated the SEQRA review via a transmittal of the DEIS document, the Board will await your formal written response to the Town to understand your determinations with regard to the traffic study and DEIS. We request that communication to the applicant's consultants or other interested parties be limited so as not to cause confusion as to the deliberations under the SEQRA process.

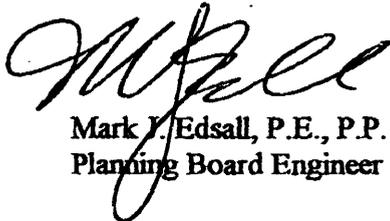
We have received correspondence from the Town of Cornwall Planning Board in opposition to the project, based on significant traffic concern. New Windsor Supervisor George J. Meyers, in a letter to you dated January 24, 2001 noted the New Windsor Town Board's concern regarding this matter. Concern was raised in the public hearing regarding the proximity of the Vails Gate Fire Department firehouse to the 5 corners, and the problems additional traffic volume and traffic movements may cause for emergency vehicle responses.

I am requesting that your Department take all information received by the Planning Board (regarding traffic) into concern *before* you render a determination and correspond with the Planning Board under SEQRA. Toward this goal, we will be forwarding a package of the correspondence, as well as the minutes from the Public Hearing, to the DOT representatives listed below, in the very near future. The Planning Board has retained a traffic consultant (Phil Grealy) to assist the Planning Board in reviewing this matter, and we may request that he contact you to discuss the information before the Planning Board.

We are hopeful that the above is acceptable. If you have any questions regarding the above, please do not hesitate to contact me at your convenience.

Very truly yours,

TOWN OF NEW WINDSOR



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

Cc: George J. Meyers, Town Supervisor
James Petro, Planning Board Chairman
Tom Myers, NYSDOT
Adrienne G. Bautista, NYSDOT
Mr. Phil Grealy, P.E.

APPENDIX C

**Written Comments Received
on the DEIS**

Index of Comment Letters Received on the DEIS

Letter #	Author	Date
1	Lockwood, Kessler & Bartlett / Richard Malec, PE	08/17/01
2	Mary Fernandez	8/27/01
3	Town of Cornwall Planning Board / Lorraine Bennett, Chairman	9/4/01
4	James G. Sweeney, Esq.	9/6/01
5	NYS DOT / Akhter Shareef	11/27/00
6	Town of Cornwall Planning Board / Lorraine Bennett, Chairman	10/3/00
7	NYS DOT / Thomas Myers	12/29/00
8	Town of Windsor / George J. Myers, Supervisor	1/24/01
9	John Collins Engineers, PC / Philip J. Grealy, PE	7/2/01
10	John Collins Engineers, PC / Philip J. Grealy, PE	9/13/01
11	NYS DOT / Thomas Myers	1/22/02
12	John Collins Engineers, PC / Philip J. Grealy, PE	1/22/02

TM: Hannaford\index HANN.lwp



August 17, 2001
LKB #0620-01

James G. Sweeney, P.C.
One Harriman Square
P.O. Box 806
Goshen, NY 10924

Re: Hannaford Food Store
Town of New Windsor
Orange County, NY

Dear Mr. Sweeney:

Pursuant to your request, we have reviewed the DEIS documents relating to traffic issues. The following is a summary of our review.

Some of the issues raised previously, such as AADT, accident history analysis and signal warrant analysis have been included in the DEIS. However, the traffic analysis presented in the DEIS did not provide different results from the initial Traffic Impact Study dated June 26, 2000 or the subsequent sensitivity analysis dated December 26, 2000. The DEIS restates the Level of Service for the 'Five Corners' intersection for existing, No-Build, Build without improvements, Build with improvements, and a Build sensitivity analysis. Therefore, the results for the overall intersection LOS remain at LOS F (98.4 sec.) for Build w/ improvements (PM Peak Hour) and F (108.5 sec.) under the Build sensitivity analysis.

As stated in prior correspondence, this confirms the statement by NYSDOT (letter of November 27, 2000 to Town of New Windsor Planning Board Engineer) that *"the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures."* This analysis also corroborates the NYSDOT statement that *"there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken"*. The NYSDOT further emphasizes their position (letter of December 29, 2000 to CME, LLP) stating that *"even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considered unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development, which would correct the condition"*.

Furthermore, the traffic analysis as presented in the DEIS still indicates Level of Service F at the following intersections:

- under the "2002 (PM Peak) Build Sensitivity Analysis" scenario:

- 'Five Corners' Intersection (7 out of 11 lane groups – 64%)
 - Rt. 94 EB left turn movement
 - Rt. 94 EB through/right turn movement
 - Rt. 94 WB through/right turn movement
 - Rt. 32 NB (to Rt. 300) left turn movement
 - Rt. 32 SB through movement
 - Rt. 32 SB right turn movement
 - Rt. 300 SB through/right turn movement

- under the "2002 (PM Peak) Build" scenario:

- Rt. 300 / Old Temple Hill Rd.
 - WB left/right turn movement
- Rt. 94 / Old Temple Hill Rd.
 - SB left turn movement
- Rt. 32 / Jacqueline Street
 - WB left turn movement

In addition, the DEIS restates that the project impacts are mitigated -- however, the 'Five Corners' intersection will nevertheless operate at LOS F. The mitigative measures proposed at this intersection do not improve the above noted 'lane group' LOS.

As a result of this project, the unsignalized intersections at Rt. 300 / Old Temple Hill Rd., Rt. 94 / Old Temple Hill Rd. and Rt. 32 / Jacqueline St. will experience increases in delay for the above noted movements. Also, the introduction of a new signal at Rt. 32 / Site Driveway. intersection will increase delays along Rt. 32.

Vehicular Queuing

Another issue that has not been adequately addressed is the effect of vehicle queue or spillback from the 'Five Corners' intersection. The DEIS presented vehicle queue lengths at the approaches of the 'Five Corners' intersection under the existing, no-build, build, and build with improvement scenarios. These values were generated from a macroscopic analysis of the intersection. Traffic queue length for Route 32 Northbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 32 NB left movement to Rte. 300 ----- 23 vehicles (575')
Rte. 32 NB through / right movement to Rte. 32 / Rte. 94 - 24 vehicles (600')

These maximum queue lengths can be expected to occur during 5% of the signal cycles within the peak hour. Queue lengths during the remainder of the peak hour will be shorter but can still be comparable in magnitude.

Projecting the queue lengths over the next 10 years (Build + 10 yr.) yields queue lengths of 28 vehicles and 30 vehicles respectively. A queue of 30 vehicles would extend 750' from the 'Five Corners' intersection, thus blocking the proposed Rte. 32 / Site Driveway signalized intersection which itself is located 750' from the 'Five Corners' intersection. When considering a potentially critical – and possibly unsafe – scenario of intersection blockage and interference, it is well to note that traffic projections and simulations are not infallible. Actual real life conditions may be better or worse than those predicted. Should they be worse, it would only require a slight increase to result in serious and possibly intractable problems in the operation of the driveway intersection. It must also be borne in mind that the 10-year projection assumes a slow but steady rate of growth in background traffic. If a major new development were to be sited to the south, it is possible that the results projected for a 10-year horizon could be experienced within a much shorter time frame.

The traffic queue length for Route 94 Westbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 94 WB left movement to Rte. 32 SB ----- 10 vehicles (250')
Rte. 94 WB through / right movement to Rte. 94 / Rte. 300-- 21 vehicles (525')

The existing queues extend past the Rte. 94 / Old Temple Hill Rd. intersection as would the projected queues under the Build with improvement scenario. The proposed Rte. 94 / site driveway, located approximately 150 feet from the 'Five Corners' intersection, would also be affected. WB Rt. 94 left turn movements into the site driveway and left turn movements out of the site driveway to WB Rte. 94 would be difficult maneuvers. The intersection would most likely function under restricted conditions of right turn maneuvers only. This intersection and the 'Five Corners' intersection should therefore be re-analyzed to reflect a redistribution of traffic volume.

Other traffic issues include:

Long Range Traffic Impacts

The long range traffic impacts (Build + 10yr horizon) are presented for the 'Five Corners' intersection. The statement "*future delays at the 'Five Corners' intersection will be less than today with overall delays under three minutes*" is misleading. Although the overall delay is less than existing delay, approximately 50% (5 out of 11) of the approach movement operations will degrade (increase in delay) under the long range conditions when compared to existing conditions. See attached table.

Build Traffic Volumes

The DEIS presented a project site trip summary table which indicates approximately 10,000 daily trips are generated by this site for a typical Saturday. This is 10 times as many trips than the 1,000 (approximately) daily trips currently generated by the Friendly's restaurant. The impact of this significant increase in daily trips to this location was not addressed.

This summarizes the major outstanding issues. Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.



Richard Malec, P.E.
Project Manager

RM/rjm
Attachment

TABLE 1
Intersection Delay at "Five Corners" Intersection

Intersection	Approach - Movement	PM Peak Hour			Delay Increase (Long Range Condition vs. 2000 Existing)
		2000 Existing	2002 Build Sensitivity Analysis	Long Range Condition (Build + 10Yr)	
Route 94	EB-L	126.6	160.5	263.4	136.8
	EB-TR	100.2	80.5	99.6	
	WB-L	82.4	59.3	97.7	15.3
	WB-TR	180.9	118	148.3	
Route 32	NB-L	>300	-	-	
(To Rt. 94)	NB-L2	-	56.5	178.4	
(To Rt. 300)	NB-L1	-	96.2	110.9	
	NB-TR	45.3	34.2	38.1	
	SB-T	132.5	161.8	250.3	117.8
	SB-R	194.3	180.4	123.7	
Route 300	SB-L	55.9	57	195.1	139.2
	SB-TR	120.2	152	178.4	58.2
	Overall	220.4	108.5	143.9	

Delay = sec/veh.
 EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
 R = right, L = left, T = through

Source: Hanaford Food & Drug DEIS, June 2001

Aug 27/2001

Hi Planning Board!

I was at your meeting last Wednesday and was disappointed that so many people were against Hamanfar. They seem to blame them for the mess on 5 corners. Why don't we give them a chance maybe it will work out.

I think we should stop building all these homes and Condos they are bringing in too many people and cluttering up our 2 lanes roads! I don't think there is a 4 or 5 corner that you don't have to wait for 2 or 3 lights to get thru

1. 17th & Union Ave

2. Union Ave & 300

3. Now 32 & Union Ave

try getting out of temple hill road pass wash & foam on to 32.

What about K Mart that's going to be a mess and ~~no~~ Shop Rite parking lot is a right mess plus their prices have sky rocketed we could use

Another super market, Competition is good -

I live back to back with Friendly's and have no complaints about Hexxafar coming -

I've lived in Orange County all my 50 yrs. and have seen many changes that's what life is - (Let the other guy live too) not just a Chasee few - Wash & foam have double its car wash also a new restaurant will be going next to Dunkin' Doughnuts
So I say -

Good Luck Hexxafar! Hope to see you as my neighbor

Thank You
Mary Fernandez
9. Trux Circle
New Windsor, N.Y.

RECEIVED

AUG 29 2001 @

P.S. Keep my name out of the paper Please!

183 Main Street
Cornwall, New York 12518

.....
Town of Cornwall

September 4, 2001

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Dear Board Members:

The Cornwall Planning Board would like to go on record as opposing the construction of the Hannaford Supermarket at Vails Gate.

We have previously voiced concerns about the effect the increased traffic would have on a heavily populated neighborhood. Both Ardmore and Jacqueline Sts. intersect with Rt. 32 less than ¼ mile from the proposed entrance to the project. Although Hannaford included Jacqueline St. in its traffic study, the count was not done during the peak hours of 4 – 6 p.m., Monday – Friday.

The proposed solution to the problem, another traffic light, would only exacerbate the problem at these intersections. The net result would be extending the traffic tie up which frequently extends at least a mile south of the present light at least a few hundred feet further. It would also create an unmanageable snarl between the present and the new light.

There have been frequent accidents at the Jacqueline St/Rt. 32 intersection because of the dangers created in trying for entrance or exit. A recently approved sub-division of 30 houses off of these streets will add to the present problem.

When decisions are being made that effect both the lives and welfare of our residents, we would hope that our concerns would carry some weight with our neighbors.

Sincerely,



Lorraine Bennett, Chairwoman
For: Town of Cornwall Planning Board

Planning Board

RECEIVED

SFP - 5 2001

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

LETTER # 4

(845) 291-1100

FAX (845) 294-3994

September 6, 2001

via Fax & Regular Mail (563-4695)

James Petro
Chairman, Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford (00-15)

Dear Mr. Petro:

I do not wish to burden the SEQRA record on this matter as I believe you have heard and understood the numerous comments and objections to this project. My purposes here is simply to focus you and the members of the Board upon the issues I brought up on behalf of the Bila Family Partnership at the public hearing of August 22, 2001.

The legal issue involving the Rt. 94 access is very real. This narrow (25 feet wide overall) entrance way is no mere "shared driveway" as termed in the DEIS (at pg. 2-8). It is a full fledged street that is open to the general public (it is longer than the length of nearby Old Temple Hill Road between Routes 32 and 94) and will be used by hundreds of cars each day and thousands upon thousands each year. Yet it cannot even meet the Town's design standard for a minor private road (24 feet of pavement plus gutters and shoulders on a 50 foot wide ROW) and falls way short of the design standards for a suburban street (30 feet of pavement plus gutters and shoulders on a 50 foot wide ROW). This major road way barely meets common driveway standards. Since this is a "street" as defined by the Town's Code (§38-2) and open to the general public it must meet Town standards regardless of whether they are privately owned (Town Code §38-7). It can't and since it is vital to the entire project I do not see how you can approve the project in light of that serious legal defect.¹

¹ Although it was not fully explored at the public hearing you can imagine how motorists will use this road and the parking lot as a by pass to and from Rt. 94 and Rt. 32 in order to avoid the light at five comers. This realization emphasizes its categorization as a street and not a "shared driveway".

(Cont'd)

James Petro
September 6, 2001
Page 2

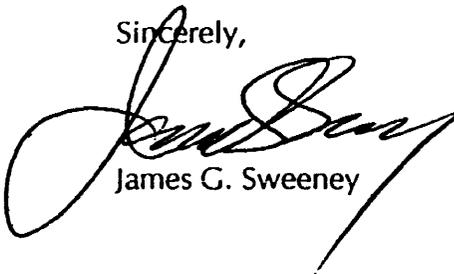
The extensive adverse comments on traffic need no repetition by me. It suffices to say that the NY DOT, the entity that controls all the roads through the five corners, notes several times that no matter what is done by Hannaford it will make an already intolerable situation worse. The expert data submitted by Bila's traffic engineers backs that up 100%.

You are correct in your observation that ordinarily, indeed for the most part, when a use is permitted by the underlying zoning law a planning board would be hard pressed to deny site plan approval because of adverse environmental factors. However, there are some times when the overall "public health, safety and welfare" of the community as well as "the comfort and convenience of the public in general" (see Zoning Law §48-19[A] "Objectives") override the individual interests of the developer and the Board would be well within its jurisdiction to deny an application in such a circumstances. This is one of those rare circumstances. This project, even though facially permitted by the Zoning Law, does not "fit" and your Board would be justified in denying the site plan approval. The evidence is overwhelming in this regard and it is backed up by sound scientific data supplied by Bila's traffic engineers and the NY DOT. As such it is not unreasonable to deny the application on traffic grounds alone. The legal failure is another. Cf. *Gilchrist v. Town of Lake George Planning Board*, 255 A.D.2d 791, 680 N.Y.S.2d 320 (3d Dept., 1998).

I submit to you and the members of the Planning Board that this is one of those rare cases when site plan approval should be denied.

Thank you for your consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa

cc:
Tim Miller Associates
Andrew Krieger, Esq.
Jeff Rosenberg



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN
COMMISSIONER

November 27, 2000

Mr. Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Full Environmental Assessment Form
Hannaford Food & Drug Site
Town of New Windsor
Orange County

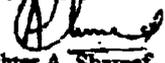
Dear Mr. Edsall:

We have completed our review of the traffic and transportation impacts contained in the Environmental Assessment Form for the referenced project and have the following comments to offer:

- 1) The methodology utilized in the traffic impact study including the existing traffic volumes, trip generation rates, trip distribution rates, no-build traffic volumes and resulting build traffic volumes is acceptable. The analysis of traffic conditions, identification of impacts and conclusions contained in the Traffic Impact Study were reviewed by the Regional Traffic and Safety group. The Department concurs with the findings of the report and of the future operational forecast without and with mitigation measures. However, it should be understood that the Level of Service at the Vails Gate "Five Corners" intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures. Simply, there is not sufficient or available traffic capacity at this intersection, nor are there "reasonable" improvements which can be undertaken. If this development, including the proposed mitigation measures, is built, there will be no perceived improvement to the traffic conditions at the "Five Corners". However, since the Town is responsible for land use control, the status of this application is strictly a local issue.
- 2) Improvements proposed as part of this project (modifications to the lane geometry, signal phasing changes, construction of turning lanes and installation of new traffic signal), safety related issues and the proposed location of driveways would be reviewed in detail by our Traffic Engineering and Safety Group as part of highway work permit process.
- 3) We would like to remind you that a State Highway Work Permit will be required for any curb cuts and/or work within the Routes 300, 94 and 32 right-of-way. An application and final site plans should be forwarded to this Department's local residency office, as soon as possible to initiate the review process.

If you have any questions or need additional information, we can be reached at (845)431-5793.

Very truly yours,


Akhter A. Shareef
Civil Engineer I

cc: Hon. William J. Larkin, Jr., Senator, 39th District

2586.01

FILE COPY

LETTER # 6

TOWN OF CORNWALL



PLANNING BOARD

TEL. (914) 534-9429

FAX (914) 534-4342

October 3, 2000

Town of New Windsor Planning Board
Town Hall
555 Union Avenue
New Windsor, New York 12553

Re: Hannaford Supermarket SEQR review

Dear Board Members:

The Town of Cornwall Planning Board respectfully requests that we be included as an Interested Agency in the SEQR review of the Hannaford Supermarket application on Route 32. We would also like to express our specific concerns regarding the proposed land use, and specifically ask that these be evaluated as part of any SEQR review study performed on the site:

- Traffic conditions are extremely congested in the Vails Gate area during peak periods, and our concern is that this major traffic generator located so close to the existing 5-way intersection will worsen these already difficult conditions, to the detriment of emergency services delivery as well as routine traffic. New York State Route 32 is the second most heavily travelled two lane highway in this area, after Route 9W. Already the PM peak traffic backs up to points between the Ardmore Street and Holleran Road intersections of Route 32, creating traffic bottlenecks on the side streets and many driveways fronting on the highway. The concern is that the proposed supermarket will only make things worse.
- In addition to the previously stated traffic concern, the New Windsor Planning Board may recall that there is a pending 32-lot subdivision ("ADC Orange") in the Town of Cornwall whose traffic would exit on Jacqueline or Ardmore Street at Route 32. There is no other outlet for land uses in the Town of Cornwall on the east side of the highway due to the presence of the Moodna Creek and steep slopes adjoining the same. Traffic conditions are already quite hazardous in the area of Jacqueline and Ardmore Streets and Route 32 due to the heavy traffic on 32 combined with limited gaps in traffic and the absence of a left turn lane at Route 32 and Jacqueline. In addition to accidents that have already occurred there, there have been several near misses reported to

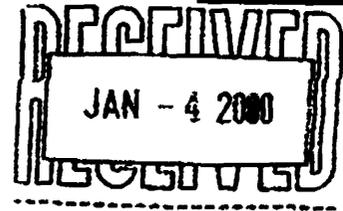
us. The effect on traffic safety for the entire corridor from Vails Gate to Quaker Avenue and Route 32 should be considered in your Board's SEQR analysis, because traffic safety and conditions on that section of highway are clearly linked to conditions at Vails Gate.

We thank you, in advance, for your careful consideration of these concerns, and look forward to receiving future SEQR notices and documentation addressing these matters.

Sincerely yours,

Lorraine Bennett
(per 4/8)

Lorraine Bennett, Chairwoman



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

JOSEPH H. BOARDMAN
COMMISSIONER

December 29, 2000

John M. Tozzi, P.E.
Creighton Manning Engineering, LLP
4 Automation Lane
Albany, NY 12205-1683

Re: Access Request, Route 32 (911 42)
Hannaford Supermarkets
Town of New Windsor
Orange County

Dear Mr. Tozzi:

This is an acknowledgment of your December 6, 2000 letter to Mr. Akhter Shareef, concerning his comments regarding the Traffic Impact Study for the subject development. Mr. Shareef has referred your letter to the Regional Traffic Engineering and Safety Group for reply.

The Highway Capacity Manual defines the various Levels of Service for Signalized Intersections as is quoted in your report. A designation of L.O.S. "F" is used to describe an intersection operating with delays in excess of 80 seconds per vehicle. This level, considered to be unacceptable to most drivers, often occurs with oversaturation. That is, when arrival flow rates exceed the capacity of the intersection. The average delay for the "Five Corners" intersection is shown to be 98.7 seconds, with individual movements as high as 180.2 seconds, with improvements. So, with the existing L.O.S. being "F" and the L.O.S. with improvements being "F", it may be difficult for the motorist to see the improvements as he observes the traffic signal cycling from his vantage point in a queue of vehicles on one of the intersection approaches. It will remain the Town's responsibility to determine if the measures proposed are satisfactory. We wish to emphasize that, even with improvements, the forecast operational Level of Service at the "Five Corners" will remain "F", with delays during the peak periods which are considered unacceptable and there are no "reasonable" improvements, which can be undertaken as part of the development, which would correct this condition.

We trust that the foregoing clarifies our position in this matter.

Very truly yours,

T.A. Myers
Civil Engineer I

TAM/lml

cc: Town of New Windsor Planning Board
A. Shareef, Planning, Reg. 8
T. Tobin, R.E., Res. 8-4

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4610
Fax: (845) 563-4693

OFFICE OF THE SUPERVISOR
George J. Meyers
Town Supervisor



January 24, 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603

SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94- T/ NEW WINDSOR

Dear Mr. Dennison;

Hannaford Food & Drug has made application to the Town Planning Board for a site plan approval of a 55,200 s.f. retail store on a 5.4 - acre parcel located off NYS Routes 32 and 94 within the Town of New Windsor. I have received copies of correspondence from Akhter A Shareef and T.A. Myers of your Department in connection with this application.

I am writing to express the Town Board's significant concern regarding traffic congestion in the "Five Corners" area of the town. Existing traffic conditions in that area are already extremely congested and significant backups and delays are encountered in several directions during morning and afternoon peak periods. This poses not only a level of service concern to our residents and the general public but also a safety concern in this congested area. Access to adjoining commercial establishments and town roadways, is severely compromised during these periods. Access for emergency vehicles is also a major concern.

I am writing to note, for the record, our concern that the existing inadequate conditions will be further exacerbated by approval of this project. We ask that the NYSDOT ensure that a complete and proper review be made in cooperation with our Planning Board, and that any and all possible off-site improvements be required before your agency considers the issuance of any permits for this project.

Very truly yours,
TOWN OF NEW WINDSOR

George J. Meyers
Town Supervisor

Cc: Town Board Members
James Petro, Planning Board Chairman
Mark J. Edsall, P.E., Planning Board Engineer
Chief Koury, N.W.P.D.

JOHN COLLINS ENGINEERS, P.C.

TRAFFIC-TRANSPORTATION ENGINEERS

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266

July 2, 2001

Mr. Mark Edsall, P.E.

McGoey, Hauser and Edsall Consulting Engineers P.C.

45 Quassaick Avenue (Route 9W)

New Windsor, New York 12553

Re: Review of DEIS Traffic and Transportation Section
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

The following is our review of the DEIS Traffic and Transportation Section dated June 7, 2001 for the proposed Hannaford Food & Drug prepared by Creighton Manning Engineering (CME).

Based on the May 18, 2001 Scoping Document, the following are issues affecting completeness:

1. It is not known if actual accident reports were obtained for Route 94, Route 32 and Route 300 from the New York State Department of Motor Vehicles between the Years 1996 and 1998. The Traffic and Transportation Section should provide a summary table of the number of accidents along each road as well as at each of the study area intersections and should include information such as date and time of accident, number of vehicles involved, manner of collision, traffic control, weather conditions as well as apparent contributing factors (which can be found on the NYS DMV accident reports). This information is important to allow a complete review of the proposed access as well as safety considerations on the surrounding roads. Also, more recent accident data (1999 and 2000 data if available) would be helpful.

2. Sight distances were provided for the proposed site driveways. Sight distances should also be provided at the unsignalized intersections of Route 94/Old Temple Hill Road, Route 300/Old Temple Hill Road and Route 32/Jacqueline Street.
3. The Weekday Peak AM Hour was not qualitatively evaluated. A comparison of the combined effect of the Existing Traffic Volumes (a AM count should be conducted at the critical intersection of Route94/Route 32/Route 300) and trip generation for the Peak AM Hour and Peak PM Hour should be compared to make sure that the Weekday Peak AM Hour is not the critical condition and if a more detailed evaluation of the Weekday Peak AM Hour should in fact be completed. (This would also be important in determining if the improvements to this intersection would improve the AM condition).
4. While Level of Service Summary Tables are provided for Existing, No-Build and Build Conditions with and without improvements, for ease of review a Table summarizing all conditions should be provided (as was previously summarized in the June 26, 2000 Traffic Study).

The above comments should be addressed before the document is considered complete. In addition to the above, the following are our initial "technical" comments on the Traffic and Transportation Section.

1. In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.

2. It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of service "F") and will continue to operate at a Levels of Service "F". As shown on Tables 3.3-7 (NO-BD) and 3.3-10 (BD), with the additional supermarket traffic, the intersections overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements).

Furthermore, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F") as noted in the NYSDOT review letter dated November 27, 2000.

In addition the restriping and signal improvements recommended could be completed under existing and no-build conditions. An analysis of No-Build Condition with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements. Therefore, we have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the Weekday Peak PM Hour all movements will remain the same from No-Build to Build Conditions however the overall intersection delay would increase from a 86.6 second delay to a 98.4 second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E" and the Route 32 southbound through will drop from a LOS "E" to a LOS "F" with the overall intersection delay increasing from 83.2 seconds to a 98.7 second delay.

Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the Weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus the proposed supermarket would increase traffic at this intersection by approximately 7% which is considered significant.

3. How were the queues shown on Table 3.3-11 determined. The Synchro analysis contained in Attachment 2 (Appendix C) should show the calculated queue lengths. In reviewing Table 3.3-11, it appears that the queues lengths at the Route 94/Route 32/Route 300 intersection (even with the proposed restriping) would extend past the proposed Route 32 and proposed Route 94 driveways.
4. The CME Study (Tables 3.3-6 (NO-BD) and 3.3-9 (BD)) indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection this intersection will be improved. However as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" with the recommended improvements.

Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the Weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus the proposed supermarket would increase traffic at this intersection by approximately 7%-8% which is considered significant.

5. The Traffic Study (Tables 3.3-6 (NO-BD) and 3.3-9 (BD)) indicates that the unsignalized intersections of Route 300/Old Temple Hill Road and Route 94/Jacqueline Street will operate at capacity (LOS F) under future conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32/Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

6. The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and as shown on the Table 3.3-11 - Vehicle Queuing Summary, the Route 94 westbound queue would extend pass the site driveway under Build Conditions (even with the recommended CME improvements). Based on this it is recommended that left turns out of the site be prohibited and possibly prohibiting entering left turns should also be considered because of queuing problems. Note that this would increase the left turns at the critical "Five Corners" intersections and left turns at the Route 32 driveway.

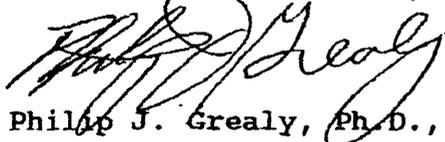
Based on this and the conditions at the "Five Corners" intersection, the Applicant should examine the possibility of developing this access driveway further to the east possibly opposite Old Temple Hill Road of the Firehouse.

7. While sight distances at the proposed site driveway are shown on Table 3.3-12, sight distance should graphically be shown on a plan to determine the point where sight distance is controlled.

Also, the adequacy of the length of southbound left turn lane for traffic into the site should be determined since it appears that queues would extend beyond the length shown. Furthermore, it should be determined if there is sufficient Right-Of-Way available to build this improvement.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.



Philip J. Grealy, Ph.D., P.E.

CC: Mark Sargent, Creighton Manning Engineering

JOHN COLLINS ENGINEERS, P.C.

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September 13, 2001

Mr. Mark Edsall, P.E.

McGoey, Hauser and Edsall Consulting Engineers P.C.

33 Airport Center Drive - Suite 202

New Windsor, New York 12553

Re: Review of DEIS Traffic and Transportation Section
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

The following is our technical review of the DEIS Traffic and Transportation Section (Traffic Study) dated July 25, 2001 for the proposed Hannaford Food & Drug prepared by Creighton Manning Engineering (CME).

1. In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.
2. Accident history is provided in the Traffic Study and includes a accident summary Table for the "Five Corners" and Jacqueline Street intersections as well as for the section of Route 32 south from the "Five Corners" intersection. Based on a review of this summary Table, during the three-year period of 1996-1998 there were 3 reported accidents at the Jacqueline Street intersection, 15 reported accidents at the "Five Corners"

intersection and some 52 reported accidents of which many appear to be a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition accident frequency (accident rates) were calculated for these two intersections as well as for the section of Route 32 south from the "Five Corners" intersection. The calculated accident rates were then compared to State averages. While it is noted that the accident rate for the "Five Corners" intersection is less than the State average, as indicated above many of the accidents along Route 32 south of the "Five Corners" intersection are in effect a result of their proximity to the "Five Corners" intersection.

The calculated accident rate for the section of Route 32 from the "Five Corners" intersection to Jacqueline street is significantly higher (6.09 accidents per MVE) than the State average of 3.94 accidents per MVE. Again, this is in effect a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition, the above accident data was not provided for the other area intersections or roadway segments including the section of Route 94 from the "Five Corners" intersection to Old Temple Hill Road. This is important due to the potential conflicts that will be caused by the proposed driveway to this section of Route 94. (See also Comment 5).

Also, more recent accident data (1999 and 2000 data if available) would be helpful.

3. It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of service "F") and will continue to operate at a Levels of Service "F". As shown in the Level of Service Summary Table (Table 3.3-15), with the additional supermarket traffic, the intersection overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements).

Furthermore, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F"). It should also be noted that the NYSDOT has expressed concern regarding the existing and future operation of this intersection in their review letter dated November 27, 2000.

Since the restriping and signal improvements recommended could be completed under existing and no-build conditions, an analysis of No-Build Condition with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements.

We have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the Weekday Peak PM Hour all movements will remain the same from No-Build to Build Conditions however the overall intersection delay would increase from a 86.6 second delay to a 98.4 second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E" and the Route 32 southbound through will drop from a LOS "E" to a LOS "F" with the overall intersection delay increasing from 83.2 seconds to a 98.7 second delay. While it is noted that the intersection overall delay will be improved,

a review of the Table 3.3-15 indicates that even with the recommended restriping and signal phasing improvements, there are many movements operating with delays between 2 and 3 minutes.

Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the Weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7% which is considered significant.

4. While sight distances at the proposed site driveways are shown on Table 3.3-11, sight distances should graphically be shown on a plan to determine the point where sight distance is controlled.
5. The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and as shown on the Table 3.3-16 - Vehicle Queuing Summary, the Route 94 westbound queue would be some 10 cars (a queue of approximately 250') during the Weekday Peak PM Hour and some 13 cars (a queue of approximately 325') during the Saturday Peak Hour and would extend beyond the location of the proposed site driveway under Build Conditions (even with the recommended CME improvements). Based on this it is recommended that left turns out of the site be prohibited. In addition because of the potential conflicts with left turn movements to Route 32, from a safety standpoint it is also recommended that entering left turns be prohibited. This is recommended even though this would increase the left turns at the critical "Five Corners" intersections and left turns at the Route 32 driveway.

Based on this and the conditions at the "Five Corners" intersection, we believe that the Applicant should examine the possibility of developing this access driveway further to the east possibly opposite Old Temple Hill Road of the Firehouse.

6. It is indicated in the Traffic Study, the proposed driveway to Route 32 would not operate adequately under stop sign control (this analysis should be provided). Therefore the proposed site driveway was analyzed assuming a traffic signal. While it is shown that traffic signal warrants will be met, the NYSDOT position on the installation of a traffic signal should be determined.

Based on the queues shown in Table 3.3-16, it appears that the Route 32 northbound queues would extend beyond the proposed Route 32 driveway. In addition, the adequacy of the length of the proposed southbound left turn lane for traffic into the site should also be determined.

Furthermore, it is important that a plan showing the proposed left turn lane, right-of-way and other preliminary design details be provided to determine if the improvements are feasible.

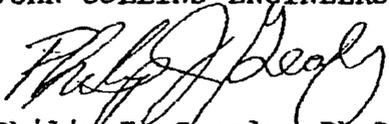
7. The Traffic Study (Table 3.3-15) indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection this intersection will be improved. However as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" even with the recommended improvements. (See also Comment 3).

Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the Weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%-8% which is considered significant.

8. The Traffic Study (Table 3.3-15) indicates that the unsignalized intersections of Route 300/Old Temple Hill Road and Route 94/Jacqueline Street will operate at capacity (LOS F) under future conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32/Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.



Philip J. Grealy, Ph.D., P.E.



STATE OF NEW YORK
 DEPARTMENT OF TRANSPORTATION
 4 BURNETT BOULEVARD
 POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
 REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
 REGIONAL TRAFFIC ENGINEER
 (845) 575-6040

JOSEPH H. BOARDMAN
 COMMISSIONER

January 22, 2002

Mr. Mark J. Edsall, P.E.
 Planning Board Engineer
 Town of New Windsor
 555 Union Avenue
 New Windsor, NY 12553-6196

Re: Access Request, Route 32 (SH 42)
 Hannaford Supermarket
 Town of New Windsor
 Orange County

Dear Mr. Edsall:

This is in reply to your letter of September 7, 2001, to Mr. Robert Dennison, Regional Director, asking for a formal response to the Town Planning Board's request for our comments concerning the Traffic Impact Study portion of the DEIS for the subject development and our determination regarding the suitability of the proposed mitigation measures.

As we have previously stated in our December 29, 2001 letter to Creighton Manning Engineers, (with copy to the Planning Board), the existing highway system, which includes the "Five Corners" intersection and Routes 32 and 94 in the proposed development area, operates at a Level of Service 'F' during peak traffic periods and is considered to be unacceptable to most drivers. The traffic study prepared by Creighton Manning does identify the existing conditions properly, as well as the proposed mitigation measures, which we will address on a location basis.

The improvements proposed at the 'Five Corners' intersection, which would modify the lane use arrangements for Route 32, northbound, and modify the traffic signal operation, does appear to mitigate the impacts created by the construction of the new food market. However, the Level of Service would remain 'F', as identified in the analysis, and the queuing problems will remain.

The installation of a new traffic control signal at the proposed site access drive to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate the traffic impacts acceptably, while providing better access to the property opposite the site on Route 32. It also reduces the number of uncontrolled access drives.

The access to Route 94 proposes to convert an existing access for Midas Muffler to a joint access to serve Hannaford and Midas. We concur with the proposed Level of Service, based upon the analysis. Due to this driveway's proximity to the 'Five Corners' intersection and the problem of traffic queues extending past this driveway, we will not allow full vehicle movements and will require the prohibition of left turns out of this joint access.

Other adjacent intersections which will be impacted by the increase of traffic associated with this development are:

-Route 32 at Jacqueline Street - delays will increase for traffic exiting this street, with no

M. Edsall
January 22, 2002
Page 2

mitigation measures proposed.

-Route 94 at Old Temple Hill Road - The study properly forecast an increase in delays and queuing on the approach to this intersection, which may compromise emergency vehicle response time to some areas of Vail's Gate. Because of this increase in emergency response time, we would pursue a review of signalization of this intersection by the applicant, for the purpose of coordination and emergency preemption, if the project were approved by the Planning Board.

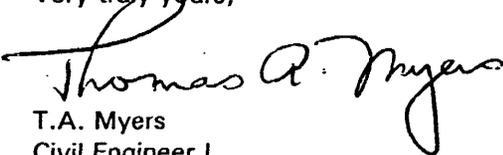
-Route 300 at Old Temple Hill Road - delays will increase, with no mitigation proposed.

In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the 'Five Corners' should be considered only a 'bandaid'. Everyone appears to agree that the Level of Service at the 'Five Corners' will be an 'F', with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting the direction of traffic, removing an approach, etc.), no real relief is available and, as the area develops, conditions will only degenerate.

The control over land use remains with the Town, along with the responsibility to determine if the mitigation measures proposed are satisfactory. We concur with the mitigation measures proposed and with their forecast that adjacent intersection Levels of Service will degrade, due to increase in traffic. A problem may develop with motorists trying to avoid the 'Five Corners' intersection by cutting through the new Hannaford parking lot if it is constructed. If the Town accepts the project with the measures proposed, we are prepared to work with Hannaford in order to achieve the best possible access with the least amount of interference with the existing traffic flow. It should be understood that the Department currently has no projects scheduled for improvement along these affected routes.

We trust the foregoing clarifies our position in this matter.

Very truly yours,


T.A. Myers
Civil Engineer I

TAM/lml

cc: J. Petro, Chairman, T/New Windsor Planning Board
A. G. Bautista, Planning, Region 8
P. Grealy, John Collins Engineers
M. Sargent, Creighton Manning

JOHN COLLINS ENGINEERS, P.C.

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January 22, 2002

Mr. Mark Edsall, P.E.
McGoey, Hauser and Edsall Consulting Engineers P.C.
33 Airport Center Drive - Suite 202
New Windsor, New York 12553

Re: Review of FEIS - Revised January 8, 2002
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

We have reviewed the FEIS (revised January 8, 2002) specifically with respect to our previous comments which were outlined in our review letters dated July 2, 2001 and September 13, 2001 and note the following:

1. As we previously noted, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F"). The NYSDOT has also expressed concern regarding the existing and future operation of this intersection in their review letters dated November 27, and December 29, 2000.
2. Based on conversations with the NYSDOT, it appears that they will allow a traffic signal to be installed at the proposed Route 32 site driveway. If this traffic signal is allowed, this new traffic signal will have to be coordinated with the associated signal timing/phasing modification proposed at the "Five-Corners" intersection. In addition, the adequacy of the conceptual left turn lane located at this intersection will have to be reviewed by the NYSDOT.

3. We are still concerned with the expected future queues along Route 94 specifically with respect to the location of the proposed site driveway as well as with the driveway to the Firehouse.
4. As we previously noted, the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. Based on this, a traffic signal should be considered at this location and will need to be addressed with the NYSDOT.
5. While the FEIS indicates that the unsignalized intersection of Route 94/Jacqueline Street will operate at the same Level of Service under the No-Build and Build Conditions (Level of Service "F"), the left turn delay will increase by some 28.0 seconds during the Weekday Peak Hour and by some 24.0 seconds during the Saturday Peak Hour. With this intersection operating at a Level of Service "F", we question the wording of the statement in the FEIS that "adequate capacity will continue to exist" at this intersection.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.



Philip J. Grealy, Ph.D., P.E.

CC: Mark Sargent, Creighton Manning Engineering

APPENDIX D

Public Hearing Transcript

August 22, 2001

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TOWN OF NEW WINDSOR

PLANNING BOARD

AUGUST 22, 2001

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

HENRY KROLL
HIGHWAY SUPERINTENDENT

REGULAR MEETING

MR. PETRO: I'd like to call the August 22, 2000 Town of New Windsor Planning Board meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: JUNE 13, 2001

MR. PETRO: Motion to approve the minutes dated June 13, 2001, I'll entertain a motion.

MR. ARGENIO: Make a motion we approve those minutes.

August 22, 2001

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MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the minutes dated June 13, 2001. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

August 22, 2001

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PUBLIC HEARING:

HANNAFORDS FOOD & DRUG STORE (00-15)

MR. PETRO: Public hearing for the Hannaford Food and Drug Store on Route 32 and Route 94. It's represented by Tectonic Engineering. Proposed construction of 55,300 square feet of building for retail. This application was previously reviewed at the 13 September, 2000 meeting, 15 November, 2000 meeting, 24 January, 2001 meeting, 14 February, 2001 meeting, 14 March, 2001 meeting, 28 March, 2001 meeting, 25 April 2001 meeting, 23 May, 2001 meeting and 25 July, 2001 planning board meetings. So, if anybody thinks we're moving too quick, read that again. Now, we're just waiting up here for the attorney to show up. I'll explain to the people because obviously, there's people here for the public hearing, our procedure here is that we're going the call upon Hannafords to make a presentation to the board, we'll review the plans and. Then at some time during that presentation, we'll open it up to the public for their input and their comments. And you would be recognized by the Chair, come forward, state your name and address and then we'd move forward with the hearing, thereafter, with the public hearing, we'll then close it to the public and the board would then review it again. And I'm stalling here as best I can, I don't know what we're going to do. We'll start and if we come to a point where we need our attorney, then we'll hold up. We can at least have the presentation started so we can move things along. So first on tonight's agenda is Hannafords, might as well come up and get set up.

MS. SHAIN: We pretty much have what we need here. I'm Melinda Shain representing Hannaford Brothers, pretty much I'm going to get our consultants to speak briefly. I know you're familiar with the project based on all the times we have been before you. I will hand it right over to Tim Miller so we can get started.

(Whereupon, Mr. Krieger entered the room:)

MR. PETRO: Let the minutes show that the planning board attorney is now with us.

August 22, 2001

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MR. MILLER: Mr. Chairman, members of the planning board, members of the public, my name is Tim Miller with Tim Miller Associates. We're a planning and environmental consulting firm in Cold Spring and we represent Hannaford, having been the primary authors of the Draft Environmental Impact Statement. This is a public hearing on the Draft Environmental Impact Statement and site plan application, as well as 12 proposed site plan amendments that have all been filed with this planning board. Just procedurally, so you understand where we are in the process, we have been reviewing the plans with the planning board for some time, as the Chairman indicated. The draft environmental impact statement was a result of a positive declaration made by this board some time ago. The contents of the draft EIS were largely established based on a scope that was also developed by the planning board in consultation with planning board staff, town engineer and subject to a public hearing. So the draft EIS was done in response to comments from interested public, the board and the consultants to the board. After tonight's public hearing, the comments that are made will be responded to in writing and provided to the board and to the same agencies and the same parties that had been recipients of the draft EIS. We have a stenographer tonight that will be recording all of your comments. There will be also a period sometime after the close of the public hearing in which if you wish to make comments you may do so. We'll be responding to those comments in the final EIS, submitting that to the board for a determination of adequacy and acceptability that will be circulated and all this will take place prior to any final decision on this application. Hannaford's is proposing a 55,200 square foot state of the art supermarket. It will be situated on 5.443 acre site located on New York State Routes 32 and 94 near New Windsor. The facility is proposed on a property that is currently designed Shopping Center C zone in the town and that is, that does allow for supermarket use on the property. For those of you that live in the neighborhood, this is a site where the existing Friendly's is. The Friendly's would be removed as part of this proposed action. As I indicated, there are two proposed site plan amendments

August 22, 2001

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in connection with the application, one of the amendments involve improvements to a secondary access drive that would go out to Route 94. This is the Five Corners.

MR. PETRO: Normally, you give the presentation to us and then we open it up to the public. Does anybody object to the way we do this, Mark, is there a problem?

MR. ESDALL: I don't think so, let them finish the presentation.

MR. MILLER: Everybody see this? All right, okay, so one of the site plan amendments involves existing facility which is the Monro Muffler and extension of the secondary access drive out to Route 94 as indicated, this is Five Corners intersection and there's Route 32. A second site plan amendment involves the improvements to the access to I guess it was formally the Long John Silver's Restaurant and the reason that is being proposed is to allow for this driveway to align with the proposed primary driveway into the supermarket and this intersection will be signalized. The project shows 304 parking spaces. As indicated, primary access is about 800 feet south of Five Corners intersection. Part of the application the applicant is proposing improvements to the Five Corners intersection. This is an intersection that operates with long queues, long delays and we recognize that from the very beginning and we have spoken to the board about this. We have retained, the applicant's retained the trafficking firm of Creighton Manning to address potential improvements to the intersection in order to reduce delays. And Mark Sargent, who's with Creighton Manning firm is here tonight and he will be talking about some of the proposed improvements to the intersection. With this application and with the draft EIS is a very detailed landscaping plan that shows proposed landscaping around the perimeter of the project site. One of the things that Hannaford requested that we do is reach out to residential abutters to discuss the landscaping plan and try to address their preferences and concerns which we have done. This site will be provided with public water, public sewer. I think at this point, Mr. Chairman, I'm

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going to ask Mr. Sargent to speak a little bit about the intersection improvements and that will conclude our presentation.

MR. PETRO: Okay.

MR. SARGENT: Is this difficult to see from where you are? Can everybody make out what's on this pie chart here? Thank you, Mr. Chairman, members of the planning board, with your permission, I will turn my back to the board and present to the members of the public. I will briefly describe traffic impact evaluation that we completed for the project as well as the status of your discussions with the Department of Transportation. We analyzed a number of intersections in the area and probably no surprise to you that really the only intersection with any significant operational problems is the Five Corners intersection. What we found is from our data and analysis is that the average motorist driving through the Five Corners intersection today during any given peak hour experiences about three minutes of delay, that level of delay depicted here--

MR. PETRO: Continue.

MR. SARGENT: Thank you. I respect that input because we do understand that there's a variability in trafficking and does change from day-to-day, but overall average, the average motorist will experience on any given approach is on the order of three minutes. We have also estimated that if no additional improvements are completed at the intersection that over the course of time, delays will continue to increase as due to our projects in the area that have already been approved or are pending. As they become constructed or occupied, delays will increase and we estimated that in a year from now, those increases will be 25 percent greater than they are today and you'll be waiting four minutes. The proposed Hannafords project would generate about 500 trips during p.m. peak hour and if that project is approved without any off-site highway improvements at all, then we estimate again that the build condition would see delays at that intersection under five minutes per vehicle during the peak hour. Obviously, that represents an impact. So

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we evaluated the signal to try to identify some improvements or improvement that can, will fully mitigate that. What we have come up with and identified is an improvement, it involves implementing some efficiencies into the traffic signal as well as modifications to the lane arrangements on Route 32 northbound and with those modifications, we can expect significant improvement reduction in the level of delay that the average motorist will experience traveling through the intersection and this, going through a little bit of detail about what the improvement consists of and what it is is when you're traveling on Route 32 northbound today, the left most lane is a shared lane which takes people to Route 94 westbound as well as 300 northbound. We're proposing to make that an exclusive left turn lane to Route 94. I will show, this will be north, north is up. Now, this lane here is a shared lane, it accommodates through movement to Route 300 northbound, as well as left turns. We're proposing to make that an exclusive left turn lane. The center lane here currently is designated for Route 32 northbound and we're proposing to realign this approach slightly and to allow that traffic to go exclusively to Route 300 northbound, what that allows at the signal is to implement what we call an overlapping controller so Route 32 northbound and 300 southbound can operate on the overlap and simultaneously traffic will flow and subsequent phase will allow this approach to flow. The intersection can process a lot more traffic during a peak hour than it is now. And with that improvement, we would expect some delays substantially reduced even with the completion and construction and occupancy of the Hannaford project. In addition to this improvement, we have or the project includes, it's not shown on this diagram, this is really a site plan but there's an off-site highway improvement board on the side of the room which I should bring up, let me just grab that board. This board shows again north is up on this figure, shows a widening of the Route 32 in this area, construction of the southbound left turn lane for access into the Hannaford property, northbound left turn lane provision of traffic signal and as shown on this plan, there would be access management improvements in this area reducing the number of curb

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cuts and providing access by this single driveway to reduce all the vehicular conflicts in this area. That is essentially the conclusion of the traffic impact study. We submitted the study on the DEIS to the Department of Transportation for review, two different offices within the department have reviewed the study, the Planning Group as well as Traffic Engineering and Safety Group and in a joint letter that we received back from the department from both groups, the Planning Office signed off on and agreed with the methodology of the study, all the traffic forecasts in the study and essentially, the process and the trip generation estimates that we have estimated for the project. The Traffic Engineering and Safety Group has concurred with the operational forecast and the findings of the study as indicated in a letter dated November 27, 2000, both with and without the project. So, essentially, what this means is the other, the Department of Transportation has jurisdiction over the highway concurs with this and that this general bar chart that you see here represents an accurate depiction of what we can expect at the Five Corners intersection in terms of reduced delay with the completion of the project and with the completion of the improvements that are proposed. Thank you.

MR. MILLER: Mr. Chairman, that concludes our presentation. Just so the public understands, tonight is a public hearing, we'll be taking your comments, we'll be responding to them in writing, unless instructed by the board, it's not our intention to engage in dialogue or interaction with you. Every comment will be recorded and responded to in writing.

MR. PETRO: I don't have a problem with that process but sometimes I'd like to hear an answer right away and I'm sure some of the people would.

MR. MILLER: We'd be happy to do so.

MR. PETRO: I don't want to get into a bunch of redundant questions and go over the same thing over and over, but I'd like a few questions answered, if I can.

MR. MILLER: We'll wait for your instruction.

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MR. PETRO: Thank you.

MR. ARGENIO: Would you put the other board up on the easel, please, the traffic board?

MR. PETRO: All right, folks, on 8/9/01, 35 addressed envelopes containing attached notes of public hearing were mailed. So if you're here and would like to speak on behalf of this application, please be recognized by the Chair, come forward here, state your name and address and speak clearly and address myself and the board first and then if so, direct it to the correct corresponding person. Jim?

MR. SWEENEY: Thank you, Mr. Chairman. For the record, my name is Jim Sweeney, I'm an attorney with offices in Goshen, New York and I'm here on behalf of the Bila Family Partnership, you know that, I have been before you before on the rebuilding of the New Windsor Town Center and other matters involving at Bila Family Partnership.

MR. PETRO: Bila Family Partnership owns?

MR. SWEENEY: Owns and maintains the Shop Rite in New Windsor, the New Windsor Town Center, the Shop Rite Shopping Center. I also have with me Richard Malec from the engineering firm of LKB along with Harris Fischer also of that firm and we have Jeff Rosenberg, too, who is the primary principal partner of the Bila Family Partnership and they'd all like to address you a little bit. Let me lead off on a, I don't want to be redundant on traffic matters, that's why Mr. Malec and Mr. Fischer are here, I want to talk about legal matters that I think is important. And one that really hasn't been addressed in the DEIS or otherwise and it's a matter that I brought up to you in my early correspondence and has been before the board for a while and I'm not sure in all of the other issues that it has really been recognized or treated effectively and I think it's important. So let me go right to the board and talk about it. [I'm talking about the, what's called the secondary entranceway, secondary route or road from Route 94] and you see it here fairly well.

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Traffic

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 Traffic
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detailed into the main site. I indicated early on in the process that [I thought that that was a street, a street as defined by your Town Code and should at least comply with the street regulations that have been promulgated by the Town Board over the years.] And the response in the DEIS that no, it wasn't a street, [it was called in the DEIS a shared driveway.] Well [I want to take issue with that and I want to put on the record some indications of why I do feel that this way] is [really] what [amounts to a small alleyway is a street and needs to conform with your street standards and street specifications and it really can't.] The accessway is only 25 feet wide and it's about, I would say, roughly half the size the width of this room. It's about 240, maybe 235 or some odd feet long from the edge of Route 94 to the edge of the property. As it's built, it really comes in as a, almost as a potential ring road and is much longer, but I'm talking about its tail point here. Now, [what is this particular facility? Is it a street? That's the issue. If it is a street, you've got to treat it as a street.] Well, you have a definition of street in your code and it's in chapter 36, which is your street regulations and defines a street as an area designated by any developer to be used as a public right-of-way upon any map survey or plans which have been or are heretofore submitted for approval to the planning board. Well, certainly, this is a way that's going to be used by the general public to get in and out of this facility. It appears to me to fall right in line with what that definition is. Now, beyond that, you have the definition of what the folks who put that right-of-way together called it themselves and I'm going to read from the document that created that right-of-way and for the record, it's an easement document dated January 11, 1995 between House of Apache Properties and the Slepoy Family, I don't know if I pronounced that right, I apologize if I haven't and the document recites the 25 foot right-of-way describes it and so forth and goes on to indicate that it is non-exclusive and that means open to anyone for the purpose of vehicular ingress egress, for access to and from New York State Route 32 and Highway number 94. Now, in the second paragraph of this document, the authors of the easement describe the strip as a roadway indicating that the right or the

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obligation to maintain and repair as follows and according, and which will keep the roadway sufficiently clear of ice and snow to permit the passage there over and to maintain the surface of the roadway in a reasonably safe, unobstructed condition. So, the fellas and the folks and lawyers and all who put this together to begin with call it a roadway, not a driveway. Now, there's some other indications that will help you understand the difference between driveway and roadway--

MR. PETRO: Before you go any further, please, I'm sure you did a lot of work on this.

MR. SWEENEY: I did.

MR. PETRO: But other than to be obstructive, excuse my frankness, what's the bottom line here, whether it's a roadway, driveway? We understand it's going to be built to the specs that are approved by the town. If you can call it a rose by any other name, it's still a rose. So what's the point? Let's get to the point.

MR. SWEENEY: Any street, even your private street regulations call for a right-of-way of at least 50 feet. Your private roads, that is the four houses, by the way, they call for a paved improvement of I believe 25 feet with roads and gutters. And additionally, your suburban streets, ones that carry a modicum of traffic paved way 30 feet, streets and gutters, major streets paved way right-of-way 60 feet paved way 30 feet streets and gutters. That can't even make private road specs, that's the bottom line and is it important? You bet it's important. This roadway is going to carry a significant amount of traffic. As I read the DEIS, I may be wrong, but as I read it from the building, if it carries about 100, maybe 120, maybe 150, let's see, I have 94 in and 100 out, 194 vehicles peak hour Saturday in and out, that's a lot of cars, that's a lot. Shouldn't it be built to at least specifications of a private road that you guys require for subdivisions for private roads? I think it should. And there's a link when you look at your street ordinance, it says that even privately owned maintained streets that you approve in this type of a process must conform to the

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(Cont'd)

subdivision regulations, rules and regulations, that's the bottom line.

MR. LANDER: I think, Jim, you're leaning more to the width of the road.

MR. SWEENEY: Width and pavement.

MR. LANDER: More than how the road's going to be constructed.

MR. SWEENEY: Well, I don't think 25 feet, you can't get 30 feet of pavement on 25 feet.

MR. LANDER: That's the crux of the whole thing. Even if they built it to town specifications, road specifications, it still, as you say, wouldn't meet the criteria.

MR. SWEENEY: No, it wouldn't.

MR. LANDER: If it's a street.

MR. SWEENEY: I think you've got a legal impediment to, and Andy's going to have to talk to you, you have a real legal impediment. Let me cut to the real chase, we'll go on to the traffic issue, that's what Mr. Malec is here for, but before I do that, I want to read something, strangely there were three or four letters that were not included in the DEIS and I don't understand why, I'll just assume cause I know Tim's a great guy, puts together terrific material, I'll just assume he missed them or they weren't available. One is the DOT letter that we heard about, actually two DOT letters, there's a letter from your supervisor, then there's a letter from the planning board of the Town of Cornwall, your adjoining town. I want to read three quotes from the DOT letter that we heard about before concerning acceptance and compliance and so forth. Let me read from their, this is from the letter of November 27, 2000, the level of service at the Five Corners intersection will be F during the peak traffic even with the incorporation of the mitigation measures. From November 27, 2001, again, there is not sufficient or available traffic capacity at this intersection nor

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(Cont'd)

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are there reasonable improvements which can be undertaken. December 29, 2000, DOT--

MR. PETRO: You should finish the end of the sentence.

MR. SWEENEY: I'm going to give you the letters.

MR. PETRO: Where it says that the applicant is not the cause of those deficiencies.

MR. SWEENEY: I didn't mean to--

MR. PETRO: We can look at part of any sentence, make it fit to what we're trying to do.

MR. SWEENEY: You bet but the purpose of my comment is that this is the straw that breaks the camel's back. I think the DOT agrees with that, let me read the last sentence because I think it's important, even with the improvements, the forecast operational level of service at the Five Corners will remain F, with delays during peak periods which are considerably unacceptable and there are no reasonable improvements which can be undertaken as part of the development which would correct the conditions. I don't think, if you read them--

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(cont'd)

MR. PETRO: I read them but I have read them in their entirety and you're leading us and the audience to an end which is not the complete whole of the letter.

MR. SWEENEY: I don't mean to indicate that this project has caused the level F. The level F is there and it's only going to exacerbate the level F and make it worse. That's the point of my comment.

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(cont'd)

MR. LANDER: Why didn't the DOT in their letter strictly turn down Hannafords' application?

MR. SWEENEY: Because I don't know if they have the right to do that.

MR. LANDER: They can deny anybody access, if they feel so strongly that this project is a, cannot, they cannot mitigate the traffic at this corner, they can deny it.

MR. SWEENEY: The law is such that this is not a limited access highway, it's not like an 84 or Thruway where they control absolutely who can get on and off, this is an unlimited access highway and people have under normal and good conditions and circumstances the right to access it. Those highways, it's up to you folks to decide and that's what really that letter says, that you folks to decide whether they should get in and out.

MR. LANDER: My feeling about the DOT is this they were under the impression, to me, that letter says to me that have, well, let's leave it to local determination let Hannafords sue them, meaning the town planning board, okay, if they feel that they didn't mitigate that traffic, let them take on the fight, DOT's not gonna get involved, make it local determination.

MR. SWEENEY: They left it in your ballpark.

MR. LANDER: They sure did.

MR. SWEENEY: No question about it.

MR. LANDER: But my point is DOT should of, if it wasn't going to make it, if it was going to make it at all, he should of denied it and they'll deny a permit.

MR. PETRO: And once we had read those letters for the first time in nine years we went along and did a positive dec and because of the traffic situation and this is the result of that which I don't think they put together in a week. If anybody wants to read this and they have two or three days, they're welcome to one of them.

MR. SWEENEY: Okay, I'm gonna move on, I'm sure you're aware of the Supervisor's letter, I'm sure you're aware of the letter from Cornwall. If not, I'll hand them out to you.

MR. PETRO: We're aware of everything, Jim.

MR. SWEENEY: I thought you were. With that, let me

introduce, Mr. Malec, he'll go over the details of the traffic as we see it from our view and Mr. Malec is with LKB, it's a fairly, it's more than fairly, it's a very reputable company out of Syossett, 180 people, been around a long time, done a lot of traffic work around the Mid Hudson. Rich, why don't you come up here?

MR. MALEC: Richard Malec from Syossett, Long Island. We have reviewed the DEIS, the document that you had just mentioned in reference to traffic issues.

MR. SWEENEY: This is Mr. Malec's letter.

MR. PETRO: Try to keep it somewhat brief because this is a public hearing, we have 75 people here that want to talk. Be recognized by the Chair if you'd like to speak but I'm as much interested as you.

MR. MALEC: I'll make it brief. It's basically the same things in the letter, although the consultant had indicated that the intersection would be improved. Nevertheless, there are they don't, I'm sure you're all familiar with levels of service, movements that will be at level of service, even after the improvements are in place and not wasting the time to go through all of them but there's seven out of the eleven movements, lane groups at this intersection that will still operate on level service F. In addition to the focus on this intersection, there are other intersections that were analyzed and there are movements that still operate on level service F and there are no improvements at Old Temple Hill Road and State Route 94, Jacqueline Street-Route 32 and Route 300 and Old Temple Hill Road, no mitigation improvements, they are intersections that are operated at low service, they'll remain at level service F. The development of the proposed additional signal that can only increase delays along Route 32, as you add another signal, you can expect delays. What this particular panel shows this information is extracted from the DEIS, what we call vehicular queuing for backup at an intersection. With the build, with the improvements, they project that there will be a you may not be able to see the numbers here, 23 vehicle backup along

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northbound Route 32 headed towards Route 300 with the new lane arrangement in place. They also anticipate 24 vehicles will back-up headed towards Route 94. Currently, there's backup of about 42 vehicles destined for Route 94 and Route 300. With the improvements, they have shortened that, but the point here is that when they open, you'll have backups almost to the new site driveway, it will not be long before those backups will reach this intersection and they did an analysis with the ten year long range projection and found out that you'll have approximately 30 vehicles backed up where you now project 24 and that's within the ten year horizon. If the development that goes on sooner than that, that's a condition which will appear much earlier than the ten year horizon and we feel that that's a concern. What will happen is that people, vehicles will not be able to exit from the driveway. The other queue is along Route 94. Now, the existing queue backs up passed Old Temple Hill Road. With the development in place, build with mitigation, it will still back up through Old Temple Hill Road. These are the figures out of the DEIS. We feel that there will be difficulty in negotiating a left turn into the site driveway number 2 and left turn exiting the driveway because of the queue backup. Vehicles will have difficulty maneuvering. Another issue and there was a statement as you mentioned earlier, I will try to keep a statement in hold was that long range impacts and statement in the DEIS that said that the future delays at the Five Corners intersection will be less than today with overall delays under three minutes. Somewhat misleading, although it is true overall when you have the intersection and it's just a mathematical volume with the delays for each vehicle on each approach that there will remain 5 out of 11 or nearly 50% of the movements will still be degraded and they will have a longer delay now, I mean, after the build condition than they do now. And the last issue is that a comparison was made and it's in the DEIS, of trips from the site on a typical Saturday and projected daily traffic, I'm talking, not talking peak hours, just on a whole day of about 10,000 cars will enter and exit the site. And on a typical Saturday, currently, you have a Friendly's restaurant and on a typical Saturday, we projected that has a traffic volume of about 1,000

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cars. So we're concerned there is that, there's a ten fold increase in the number of cars that will be generated by this particular site. And those are the issues that we found in the DEIS.

MR. PETRO: Thank you.

MR. SWEENEY: Jeff Rosenberg would like to say a word and we're done.

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MR. ROSENBERG: Mr. Chairman, planning board, ladies and gentlemen, I'm here representing Bila Family, we own Big V Town Center. Our concern, I'm really here for my tenants, including K-Mart, that's going to open up in November, they're concerned, just making sure that there is traffic flow to the tenants and that their customers aren't impacted by the proposed development of Hannaford. You know, that's really all I'm here for. Thank you for your time.

MR. PETRO: Thank you, Jeff.

MR. ROBERTS: I'm Ron Roberts, I live in Washington Green and had a couple of questions. But one for this gentleman, when K-Mart opens up, do you project, what, another 2, 300 cars a day rolling into the shopping mall?

MR. ROSENBERG: I think it will be significantly more than that. Jim may have a better idea.

MR. SWEENEY: I don't have the figures, it's more than that, but I don't have the figures.

MR. ROSENBERG: K-Mart expects the store to be a very strong volume store.

MR. ROBERTS: Same thing like if this is anything like Caldors, there's going to be volumes of traffic going in and out of there. As it is, commuting from Orange County going down to Rockland County and having to use 32 when I worked in Highland Falls, Highland Mills, I had to come back up 32. Regretably, people have tendencies to have minor little accidents at the Five Corners. I have sat there hour, 40 minutes just

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with a fender bender, not with an additional thousand cars rolling out of Hannafords. If that's the case, I may have to sleep in Central Valley and not come home. The other issues are real basic. I think we've got other options available for the these gentlemen, if they want to build a supermarket, Miron's is a perfect place. Newburgh does not have a supermarket. This place, Miron's is sitting there, it's empty right now, it would be a great revenue generator for New Windsor, parking lot's already paved, people will walk to your store. You've got Lakeview Apartments, you've got Mullins Apartments, you've got a lot of people who don't have transportation who need to get to and from your store, city transport can pick up some extra dollars bringing people to and from Hannafords located at Miron Lunber. That's something that should be considered because we have a couple of projects that have just started, I'm quite sure everybody's aware, Mt. Airy Road housing, that development there, you're projecting 400 families. What do we get out of the 400 families, two car families man, nobody can live in Orange County without two cars unless your wife's gonna be locked in the house for 24-7, you've got to have two cars, 800 plus cars, where's 800 cars going to go unless they're are lucky enough to be able to use public transportation and to go to Salisbury Mills, they're going to go through Five Corners because they've got to pay the mortgage.

The other issue we've got the sports complex that's going to be a great thing for New Windsor, but that's also going to bring a lot of people from the east end of New Windsor over to 94 to take advantage of this new town benefit that's being provided to them. What do you figure the kids with their cars coming out of school, the Cornwall High School that's going to be, that's definitely going to come on line, that's more buses coming through that area. And I don't know how you guys count these things, but my car, a bus is three cars. If I have to sit behind a bus, I'm sitting behind three cars. You get three school buses, I never get through the light, never get through the light, sit at that light.

MR. PETRO: Let me bring up a point because you mentioned it and I wanted to respond to it anyway,

sooner or later. And that is that Hannafords likes this spot that they're going to and they like it for reasons, they're business people, it's a major business. Back maybe a year and a half ago, when they first approached the town, they sat with the Supervisor and myself and they said this is what they wanted to do and the Supervisor basically asked them to please leave, maybe not quite that friendly and don't, we don't want to go there, we don't want anything there of that nature because of the traffic problems and that basically was it for a few months. Well, Hannafords had come back with an application and by the law, we have to look at that application and, let me finish now because this is, this is very, very important why we're at this point. They have a piece of land that's a permitted use on that piece of land, their use is a permitted use by law and again for everybody in the audience, Hannafords does not need a single variance of any type to build this on that property. We then had another meeting, I had asked them maybe with the clearing down here on Union Avenue, it's a nice site, it's already approved down there as a shopping mall, maybe go visit that site. Again, this is getting back to what you said, maybe something in Newburgh, other sites. They want that site, okay, they don't want to go down there and have people milling around. They want to go over there. It's not up to you to say that, sir, there's laws, that's what we're trying to do, I may feel the same way as you, but I have to take a different path sitting here.

MR. ROBERTS: I can definitely empathize with Hannafords, no doubt they have invested quite a bit of money into the studies and all the rigamarole that's necessary in order to get any type of building project off the ground. It seems to me that most of these large businesses make one major mistake when they come into any area, they never ever ask the people, do you want a supermarket in your town, do you need another supermarket? Anybody, did anybody in here get asked that question? Big question, the answer to the question is automatically no and regrettably, the response is we don't need another supermarket here, you know, Hannaford may be great, but the prices aren't going to be significantly different than anybody else.

It's not going to make a difference, I'm not driving to Hannafords to save two cents. It's more convenient for me to go to Shop Rite. I like Shop Rite, for one reason I don't even have to cross the Five Corners. I used to go over to Price Chopper at least twice a month, I don't go there. You know why, when you come out of, what's the road that runs behind the new Shop Rite and Wendy's, takes you down to 300?

MR. PETRO: Old Temple Hill.

MR. ROBERTS: You can't make a left out of there now because we've got so much traffic and so you cannot make a left and go to Price Chopper. So, I don't go because that way, I avoid the Five Corners. I hate the Five Corners with a passion and you guys are seriously going to jeopardize me using it with your traffic light, it's a wonderful idea, you put the traffic light up, what's that effectively, just backs the traffic up on 32 further down to the dog-gone bridge. You're going to have people coming out of 218 from Cornwall who can't even get on the dog-gone road now with the traffic backups. It's going to be like a traffic accident there every single day if you add that light.

MR. PETRO: Thank you very much.

MR. ROBERTS: Thank you.

MR. PETRO: Someone else? Try to keep your comments to a question, please. Bernie?

MR. SUSSMAN: My name is Bernard Sussman and I'm a resident of Cornwall and I happen to be the Vice President of Orange Environment and I think the question is I'm not afraid of them moving in, the question is maybe it's not a question, I'm afraid you won't turn them down, that's my fear because they're slipping and sliding in a couple of directions when they talk about the driveway in on 94, that's a problem now, we know it backs up to, I can tell you it backs up to Temple Hill Road. When we're talking about going south on Route 32, there's going to be cross traffic going passed that light and going across Route 32. They said this, they're going to take two minutes off

the intersection at Five Corners, they haven't said how much time we're going to back up at that intersection that crosses 32 at the McDonald's site. I know I haven't had a question, but I tell you my question is why are we going any further, let's turn them down now, when will you turn them down, how long will it take for you to turn them down?

MR. PETRO: I'm not going to answer that, there's not an answer for it. If you could sit here and I asked you that, what would you say, what would your reasoning be?

MR. SUSSMAN: Well, I understand you have a problem. My concern is--

MR. PETRO: Give me an answer. I'm asking you a question. Everybody out here has the answers. I'm asking the questions.

MR. SUSSMAN: I don't have to answer the question and you don't have to answer the question. The problem is we don't want them. We don't need them. All of these people probably, bar none, except a few of them over there.

MR. PETRO: Let me ask you this, too, when I come from Newburgh to go over to Price Chopper, you think I fly over that corner? Sometimes I've got to shave when I get to the other side. But that doesn't change anything for me sitting here. I have to have a reason, this is the State of New York and the Town of New Windsor, it's nice for you to come up and yell and say I don't want to it, I don't want to see this, we don't want them.

MR. SUSSMAN: I can give the reason, the reason is I understand your problem, but the reason is we have six or seven houses that are about to be built within a mile.

MR. PETRO: There's thousands more going to be built, there's tens of thousands.

MR. SUSSMAN: We have a high school being built and

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we've got to be concerned with that. We're your neighbors and we've got to be concerned with that high school and there's no reason to make the situation. I would like to take a minute and to read what the DOT said long after the November 29th letter. These are quotes, March 26, Five Corners, one traffic light, I'm going to quote the man who said that, you know Bill Fitzgerald, too much neighboring, commercial development flushes too many cars into an overburdened intersection, said Bill Fitzgerald, DOT Director of Traffic, Engineering and Safety, not exactly a model plan for development and Fitzgerald put it, you have a demand, we do not have a capacity to handle that demand. If we can't handle the demand, that should be sufficient reason to turn them down. Thank you.

MR. PETRO: All right. Thank you.

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Traffic

MS. KASSAM: Mr. Petro, my name is Sandra Kassam, I live in the Town of Newburgh and I have to tell you that I feel that you do not have a right to limit our comments to questions. This a public hearing and I challenge you to show me a document that says that the only way that people can speak is if they put a question mark at the end of a sentence. So I'm going to make a statement and I'm within my rights to make it. I believe that you have a handle here with which to oppose this project and I believe that this handle is to force the applicants to look at the cumulative traffic impacts because according to environmental law, you're supposed to look at within a reasonable distance of a project cumulative traffic impacts, particularly since there are stores, major stores that are under construction now within a quarter of a mile or less of this project. And so I feel that you could take these folks to court and insist that they look at cumulative traffic impacts and cumulative traffic figures for this area around the Five Corners. That's all I have to say.

MR. PETRO: That was very informative and you put me in my place coming up here and you had a valid point but being you're against everything, it kind of makes me suspect.

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MS. KASSAM: I resent that remark, I'm not against everything. I'm for good planning and I'm for a reasonable amount of clarity in terms of traffic in the town and I am for the community. I am not against everything and I--

MR. PETRO: We all have our opinions, same as you did when you came and--

MS. KASSAM: I don't want you to characterize me as being against everything, that's not right and that's not correct.

MR. PETRO: Fine. Yes, sir?

MR. OTWAY: Kurt Otway (phonetic), Rocky Lane, New Windsor. I have spoken once before here when they had the scoping meeting. I would like to know from Hannafords' committee if they ever did a survey on the number of people who have frequented on good occasions of eating at Friendly's. I'd like to know how many of you here in the past ten years have eaten in Friendly's, once, twice, three times for the main reason that we could never get in the damn place. I have eaten there twice in ten years. And I think that that's an important factor to show you that the people do not like having to make a left-hand turn when they're going south, even though you're going to have a nice little cut across. This afternoon, I came up 32 and the traffic light that you're talking about will be exactly at the spot where the road branches out into three lanes. I waited five minutes before I could get to the Five Corners. And I think that's an important factor. I'm against the fact of Hannafords coming in because of the traffic situation. I have lived here 34 years and I'm not, (so I'm not a newcomer, and I have seen Five Corners change over and over again. And I think it's important that we consider the whole flow of traffic. We do not need them coming out onto 94 with the new car wash and other buildings that are there. I just think that Hannafords ought to look for another place. And I go along with the gentleman who had mentioned earlier had said why not go to Miron's and at lease serve the community of Newburgh as well as New Windsor. Thank you.

C 3-35
Traffic

C4-1
Noise

MRS. JASKO: Caroline Jasko, I live at 18 Haight Drive. Our house is directly behind the proposed building and our concern is noise. We visited the supermarket that's in the Town of Walkill and the refrigeration seems to go all day, all night and it seemed noisy and that was during the day. At night, when the community is relatively quiet and sleeping.

MR. PETRO: Can somebody address that, the noise?

MR. MILLER: We don't have anyone here to address that right now. We did do a noise study in the DEIS, basically, the mitigation measures that are proposed result in baffling of noise, attenuation of noise so as to not create noise beyond the property line that exceeds, you know, typical outside and indoor living standards. Certainly willing to take another look at that, I can't give you--

MR. PETRO: Why don't you take a look at it, we'll have our own engineer look at that, too.

MRS. JASKO: Thank you.

MR. PETRO: We'll get a letter from you, right, and Mark, you can give us a memo Caroline and Myra will have it?

MR. EDSALL: We've got the entire EIS to review.

MR. PETRO: Okay, someone else like to speak?

MR. RANDAZZO: Thank you. Members of the board, Richard Randazzo from Cornwall. As you know, I served as Town Supervisor for 16 years involved in a lot of, you know, obviously government business, town business and I don't envy your position. They are tough decisions that we deal with. It's nice to hear from the engineers and the traffic people and everything else, but I think what's most important here, Jimmy, is really we're talking about the quality of life for the people in this part of the county. And I'm standing here as an individual who's lived in this area all my life and I will tell you that I get frustrated when I

have to go through the Five Corners and I've gotten to the point where I'll try to avoid it at any price. The bottom line is in my opinion, I'm not an engineer, but I truthfully don't need the engineers to tell me this, there's no more capacity for the Five Corners the way it currently exists. I don't care weather it's Hannafords or what business it is for that particular area over there, to generate more traffic, to add to the confusion that's already there to the delays that are there, it's just not the way that we should want to live in New Windsor, Cornwall and Blooming Grove, this entire area here. You have an opportunity, I know you need good reason if you're going to turn down a project, I understand that. (To me, the traffic situation in Five Corners which is confirmed by DOT is at a point where if you continue to add anything to that particular area without making any improvements to it, it's going to be absolutely impossible to get through there.) I was on Long Island this morning and I will tell you as crazy as we all know Long Island is, I was at a major intersection that moved in shorter time than I did at the Five Corners. And, I mean, that's the reality, Jimmy. So, what I'm asking the board to do is not, I'm not saying Hannafords should not go there, it doesn't matter to me where Hannafords goes. The bottom line is that they cannot go in the Five Corners area. And if there's only one reason that you need, in all honesty, it's simply the traffic, this traffic continues to build. Five Corners is a commuter area where people go through on 94, they go 32 north, south, east, west. So it's not just serving the businesses that are there on top of the people who want to frequent and go to the businesses that are there, you've got a lot of commuter traffic, people just moving through with Stewart, West Point on the other end. So I think that I'm asking this board to really look closely at the capacity of the Five Corners. And if you make a determination based on the facts that you have, whatever studies you have, DOT's input and everybody else's input that I think it's reasonable for New Windsor to say that until improvements are made to substantially move traffic more freely in the Five Corners area, that you cannot allow any more development there. I just think that's a reasonable basic approach that New Windsor should take and I hope

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Traffic

C3-37
Traffic

for the sake of everyone who lives in this area who's forced to use the Five Corners area that you will make that decision. I know it.

MR. PETRO: I'm going to have a response, I don't want to respond to everybody, but you should have a good answer for this because this is one of the things that bothers me and some of the other members, who most of them, I have already spoken to some of the people about this that that property there is zoned for commercial. You say no more building in the Five Corner area. What do we tell the people who own that property who have been paying taxes for 40 years on a commercial site? Now they have a tenant, they want to build now, they didn't build before Shop Rite, they didn't build before Price Chopper, they are not the first guy to build when it's not a problem, now they want to build. They come to you and you're still the Supervisor and they say what do you think and I want to know what's your word, what are you going to tell them?

C-2-4
Proj. Descr

MR. RANDAZZO: I'll tell you exactly what I'll tell them because I believe it's the right answer. Bottom line is everyone does have a right to use their property for a reasonable use, reasonable purpose. The property in that neighborhood, certainly they have a right to develop it, but perhaps the circumstances that exist right now do not permit them to use the property in a way that maybe it has been zoned, maybe that's what they thought they wanted to do, but they haven't gotten there before these problems. The real problems exist with traffic, so the bottom line is while they have a right to use the property, perhaps this traffic project generates too many traffic movements to be accommodated by the infrastructure that exists right now. At some time in the future, if improvements are made, maybe they can build a project that they wanted to The other thing, I would never suggest how you should conduct business, but perhaps New Windsor has to start looking at what the zoning is in particular areas and basically based on whatever infrastructure's available, maybe you're going to have to start limiting the projects that can go into various areas so they don't allow the types that would generate 10,000 cars a day, whatever it is. But I think there are limits that

have to go on there and I think it's up to local government to continually look at it.

MR. PETRO: One step further, that's just what we did and they came back and said we're going there, okay. Now, what's your answer now? So, in other words, we go through this step, what we're doing, they have been here 9 times, we're having scoping sessions, positive dec, public hearing, okay, and if we say no for whatever reason I can say no, I'm not quite sure what that reason may be, and we wind up in the courtroom, what do you think would happen?

MR. RANDAZZO: What do I think would happen? You would have, Jimmy, what I believe, truthfully, they had a right to come back, I believe you would have the support of the people of the community if they sued, you'd defend yourself and defend on behalf of the people of the area, whether New Windsor or you defend it on the basis that reality says that that intersection will not handle anymore traffic the way it's configured.

MR. PETRO: I don't think reality and the law are the same.

MR. RANDAZZO: I do because when you do--

MR. PETRO: All the time.

MR. RANDAZZO: When you do the environmental studies, isn't one of the purposes quality of life issues? Isn't that really one of the factors, is it going to impact the quality of life of the people that live in the area, work in the area.

MR. PETRO: But it's a fine line because where do you draw that line? Do we say we're going to put a school, we don't want this, put a convenient store, where do you draw the line? That's why you have zoning.

MR. RANDAZZO: Absolutely, you do have zoning, but the point is maybe right now, something that generates 10,000 cars a day just doesn't work because in reality if they're proposing something else that had far fewer

C 2-5
Proj Desc

C 2-4
Desc
(Cont'd)

cars in and out and less activity, maybe it would fit in there. All I'm saying at this point in time this place, that project is not the right project for the Five Corners in Vails Gate. And I honestly believe every, and I know that you hopefully will make the right decision, honestly believe that if you draw that conclusion, that given the current circumstances, the project doesn't fit because the Five Corners and the roads in that area will not handle it if they decide to sue you, which I think would be a mistake and I would encourage them not to sue the town for doing that, this community will support you in your decision because I believe it's the right decision and if you ask the average person on the street, I think they'll tell you exactly the same thing.

MR. PETRO: I don't disagree. I agree with you, but we still have a job to do and a duty to perform.

MR. RANDAZZO: I respect that and I believe that will happen, I have not seen all the information. I'm a private citizen who has to use the intersection. When you really look at all the information, you evaluate all the facts that are there, you can reach a conclusion that based on traffic alone, that it will diminish the quality of life for everyone that has to use the area. Thank you very much.

MR. PETRO: Jim, I want to take the newer people first, please.

MR. RIVERA: Steve Rivera. I want to address public safety, talking about drawing a line, I think public safety is an important factor with the buildup of traffic. We have a firehouse right on 94, as you all know, and response time and the impact study doesn't show anything as far as how much time a fire engine to respond to an emergency, how much time it will be delayed before he can respond to an emergency. Emergencies can happen anytime, anywhere 24 hours a day, Saturday peak hours, whatever it will be. And I'm with the firehouse there and I feel time to respond is delayed somewhat. So this, if that's an issue, I'd like to see if you guys address that impact in the impact study. Does it show anything for public safety?

C2-5
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(Cont'd)

C3-38
Traffic

Thank you.

C 3-29
Traffic

MS. MARVEL: My name is Joan Marvel, I live on 25 Continental Drive. My question, well, my statement is I can't get a left-hand turn out of Cannon now, what, I mean, I have to go to the stop light, go out Forge Hill and go to the stoplight and get the left-hand turn. I'm never going to be able to move, I mean it's a terrible situation, 94 is going to be miserable, absolutely miserable. So that's all I have to say.

MR. PETRO: Anybody else before I take the other fella here again? Is there something new?

C 2-6
Proj. Descr.

MR. SWEENEY: I'll give you an answer, you're searching for an answer, you have a guideline in your code in the state law, it's in any zoning ordinance, any zoning procedure, you act for the benefit of the community and you must in that aspect look for the health, safety and welfare of the community. The property is zoned for what it's zoned for, no question about it. You're here for a reason, you're here for a reason, to take a look at what's zoned and what people want to use their property for, individuals. You've got to look at it in a higher light, in the community light and you must measure it against the health, safety and welfare of the community. Rarely, rarely does it come to a point where you deny something because of the health, safety and welfare of the community is jeopardized, but this is a situation which I think warrants it. It just doesn't fit.

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Traffic

MS. KASSAM: Sandra Kassam. I have another piece of, another piece of information which might help you. A highway is a form of information, a structure (in a community, infrastructure has its limitations, a sewer line is infrastructure, a water line is infrastructure, all of these are public services, a highway is a public service. If you were overloading a sewer system and the sewage was flowing out into the street or flowing out into a river untreated because it was overloaded, the DEC would require that you had a moratorium. So essentially, if you're overloading you infrastructure highway system, you should in effect be able to from protect that infrastructure by forbidding any

additional usage.]

MR. PETRO: I would agree. And one of the first things that we did was sent this to New York State DOT for their comment and we did receive two letters as was stated and in both of those letters, the way I read and understood it was that it's a big mess, but we don't know what to do about it and the applicant is the sole cause. Good luck.

MS. KASSAM: Well, let me say something.

MR. PETRO: There's your moratorium.

MS. KASSAM: Let me say something about the DOT, they are not a very great agency and they do not take very much responsibility for the problems that they create and they pass the buck whenever they can. But you guys are minding the store for the folks who live here, so if they're going to pass the buck to you, then by golly, you should take, the buck should stop there.

MR. PETRO: Bernie?

MR. SUSSMAN: I just want to publicly apologize for hollering but I was very frustrated when you said we can only ask questions but the thing is--

MR. PETRO: I didn't want to get into an auditory because I'm out of control. I have to have some control.

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Traffic

MR. SUSSMAN: The thing is that the DOT has passed the buck to you, perhaps you ought to just pass it back to them and say listen, we must get a ruling from you, if you tell us that the road is incapable of having anymore traffic, then you must deny anymore traffic. And since they're going to provide more traffic, then the DOT must say to them we have no more capacity. And we do not have any more capacity according to the DOT. And I would suggest that you go to them and say listen, this is the problem, you've dropped it on us, we have perhaps thinner capacity to stop it, but they have the capacity to stop it.]

MR. PETRO: Keep in mind I sent a second letter because the first one was exactly what we had just said and we did exactly what you just said, said look, it's not an answer, that we know it's a mess and take care of it and we did. So you're saying send a third letter?

MR. SUSSMAN: What did they say?

MR. PETRO: Exactly what I just said, they said we know that the Five Corners is a major problem, we do not know how to fix it, but the applicant is not the sole cause of the problem. Good luck.

MR. LANDER: Local determination.

MR. SUSSMAN: Thank you.

MR. PETRO: But maybe we'll try a third letter. Any different subjects?

MR. RIVERA: Is it possible to get an answer from the impact study if they did anything about public safety and addressing the emergency vehicles?

MR. EDSALL: All these, Jim, I think it's important to understand that all the comments are being taken down by two stenographers. There will be a written response to not only the public comments, the board's comments, responses from agencies that received the document, it will all be incorporated into a written response. I think we can probably be here till next Thursday trying to respond to everything, but we need to understand that there's going to be written responses.

MR. PETRO: All right, Steve?

MR. PRESTON: My name is Preston, I have lived in, Preston, P-R-E-S-T-O-N, William, I'm a 44 year resident of New Windsor, I remember when Five Corners didn't have a traffic light and the little Ciccone station was the post office. My question is with all this going on, traffic kazoo, fire department problems and everything else, I'm not a lawyer, legally, why must you fellas have to make a decision? Why couldn't it be a referendum and let the residents of New Windsor vote

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Prog. Descr

on it?

MR. PETRO: Andy?

MR. KRIEGER: However good an idea that may be, there's no provisions for it.

MR. PRESTON: Why should you fellas do it? If you ask how many people wanted it, you'd get a pretty good negative vote, I believe.

MR. PETRO: Well, the state law has procedure that is the procedure they're following that they did come to the planning board for the Town of New Windsor, if they had needed a variance.

MR. PRESTON: Is it possible it could go to a referendum?

MR. KRIEGER: There's no provision for that. There's no piece.

MR. PRESTON: That's not fair, I mean, our future rests in the hands of two, four, five members.

MR. KRIEGER: However much the board as individuals agree with you, the fact of the matter is they're bound by the state laws the Legislature in Albany gives it to them in these circumstances and in all circumstances governing their behavior and they have to operate within that law, whether you like it or not, that's the nature of the law.

MR. PRESTON: I'm curious because locally you see different things up for referendum. Come election day when everybody's got their back against the wall and they decide they had a referendum in the City of Newburgh at one time and different things come up, why can't--

MR. KRIEGER: Referendums are, when they occur in the law, are specifically provided for in individual issues and there's no provision in state law for referendum on this issue.

MR. PRESTON: Can't cut red tape?

MR. PETRO: Sir, also keep in mind this is five people here and you've lived her 44 years, I haven't lived here that long but--

MR. PRESTON: Didn't even have a traffic light then.

MR. PETRO: My father used to wait an hour to see a car go through there so I know.

MR. PRESTON: I know you know but it seems unfair that so few decide the future of the whole New Windsor area.

MR. PETRO: It's not less important to me than you, I have two sons that go to Vails Gate School, which is, you know where the proximity of that is, and I live on 32. So, I mean, it's not that we're making a decision lightly, it's taken a long time and I've heard a few good comments that I can hang my hat on, some comments I can't, I can't.

MR. PRESTON: Very interesting the fireman from the fire department came, he beat me to it, I mean, I sit there sometimes the traffic goes back to the fire department. How do you get out, how do these guys get out if they get a call and they have to go out Temple Hill Road road, 300? You've got double lane coming in, you've got cars coming from the other direction because the, what are they going to do, they don't even have a button to make all the lights go red, which they said they were going to do. Okay, I'm finished.

MR. SCHLESINGER: Neil Schlesinger, I'm a businessman in the area. I've lived in the area and I've heard what everybody has to say and I think that you all have very valid points, whether it be for business or your your own personal reactions. But I think that the planning board is like between a rock and hard place because here on one side, they have DOT and all the other reports that they have to respond to and yet, these people who have businesses have a constitutional right to free enterprise. So it's little bit of a conflict. And it's not an easy thing. I think everybody has valid points and I think you just ought

to pay a little bit more regard to, you know, the planning board being in such a position and they just can't say yes, no or right or wrong, there's rules and regulations and laws and also, these people have a constitutional right. It's not an easy issue.

MS. KASSAM: Like you guys are there, so you got to do the dirty work.

MR. RITZ: Ferdinand Ritz. I know you all have lived here at least as long as I have and I have a feeling deep down you feel the same way these people do and you feel that you just don't have the right to say no to these people because their constitutional rights, but everybody else besides Hannafords that wants to get from one place to another has a constitutional right to do that and what they want to do is going to infringe upon that right and it seems that you're afraid of being sued. Well, anybody can sue anybody for any reason, it doesn't mean they're going to win.

MR. PETRO: Not necessarily, you bring up a good point, not necessarily being afraid of being sued. We really want to do the right thing too and it's easy, everybody has an idea of how to do it but it's easy to do it, he didn't say we'll go do this, but you still have to be here and do it so we'll do the best that we can.

MR. SUSSMAN: It's simple, I have the simple solution, I really do, I have a very simple solution, just occurred to me, I think Hannafords should do the right thing and say folks, we made a mistake, we really don't want to impact the community as we will do if we go ahead and so we'll take your suggestion and drop our proposition. Simple solution.

MR. MILLER: I wish the world was as simple as the gentleman suggests. Unfortunately, it's not. Hannaford was well aware coming in the traffic was going to be an issue in connection with this application, they were advised by your board, advised by the Supervisor, certainly they have taken a hard look at traffic. I'm not sure if the former Supervisor of Cornwall was here when we made the presentation, we're making a significant improvement to the Five

Corners intersection that will significantly reduce delays at that intersection from what it is today after the Hannafords store is open. So I want to make sure that the gentleman understood that. One person brought up the issue of infrastructure and water capacity and sewer capacity. The improvement that Hannaford is proposing will increase the capacity of that intersection beyond what it presently is operating at today. And I think it's important that everyone understand that Hannaford, myself included, has heard all the comments, we're not surprised by them. Hannaford has an obligation to its, to this community by making the proposed improvements to the intersection as planned, that's part of the fulfillment of that obligation. It's obviously not easy for an applicant to sit here and get the sense that they're going to be creating a problem in the community. Hannaford has also an obligation to its investors, it's a publicly owned corporation, they're not going to come into a site if they don't believe that there's a market and that the site is going to be successful and people cannot get in and out of the property. That's why they did the studies, that's why they did the due diligence, that's why they're here today. I just wanted to make those comments. I'm not here to argue for or against, we're going to respond to all the comments in the final Environmental Impact Statement, we've heard what everyone has said and we're concerned, certainly committed to working with the town to resolve the issues to the greatest extent that we can. The letter from the New York State DOT acknowledged that the intersection did have lengthy delays. DOT I think is frustrated because there's no additional right-of-way out there, but I do want to acknowledge that the improvements proposed by this applicant will improve the operation of the Five Corners intersection, whether it's this applicant or anyone else, we believe that that is a benefit to the community. We believe that that's what makes this project work. So, as I said, we'll respond to all your comments in writing in the final Environmental Impact Statement. I guess that's really all we have at this moment in time. We'd like to get started on the final EIS, you need to establish a time period for receiving written comments after the close of the, of this public hearing so we'll put this

back in your board's hands.

MR. PETRO: Hearing's still open, I want to ask is there anything unusual that we have so many people speaking solely on just tonight, obviously, is the traffic, is anybody interested in landscaping or anything that's more under the control of the board? No? Right back to the traffic. Yes, ma'am?

MS. MAISONET: I'm Marilyn Maisonet, I live on Rocky Lane. First of all, this is nothing personal against Hannafords. My son lives in Pine Bush and he's ecstatic that you people are building out there. But I've heard about everything on 32 and the traffic light coming out onto 94, that access road, when we had Grand Union in Washingtonville, I never went into it, but I remember driving out 94 seeing people sitting forever, there was no traffic light onto 94, trying to get out onto 94 from there. What do you propose for that roads on 94? Is that right where people try to turn into the road to go to the Vails Gate post office, which is always backed up and you can hardly get there at that time.

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Traffic

MR. PETRO: It's closer to the Gate, it's on the side of the old, to Vails Gate, it's on the side of the old ambulance building.

MS. MAISONET: How are they going to get out there onto 94, how are they going to make a turn, you're not certainly going to put a light that close?

MR. PETRO: There's not a light.

MR. LANDER: It's too hard to make lefts anywhere in Vails Gate or New Windsor, so you have to make a right. I don't, I'm not answering your question.

MR. PETRO: Is that right-hand turn only?

MR. MILLER: That's a full operation, rights and lefts.

MS. MAISONET: I have trouble getting out of my road and Rocky Lane making a left now.

MR. PETRO: I think what they mean is at 3 o'clock in the morning, if you want to go left, you can go left. That's the bottom line.

C 3-43
Traffic

MR. ROSENBERG: Members of the planning board, just on question for the applicant. I'd like to know if they can redo the traffic study after K-Mart opens because think that will have a significant impact on the Five Corners that you have additional traffic coming through the K-Mart?

MR. PETRO: Jeff, you have to understand in theory that's okay, but again, should we wait after the school, should we wait until Mount Airy Estates are built? I know you want to wait 37 years, but where do you draw that line? I don't think that's fair to ask the applicant.

MR. ROSENBERG: Okay.

MR. PETRO: Somebody different? Okay, Mr. Randazzo.

3-44
Traffic

MR. RANDAZZO: I'm not here to debate again but the question that I have is the indication is that the traffic improvements that Hannaford proposes for the Five Corners will improve the traffic flow and decrease waiting times. Now that's excluding the turning lane in and out of the property where the light is going to be but at the Five Corners it's rearranging, reconfiguring of the arrows and all, if that's such a I can't, don't want to say logical solution to easing the traffic problem, why does DOT throw its hands up in the air and not adopt those proposed changes that they have? You know what I'm saying? Without Hannafords there, if those changes will ease the traffic, why doesn't DOT do it? I'd like to know if DOT has said that's a great idea, they have because if they have, my question to them is why aren't they doing it to improve the traffic because it's already an overburdened intersection, so if they can improve it by making changes suggested by Hannaford, then that would ease the burden on a lot of people traveling through there, hopefully, not have to dump out 10,000 cars.

MR. PETRO: I think it will help a little bit, you

know, that's like if you've got a sinking rowboat and you're sitting there with this cup, it's going to help a little bit but it's not doing anything.

MR. LANDER: Let the applicant go through all the paperwork, all the money while DOT's just sitting back and does absolutely nothing. I've dealt with DOT, I understand, even all the improvements that they say is going to happen, we have the bar graph up and down, forget it, it's just going to add.

MR. PETRO: I don't want to say that because they have spent a lot of money.

MR. RANDAZZO: My point is that the bar graphs are nice but they're not going to ease the burden that the people have.

MR. PETRO: When the sewer capacity is complete, they tell me we're going to stop infiltration and all of a sudden, they have enough sewer for 20 more houses, baloney, that's enough, in reality, it's nothing but on paper, it looks okay.

MR. RANDAZZO: When you make your decision, I hope that you take into consideration on paper it looks good what your, in relation to when you're in the car driving through the intersection, it doesn't ease the burden. Thank you.

MR. JASKO: Bob Jasko, 18 Height Drive. Just something different, I just want to go back to refrigeration, can someone point out where the refrigeration unit would be on the map on your building?

MR. BOYCE: Douglas Boyce from Hannaford Stores. Refrigeration equipment is enclosed in a modular that's adjacent to the rear wall of the building, which is at grade level.

MR. JASKO: The rear wall is here and we're here. I have an impact study on noise and I believe it was tractor trailers weren't allowed to idle after certain hour at night, is that correct?

MR. LANDER: I believe so.

C4-2
Noise

MR. JASKO: I can't remember whether it was 11 o'clock, 9 o'clock, whatever it was, refrigeration unit where it's at and where the one is at in Middletown store is exactly the same. The landscaping here, the houses here are exactly the same as in Middletown, however, there are no houses in Middletown. The refrigeration unit in Middletown, if it's the same as the one you're proposing is noisier than five tractor trailers idling and that will probably run 24 hours a day, am I right, refrigeration unit?

MR. PETRO: There's a large retaining wall in the back.

MR. JASKO: I understand that there's a retaining wall in Middletown as well and I visited that.

MR. PETRO: Tim maybe you can address that?

MR. MILLER: A noise study was done and submitted in the draft EIS and just for your information, the New Windsor Code establishes acceptable limits for noise and it has a set of standards for noise in residential areas and set of standards for noise in non-residential areas. The minimum noise level which is a nighttime noise in residential areas is 55 decibels and in non-residential areas, it's 70 decibels and this is nighttime type situation. The design guidelines for the refrigeration units have been established to keep noise below 53 decibels during nighttime periods so the noise emanating from the refrigeration units would comply with your Town Code as far as noise is regulated. Moreover, the applicant has made a commitment that all truck engines will be shut off while trucks are unloading, so there will be no idling trucks, after the trucks pull up to the docks, the loading docks are enclosed, deliveries will be limited to between 8 a.m. and 9 a.m. so, and I know there was a technical supplement that was included in the draft EIS, I'd be happy to provide a copy to the gentleman if he wants to study it further.

MR. JASKO: Is there any possibility to have the

refrigeration unit on the highway side where all these houses over here won't hear it at night?

MR. MILLER: Certainly it's something we can take a look at. I'm not sure how that relates to the store layout and the interior design of the store, but that's a good comment.

MR. JASKO: Most grocery stores in our area and around our area, there are no houses within 2, 3, 400 feet. Their units really don't matter. But here, it will, so, you know, if you can look into it, there's a possibility to move it on a highway side, maybe it would help a lot of people sleep at night.

MR. MILLER: We'll certainly take a look at that.

MR. PETRO: Thank you.

MR. SMITH: Everet Smith, Vascello Road. For the life of me, I cannot understand what the Planning Board of New Windsor is doing trying to make a decision on a traffic problem on state road. I have been at a lot of planning board meetings and a lot of meetings over the last 40 some odd years and seems to me that when, if little Joe Blow is going to build a store on Route 94 or 32 or whatever, the DOT would be right on him for all kinds of studies, permits and everything else. As soon as a multi-million dollar corporation comes in with a project of this size, suddenly, the DOT wants nothing to do with it. And they have already said they can't do anything with Five Corners but they want you guys to make a decision on something that's their decision to make. And I think that they should be called to task for it. I don't quite understand it. I'm going to do some looking into it, find out why they can't make this decision. You guys shouldn't be making this decision. You're not traffic experts, it's the DOT's job and what, they're not here as far as I know, they should be, because this is their problem, not yours. Just something I wanted to put on the record.

MR. PETRO: Can you repeat that? Okay, anybody else? I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.
ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Again, folks, we're going to take all these comments tonight, we're not voting tonight, we're not making any decision. Our planning board engineer is going to review the complete DEIS and all the comments that were made tonight. There's a few couple that we're going to definitely check into, may not agree with Jim a hundred percent but we'll look into the road business about being 25 or 50 foot, I'm going to look into that myself with the engineer, traffic, the safety by the firehouse, there were a few good comments tonight I have think that we can at least grasp on a little bit and do some work with Tim. Now, this application is still open now, the board is reviewing this again.

MR. MILLER: Do you want to set a timeframe for receipt of any further written comments? The State guidelines call for a minimum of ten days. You're certainly free to accept that default value or two weeks, whatever you feel is a reasonable timeframe.

MR. EDSALL: I would think that you'd want to have at least two or three weeks only because of the size of the project and two weeks would seem reasonable.

MR. PETRO: Okay.

MR. EDSALL: For receipt of written comments to the planning board, for those people who may not want to decide to speak tonight but would care to write a letter, add additional information to the record. And again, I will repeat that all the comments were made have been taken down by the stenographer, it's the applicant's responsibility to respond to all those

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comments for review by the planning board. In addition, we'll be receiving comments from the DOT notwithstanding the fact that DOT might of responded separately and previously, they have an obligation under the State Environmental Quality Review Act to respond to the document we sent them as part of this procedure so we're waiting for that response now.

MR. PETRO: Is there, do any of the board members have any comments on the application at this time?

MR. ARGENIO: Nothing at this time.

MR. PETRO: I thank you for coming in and we'll be in touch. Thank you.

87-16 00-15

APPENDIX E

Traffic Analysis

Appendix E.1

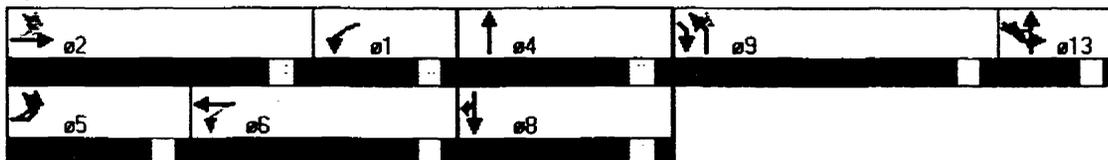
Analysis of Left Turn Egress Turn Prohibition from Site Driveway onto Route 94

Timings

Lane Group	EBL2	EBL	EBT	WBL	WBT	NBL2	NBL	NBT	SBT	SBR	SEL	SER
Lane Configurations												
Volume (vph)	102	209	244	146	265	164	399	454	348	283	70	387
Turn Type	Pm+Pt	Pm+Pt		Pm+Pt		Prot	Prot			Prot		Over
Protected Phases	5	5	2	1	6	13	9	4	8	8	13	9
Permitted Phases	2	2		6				9				
Detector Phases	5	5	2	1	6	13	9	4	8	8	13	9
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	9.0	15.0	9.0	15.0	9.0	9.0	15.0	15.0	15.0	9.0	9.0
Total Split (s)	22.0	22.0	36.0	17.0	31.0	14.0	38.0	25.0	25.0	25.0	14.0	38.0
Total Split (%)	17%	17%	28%	13%	24%	11%	29%	19%	19%	19%	11%	29%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag							
Lead-Lag Optimize?												
Recall Mode	None	None	Min	None	None	None	None	None	None	None	None	None
Act Effct Green (s)		32.1	32.1	26.3	26.3	11.0	35.0	60.0	22.0	22.0	11.0	35.0
Actuated g/C Ratio		0.25	0.25	0.20	0.20	0.09	0.27	0.47	0.17	0.17	0.09	0.27
v/c Ratio		1.08	0.93	0.61	0.85	1.12	0.93	0.72	1.20	1.24	0.94	1.06
Uniform Delay, d1		44.3	47.0	49.4	49.1	58.7	45.4	27.4	53.2	53.2	58.3	46.2
Platoon Factor		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incr. Delay, d2		75.6	29.0	4.1	20.6	106.8	25.0	3.1	115.6	133.7	57.9	60.6
Webster Delay		119.9	76.0	53.5	69.7	165.5	70.4	30.5	168.8	186.9	116.2	106.8
Webster LOS		F	E	D	E	F	E	C	F	F	F	F

Cycle Length: 130
 Actuated Cycle Length: 128.3
 Natural Cycle: 100
 Control Type: Actuated-Uncoordinated
 Total Lost Time: 12
 Sum of Critical v/s Ratios: 0.97
 Intersection v/c Ratio: 1.07
 Intersection Webster Signal Delay: 99.0
 Intersection LOS: F

Splits and Phases: 3: Rt 94 & Rt 32



HCS: Signalized Intersections Release 3.2

Project: Rt 32/Site Drwy
 Analyst: KWW
 Date: 6/23/2000
 E/W St: Site Drwy

City/St: New Windsor
 Proj #: 00-002 32SIbp94L
 Period: PM Build Acc Mgt (No Left Out)
 N/S St: Rt 32

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1	1	0	1	1	1	1	0	1	1	0
LGConfig		LT	R		LT	R	L	TR		L	TR	
Volume	15	0	6	97	0	158	6	967	103	130	857	15
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0		12.0	12.0	
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas
 Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	A				NB Left	A	A	
Thru	A				Thru		A	
Right	A				Right		A	
Peds					Peds			
WB Left	A				SB Left	A	A	
Thru	A				Thru		A	
Right	A				Right		A	
Peds					Peds			
EB Right					EB Right	A		
SB Right					WB Right	A		
Green	20.0					5.0	91.0	
Yellow	3.0					3.0	3.0	
All Red	1.0					2.0	2.0	
Cycle Length:	130.0	secs						

Intersection Performance Summary

Appr/Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound								
LT	223	1448	0.07	0.154	47.2	D	45.1	D
R	360	1615	0.02	0.223	39.4	D		
Westbound								
LT	209	1358	0.49	0.154	52.1	D	47.5	D
R	360	1615	0.46	0.223	44.7	D		
Northbound								
L	351		0.02	0.777	9.7	A		
TR	1276	1823	0.88	0.700	22.9	C	22.8	C
Southbound								
L	210		0.65	0.777	32.9	C		
TR	1301	1859	0.71	0.700	13.3	B	15.9	B

Intersection Delay = 22.7 (sec/veh) Intersection LOS = C

Appendix E.2

Analysis of Traffic Passing Through the Site



Lane Configurations	←		←		←		←		←		←	
Volume (vph)	102	209	244	116	290	139	392	454	348	283	170	387
Turn Type	pm+pt	pm+pt		pm+pt		Prot	Prot			Prot		Over
Protected Phases	5	5	2	1	6	13	9	4	8	8	13	9
Permitted Phases	2	2		6				9				
Detector Phases	5	5	2	1	6	13	9	4	8	8	13	9
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.0	9.0	15.0	9.0	15.0	9.0	9.0	15.0	15.0	15.0	9.0	9.0
Total Split (s)	19.0	19.0	40.0	12.0	33.0	13.0	35.0	30.0	30.0	30.0	13.0	35.0
Total Split (%)	15%	15%	31%	9%	25%	10%	27%	23%	23%	23%	10%	27%
Yellow Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lead/Lag	Lead	Lead	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	Max	Max	Max	Max	Max	Max	Max	Max	Max	Max	Max	Max
Act. Effct. Green (s)		49.0	37.1	39.0	30.0	10.0	32.0	62.0	27.0	27.0	10.0	32.0
Actuated g/C Ratio		0.38	0.29	0.30	0.23	0.08	0.25	0.48	0.21	0.21	0.08	0.25
v/c Ratio		1.17	0.82	0.57	0.83	1.05	1.01	0.71	0.99	1.02	1.05	1.17
Uniform Delay, d1		30.2	43.4	27.7	47.6	60.0	49.0	26.8	51.3	51.5	60.0	48.5
Delay		115.2	48.2	28.8	54.7	124.5	83.3	27.6	68.3	78.3	127.2	124.3
LOS		F	D	C	D	F	F	C	E	E	F	F
Approach Delay			78.3		47.9			59.6	73.1		125.0	
Approach LOS			E		D			E	E		F	

Cycle Length: 130

Actuated Cycle Length: 130

Offset: 0 (0%), Referenced to phase 4:NBT and 8:SBT, Start of Green, Master Intersection

Natural Cycle: 100

Control Type: Pretimed

Maximum v/c Ratio: 1.17

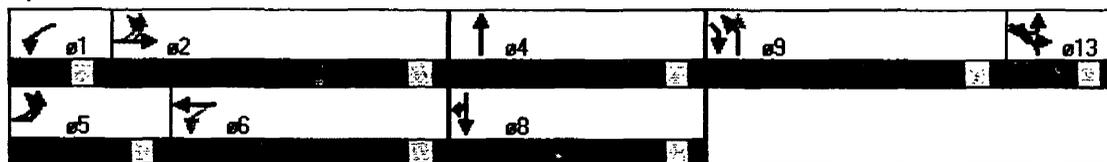
Intersection Signal Delay: 75.0

Intersection LOS: E

Intersection Capacity Utilization: 109.9%

ICU Level of Service: F

Splits and Phases: 3: Rt 94 & Rt 32



SHORT REPORT

General Information				Site Information			
Analyst	MDN	Intersection	Rt 32/Site Drwy				
Agency or Co.	CME 32S1bp94LSync	Area Type	All other areas				
Date Performed	6/23/2000	Jurisdiction	New Windsor, Orange County				
Time Period	PM Peak Hour	Analysis Year	00-002 32S1bp94L				

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	1	0	1	1	1	1	0	1	1	0
Lane group		LT	R		LT	R	L	TR		L	TR	
Volume (vph)	15	0	6	127	0	127	6	967	103	130	827	15
% Heavy veh	0	0	0	0	0	0	0	3	0	0	2	0
PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0	2.0		2.0	2.0	2.0	2.0		2.0	2.0	
Ext. eff. green		2.0	2.0		2.0	2.0	2.0	2.0		2.0	2.0	
Arrival type		3	3		3	3	3	3		3	3	
Unit Extension		3.0	3.0		3.0	3.0	3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		0
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0	0		0	0	0	0		0	0	
Unit Extension		3.0	3.0		3.0	3.0	3.0	3.0		3.0	3.0	
Phasing	EW Perm	02	03	04	SB Only	NS Perm	07	08				
Timing	G = 16.0	G =	G =	G =	G = 12.0	G = 67.0	G =	G =				
	Y =	Y =	Y =	Y =	Y = 5	Y = 5	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 110.0						

Lane Group Capacity, Control Delay, and LOS Determination													
	EB			WB			NB			SB			
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	
Adj. flow rate		16	6		134	134		6	1126		137	887	
Lane group cap.		169	235		198	485		369	1110		299	1419	
v/c ratio		0.09	0.03		0.68	0.28		0.02	1.01		0.46	0.63	
Green ratio		0.15	0.15		0.15	0.30		0.61	0.61		0.76	0.76	
Unif. delay d1		40.7	40.3		44.5	29.4		8.5	21.5		28.3	5.9	
Delay factor k		0.11	0.11		0.25	0.11		0.11	0.50		0.11	0.21	
Increm. delay d2		0.2	0.0		8.9	0.3		0.0	30.6		1.1	0.9	
PF factor		1.000	1.000		1.000	1.000		1.000	1.000		1.000	1.000	
Control delay		41.0	40.4		53.4	29.7		8.5	52.1		29.4	6.8	
Lane group LOS		D	D		D	C		A	D		C	A	
Apprch. delay		40.8			41.6			51.9			9.8		
Approach LOS		D			D			D			A		
Intersec. delay		33.0			Intersection LOS						C		

Appendix E.3
Updated Accident Analysis

Table E.3-1

Accident Summary Table - 10/96 to 9/99

Reference Marker No.	Date	Time	No. Veh	Manner of Collision	No. Inj	Traffic Control	Weather	Apparent Contributing Factor
Route 32								
Rt. 32 @ Jacqueline								
1099	10/22/97	6:	1	Other	0	None	Clear	N/A
1099	3/25/98	8:	2	Rear End	1	Signal	Clear	Other Human
Route 32								
1100	8/18/97	17:	3	Other	2	Other	Clear	Following too Closely
1100	2/23/98	9:	2	Left Turn (3)	2	None	Cloudy	Failure to Yield ROW
1101	11/13/96	10:	3	Other	1	Signal	Clear	Following too Closely
1101	2/20/97	18:	2	Rear End	1	Signal	Cloudy	Driver Inattention
1106	3/21/98	17:	1	Other	0	None	Sleet	Pavement Slippery
1106	6/11/98	13:	2	Signal	0	No Pass Zone	Cloudy	Driver Inattention
1107	9/6/97	5:	2	Other	1	None	Clear	N/A
1109	12/4/96	20:	1	Animal	0	No Pass Zone	Clear	Animal Action
1109	6/26/99	12:	1	Collision w/Sign	1	No Pass Zone	Clear	Driver Inattention
1110	9/26/97	16:	2	Rear End	0	None	Cloudy	Following too Closely
1110	1/20/99	13:	4	Other	1	None	Clear	Driver Inattention
1111	10/2/96	12:	2	Left Turn (3)	1	No Pass Zone	Rain	View Obstructed/Limited
1111	4/18/97	18:	2	Rear End	1	No Pass Zone	Rain	Following too Closely
1111	10/15/97	11:	2	Intersection	2	No Pass Zone	Rain	Failure to Yield ROW
1112	4/9/99	14:	2	Right Angle	0	None	N/A	Slippery Pavement
1112	8/29/99	12:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1113	10/25/96	6:	4	Other	1	None	Clear	Following too Closely
1115	10/1/96	-	2	Intersection	1	No Pass Zone	Clear	Other Human
1115	10/4/96	15:	2	Intersection	4	None	Clear	Failure to Yield ROW
1115	11/20/96	17:	2	Rear End	1	Signal	Clear	Driver Inattention
1115	2/18/97	11:	2	Intersection	2	Signal	Clear	View Obstructed/Limited
1115	3/27/97	16:	2	Rear End	1	Signal	Clear	Driver Inattention
1115	5/1/97	3:	2	Rear End	0	Signal	Rain	Other Human
1115	5/30/97	10:	3	Other	1	Signal	Rain	Unsafe Speed
1115	6/2/97	17:	2	Intersection	2	Unknown	Rain	View Obstructed/Limited
1115	6/3/97	13:	2	Intersection	2	None	Cloudy	View Obstructed/Limited
1115	7/22/97	3:	2	Left Turn (3)	1	None	Clear	Turning Improperly
1115	7/26/97	24:	2	Overtaking	0	None	Cloudy	Passing or Lane Usage Improperly
1115	9/4/97	14:	2	Rear End	1	Signal	Clear	Other Environmental
1115	10/21/97	15:	2	Left Turn (3)	5	No Pass Zone	Cloudy	Other Human
1115	12/22/97	18:	2	Overtaking	0	Signal	Cloudy	Driver Inattention
1115	1/9/98	18:	2	Intersection	0	None	Cloudy	Failure to Yield ROW
1115	1/29/98	13:	2	Rear End	0	None	Clear	Passenger Distraction
1115	3/20/98	9:	2	Overtaking	0	None	Cloudy	Unsafe Lane Change
1115	3/20/98	8:	2	Rear End	0	None	Clear	Driver Inattention
1115	6/24/98	7:	2	Overtaking	0	None	Clear	Improper Lane Usage
1115	9/16/98	23:	2	Intersection	0	Signal	Clear	Failure to Yield ROW
1115	9/23/98	13:	2	Intersection	2	Signal	Clear	Failure to Yield ROW
1115	9/26/98	8:	2	Intersection	1	None	Clear	Failure to Yield ROW
1115	10/9/98	22:	2	Intersection	0	None	Rain	Failure to Yield ROW
1115	10/13/98	16:	2	Intersection	0	Other	Cloudy	Traffic Control Disregarded
1115	11/4/98	21:	2	Intersection	0	None	Clear	Failure to Yield ROW
1115	11/14/98	13:	2	Left Turn (0)	0	None	Clear	Failure to Yield ROW
1115	11/25/98	13:	2	Intersection	1	None	Clear	View Obstructed/Limited
1115	12/18/98	15:	2	Right Turn (5)	0	None	Clear	Failure to Yield ROW
1115	12/18/98	10:	2	Left Turn (3)	0	None	Clear	Failure to Yield ROW

1115	4/16/99	19:	2	Overtaking	0	None	Rain	Unsafe Lane Change
1115	5/21/99	19:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1115	6/1/99	11:	2	Overtaking	0	None	Clear	Other
1115	6/30/99	7:	1	Pedestrian Collision	1	None	Clear	Pedestrian Not at Crosswalk
1115	8/2/99	17:	2	Left Turn	1	Signal	Clear	Failure to Yield ROW
1115	8/12/99	11:	2	Overtaking	0	Signal	Clear	Unsafe Lane Change
1115	8/20/99	11:	2	Rear End	0	No Pass Zone	Cloudy	N/A
1115	9/5/99	15:	2	Left Turn	0	None	Rain	Failure to Yield ROW
Rt. 32 @ 5 Corners								
1115	10/18/96	2:	3	Other	1	Flashing Light	Clear	Driver Inattention
1115	11/22/96	8:	2	Rear End	1	No Pass Zone	Clear	Driver Inattention
1115	7/2/97	15:	2	Rear End	1	Signal	Rain	Pavement Slippery
1115	7/17/97	16:	2	Intersection	0	Signal	Cloudy	Failure to Yield ROW
1115	10/2/97	15:	2	Right Angle	0	None	Clear	Driver Inattention
1115	11/18/97	20:	2	Right Angle	1	Signal	Clear	Other (Human)
1115	1/26/98	12:	2	Rear End	0	Signal	Cloudy	Backing Unsafely
1115	7/21/98	13:	2	Left Turn	1	Signal	Clear	Failure to Yield ROW
1115	7/31/98	15:	2	Rear End	2	Signal	Cloudy	Following too Closely
1115	10/6/98	11:	2	Right Angle	0	Signal	Clear	Failure to Yield ROW
1115	11/19/98	18:	2	Left Turn	2	Signal	Cloudy	Failure to Yield ROW
1115	1/15/99	8:	2	Overtaking	0	Signal	Sleet	Following too Closely
1115	3/26/99	7:	2	Rear End	1	Signal	Clear	Failure to Yield ROW
1115	8/13/99	11:	2	Right Angle	0	Signal	Rain	Disregard of Signal
Route 32								
1116	12/21/97	14:	2	Left Turn	2	None	Clear	Failure to Yield ROW
1116	11/22/99	22:	2	Left Turn	1	No Pass Zone	Rain	Driver Inattention
Rt. 32 @ Old Temple Hill Rd.								
1116	11/13/96	8:	2	Rear End	0	Signal	Clear	N/A
1116	2/7/98	15:	2	Left Turn	1	Signal	Clear	View Obstructed
1116	2/14/98	10:	2	Left Turn	0	Signal	Clear	Failure to Yield ROW
1116	2/18/98	8:	2	Right Angle	0	Signal	Rain	Driver Inattention
1116	4/9/98	16:	2	Left Turn	0	Signal	Rain	Failure to Yield ROW
1116	4/15/98	12:	2	Rear End	0	Signal	Rain	Driver Inattention
1116	4/23/98	18:	2	Left Turn	0	Signal	Rain	Failure to Yield ROW
1116	5/16/98	11:	1	Bicycle	1	None	Clear	Unsafe Lane Change
1116	6/5/98	17:	3	Other	2	Signal	Cloudy	Driver Inattention
1116	6/8/98	9:	2	Left Turn	0	Signal	Cloudy	Failure to Yield ROW
1116	7/15/98	12:	2	Rear End	0	Signal	Clear	Backing Unsafely
1116	10/9/98	17:	2	Right Angle	0	Signal	Rain	Failure to Yield ROW
1116	5/11/99	11:	2	Left Turn	1	Signal	Clear	Failure to Yield ROW
1116	5/27/99	8:	2	Left Turn	2	Signal	Cloudy	Failure to Yield ROW
1116	8/27/99	17:	2	Overtaking	0	Signal	Clear	Improper Lane Usage
Route 94								
1290	2/5/98	13:	2	Rear End	2	RR X-ing Sign	Cloudy	Following too Closely
1291	10/28/96	7:	1	Other	1	None	Cloudy	Lost Consciousness
1291	5/1/98	18:	2	Left Turn	0	None	Rain	Pavement Slippery
1291	6/13/98	13:	2	Rear End	1	No Pass Zone	Rain	Unsafe Speed
1293	10/12/96	16:	2	Left Turn	1	Other	Clear	View Obstructed
1293	1/15/97	17:	3	Other	1	Signal	Clear	Pavement Slippery
1293	2/7/97	21:	2	Left Turn	2	Signal	Cloudy	View Obstructed
1293	8/13/97	16:	2	Right Angle	0	Other	Cloudy	Failure to Yield ROW
1293	9/27/97	16:	2	Right Angle	3	None	Clear	Failure to Yield ROW
1293	12/7/97	17:	2	Left Turn	3	None	Cloudy	Failure to Yield ROW
1293	1/10/98	17:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1293	1/28/98	7:	2	Left Turn	0	None	Cloudy	Failure to Yield ROW
1293	4/8/98	18:	2	Rear End	0	No Pass Zone	Rain	Pavement Slippery

1293	5/4/98	10:	2	Right Turn	1	No Pass Zone	Clear	Passing or Lane Usage Improperly
1293	6/17/98	15:	2	Right Angle	0	Signal	Clear	Unsafe Lane Change
1293	6/17/98	12:	2	Right Angle	0	None	Cloudy	Failure to Yields ROW
1293	9/22/98	17:	2	Right Turn	1	None	Cloudy	Failure to Yield ROW
1293	11/5/98	8:	2	Rear End	1	Signal	Clear	Glare
1293	11/25/98	18:	2	Head On	0	None	Cloudy	Driver Inattention
1293	5/21/99	17:	2	Left Turn	0	No Pass Zone	Clear	Failure to Yield ROW
1293	9/18/99	11:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1294	1/10/97	8:	2	Rear End	1	Signal	Clear	Brakes Defective
1294	1/5/99	15:	2	Right Angle	0	Other	Clear	Failure to Yield ROW
1294	1/28/99	17:	2	Rear End	0	No Pass Zone	Rain	Other (Human)
1294	7/2/99	14:	2	Right Angle	1	None	Rain	Failure to Yield ROW
1295	9/7/98	11:	2	Rear End	0	Signal	Rain	Pavement Slippery
1296	11/19/96	18:	1	Collision with Pedestrian	1	Other	Clear	Backing Unsafely
1296	4/10/97	18:	4	Left Turn	0	None	Clear	Making Left Turn
1296	9/25/97	15:	3	Not Reported	3	No Pass Zone	Clear	Making Left Turn
1296	10/16/97	4:	2	Left Turn	2	No Pass Zone	Clear	Driver Inexperience/ Failure to Yield ROW
1296	12/31/97	10:	2	Overtaking	0	N/A	Clear	Changing Lanes
1296	9/10/98	15:	3	Other	0	None	Clear	Failure to Yield ROW
1296	10/30/98	19:	2	Rear End	0	None	Cloudy	Driver Inattention
1296	9/12/99	20:	1	Animal	0	N/A	N/A	Animal Action
1296	9/16/99	16:	2	Rear End	0	None	Rain	Backing Unsafely
Rt. 94 @ 5 Corners								
1296	4/15/97	10:	2	Right Angle	0	Stop Sign	Clear	Failure to Yield ROW
1296	3/29/98	16:	2	Left Turn	1	Stop Sign	Clear	Glare
1296	10/8/98	8:	2	Left Turn	2	Stop Sign	Rain	Turning Improper
1296	10/9/98	16:	2	Head On	0	Stop Sign	Rain	Backing Unsafely
1296	6/9/99	N/A	2	Not Reported	0	N/A	N/A	Parked
Route 94								
1297	3/4/97	17:	2	Left Turn	1	None	Cloudy	Driver Inattention
1297	9/1/99	18:	2	Rear End	0	Signal	Clear	Driver Inattention
Rt. 94 @ Old Temple Hill Rd.								
1297	4/27/97	17:	3	Other	2	Stop Sign	Cloudy	View Obstructed
1297	11/17/97	14:	2	Right Turn	0	None	Cloudy	Turning Improper
1297	11/22/97	13:	2	Left Turn	3	Stop Sign	Rain	Failure to Yield ROW
1297	2/17/98	16:	2	Right Angle	2	Stop Sign	Sleet	Driver Inattention
1297	5/5/98	18:	2	Overtaking	0	Stop Sign	Rain	Failure to Yield ROW
1297	5/20/99	17:	2	Rear End	1	None	Clear	Driver Inattention
Route 300								
Rt. 300 @ Old Temple Hill Rd								
1122	1/3/97	14:	2	Rear End	1	Stop Sign	Cloudy	Following too Closely
1122	2/13/97	16:	2	Right Angle	0	Stop Sign	Clear	View Obstructed/Limited
1122	4/2/97	14:	3	Other	6	None	Clear	Failure to Yield ROW
1122	8/21/97	16:	2	Right Turn	0	Stop Sign	Cloudy	Failure to Yield ROW
1122	12/17/97	12:	2	Right Angle	0	Stop Sign	Clear	Failure to Yield ROW
1122	2/10/98	19:	1	Right Turn	1	Stop Sign	Clear	Failure to Yield ROW
1122	5/26/98	11:	2	Rear End	1	Stop Sign	Clear	Driver Inattention
1122	11/6/98	17:	2	Rear End	1	None	Clear	Unsafe Speed
1122	11/16/98	8:	2	Rear End	0	Stop Sign	Clear	Following too Closely
1122	11/20/98	15:	2	Rear End	1	Stop Sign	Cloudy	Driver Inattention
1122	11/30/98	15:	2	Right Angle	1	Stop Sign	Clear	Failure to Yield ROW
1122	7/20/99	12:	2	Rear End	1	None	Clear	Other
1122	8/17/99	6:	2	Right Angle	2	Other	Clear	Alcohol Involvement
Route 300								
1123	6/20/98	2:	3	Other	1	None	Cloudy	Backed into Parked Car
1123	1/19/99	15:	2	Rear End	0	RR X-ing	Clear	Following too Closely

						Sign		
1123	6/9/99	14:	2	Right Angle	0	None	Cloudy	Backing into Car
1123	6/10/99	19:	1	Overtaken	1	None	Clear	Unsafe Speed
1123	8/14/99	14:	1	Collision w/ Wall	1	No Pass Zone	Cloudy	Fell Asleep
1124	5/1/98	20:	2	Left Turn	0	None	Rain	Driver Inattention
1124	2/9/99	2:	1	Animal	0	None	Cloudy	Animal Action
1125	5/28/98	12:	2	Left Turn	0	None	Clear	Improper Turn
1125	11/16/98	22:	1	Animal	1	No Pass Zone	Clear	Animal Action
1126	12/9/96	9:	2	Right Angle	1	None	Cloudy	Improper Turning
1126	12/12/96	15:	2	Right Angle	0	Signal	Rain	Failure to Yield ROW
1126	1/2/97	7:	2	Sideswipe	0	None	Clear	Unsafe Lane Change
1126	1/3/97	4:	1	Animal	0	None	N/A	Animal Action
1126	2/28/98	19:	3	Other	0	None	Rain	Failure to Yield ROW
1126	4/24/98	11:	1	None	0	None	Rain	N/A
1126	5/5/98	14:	3	Signal	0	Signal	Rain	Driver Inattention
1126	6/25/98	15:	2	Right Angle	0	None	Clear	Improper Lane Usage
1126	3/27/99	12:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1126	4/5/99	8:	2	Right Angle	1	None	Clear	Failure to Yield ROW
1126	9/1/99	11:	2	Right Angle	0	None	Clear	Driver Inattention
1126	9/4/99	21:	2	Right Turn	1	None	Clear	Failure to Yield ROW
1126	9/15/99	13:	2	Head On	0	Other	Rain	Improper Lane Usage
Rt. 300 @ 5 Corners								
1126	10/22/98	21:	2	Right Angle	0	None	Clear	Driver Inattention
1126	12/24/98	10:	2	Left Turn	0	None	Clear	Failure to Yield ROW
1126	6/26/99	18:	2	Right Angle	0	None	Clear	Failure to Yield ROW
1126	8/20/99	10:	2	Overtaking	0	Signal	Cloudy	N/A

F:\projects\00-002\accident table3.doc

Appendix E.4

Vehicular Queuing Analysis

TABLE E.3-1
Vehicle Queuing Comparison – DEIS Formula vs. Synchro Model

Intersection	PM Peak Hour								Saturday Peak Hour								
	Existing		No-Build		Build		Build with Imp.		Existing		No-Build		Build		Build with Imp.		
	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	DEIS	Synchro	
Rt. 94/Rt 32/Rt 300																	
NB	L2	--	--	--	--	--	--	11	11	--	--	--	--	--	--	11	12
	L	42	50	44	53	48	59	23	22	44	45	48	51	54	58	21	18
	TR	36	26	38	28	41	30	24	33	38	24	43	28	47	30	23	21
SB	T	29	25	32	29	38	35	23	24	33	28	35	31	40	38	26	26
	R	30	28	34	33	34	33	21	22	30	28	33	33	34	33	22	22
SE	L	11	9	11	9	12	9	10	11	12	9	12	9	12	9	9	9
	R	33	32	29	35	38	38	25	26	41	40	43	42	46	46	29	31
WB	L	16	12	17	13	17	12	10	8	22	19	23	20	22	19	13	7
	TR	32	29	35	30	37	33	21	21	30	25	32	27	34	30	20	10
EB	L	26	24	31	30	31	30	19	22	23	20	26	24	26	24	16	18
	TR	30	24	33	29	37	35	23	21	29	25	32	28	36	33	23	23

- Values in table refer to design queue length in terms of the number of vehicles in queue.

DEIS Formula - Design Queue in Vehicles for Signalized Intersections = $\{(1-G/C) * [Volume / (Cycle Length / Hour)]\}^2$

Synchro Model Formula - Design Queue in Vehicles for Signalized Intersections based on Synchro Model for Each Condition = (X feet/25 feet = #Vehicles in Queue)

Appendix E.5

Route 94 Left Turn Ingress Queue Probability

LEFT TURN LANE WARRANT ANALYSIS
Route 94/Hannaford Site Driveway - New Windsor, NY

Location	Time Per.	App. Vol. Va	# Left turns VI	Opp. Vol. Vo	Oper. Speed v	Variables in Harmelink Equation							
						L	p	Tu	u	tw	te	Vx	Pc
Rt 94/Site WB LT	PM	506	64	433	30	12.6%	2.5%	2620	873	1.8562	1.9	355	5.1%
Rt 94/Site WB LT	Sat	527	67	395	30	12.7%	2.5%	2703	901	1.6609	1.9	370	5.1%
(total Va)	PM	0	0	0	0	#DIV/0!	4.0%	3569	1190	#DIV/0!	1.9	#DIV/0!	#DIV/0!

VARIABLES

Inputs

- Va: Approach Volume (L+T+R) (Vehicles per hour)
- VI: Left turn volume (Vehicles per hour)
- Vo: Opposing traffic volume (Vehicles per hour)
- v: Operating speed (mph)

Outputs

- L: Proportion of left turns in approach volume
- p: Highest acceptable probability that a through vehicle will be stopped to wait for a left turning vehicle
- Tu: Unblocked time per hour in seconds
- u: Service rate per hour for left turns
- tw: Average waiting time for a suitable gap for a vehicle turning left
- te: Average time for a left-turn to exit from the advancing lane
- Vx: Maximum allowable volume (Va) without left turn lane
- Pc: Probability that a through vehicle will be stopped to wait for a left turning vehicle if no left turn lane exists

Source : Equations were taken from the report "Volume Warrants For Left Turn Lanes At Unsignalized Intersections" prepared by M.D. Harmelink for the Ontario Department of Highways. These equations form the basis of Table IX-15 in the AASHTO handbook.

Conclusion:
 $100 - 5.1 = 94.9$ say 95%
 There is a 95% probability that a westbound through vehicle will pass - by unrestricted

Appendix E.6

Route 94/Old Temple Hill Road Signal Analysis

SHORT REPORT

Analyst MDN Agency or Co. <i>CME, 940THbupm</i> Date Performed <i>1/28/02</i> Time Period <i>PM Peak Hour</i>	Intersection <i>Route 94/Old Temple Hill</i> Area Type <i>All other areas</i> Jurisdiction <i>New Windsor, NY</i> Analysis Year <i>2002 Build</i>
---	--

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	1	1	0	0	1	1	0	0	0	1	0	1
Lane group	L	T			T	R				L		R
Volume (vph)	111	351			464	159				166		42
% Heavy veh	2	2			2	2				2		2
PHF	0.90	0.90			0.90	0.90				0.90		0.90
Actuated (P/A)	A	A			A	A				A		A
Startup lost time	2.0	2.0			2.0	2.0				2.0		2.0
Ext. eff. green	2.0	2.0			2.0	2.0				2.0		2.0
Arrival type	3	3			3	3				3		3
Ped/Bike/RTOR Volume				0		0	0			0		0
Lane Width	12.0	12.0			12.0	12.0				12.0		12.0
Parking/Grade/Parking	N	0	N	N	0	N	N		N	N	0	N
Parking/hr												
Bus stops/hr	0	0			0	0				0		0
Unit Extension	3.0	3.0			3.0	3.0				3.0		3.0

Phasing	EB Only	EW Perm	03	04	SB Only	06	07	08
Timing	G = 6.0	G = 28.0	G =	G =	G = 16.0	G =	G =	G =
	Y = 3.0	Y = 3.0	Y =	Y =	Y = 3.0	Y =	Y =	Y =
Duration of Analysis (hrs) = 0.25					Cycle Length C = 65.0			

Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate	123	390		516	177				184		47	
Lane group cap.	436	1118		803	682				436		390	
v/c ratio	0.28	0.35		0.64	0.26				0.42		0.12	
Green ratio	0.60	0.60		0.43	0.43				0.25		0.25	
Unif. delay d1	7.6	6.6		14.6	11.9				20.6		19.0	
Delay factor k	0.11	0.11		0.22	0.11				0.11		0.11	
Increm. delay d2	0.4	0.2		1.8	0.2				0.7		0.1	
PF factor	1.000	1.000		1.000	1.000				1.000		1.000	
Control delay	7.9	6.8		16.3	12.1				21.3		19.2	
Lane group LOS	A	A		B	B				C		B	
Apprch. delay	7.0			15.2						20.8		
Approach LOS	A			B						C		
Intersec. delay	13.2			Intersection LOS						B		

SHORT REPORT

Analyst				Street Information			
Agency or Co.	MDN	CME, 940THbusat	Saturday Peak Hour	Intersection	Route 94/Old Temple Hill		
Date Performed	1/28/02			Area Type	All other areas		
Time Period				Jurisdiction	New Windsor, NY		
				Analysis Year	2002 Build		

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	1	1	0	0	1	1	0	0	0	1	0	1
Lane group	L	T			T	R				L		R
Volume (vph)	85	355			304	156				121		87
% Heavy veh	2	2			2	2				2		2
PHF	0.90	0.90			0.90	0.90				0.90		0.90
Actuated (P/A)	A	A			A	A				A		A
Startup lost time	2.0	2.0			2.0	2.0				2.0		2.0
Ext. eff. green	2.0	2.0			2.0	2.0				2.0		2.0
Arrival type	3	3			3	3				3		3
Ped/Bike/RTOR Volume				0		0	0			0		0
Lane Width	12.0	12.0			12.0	12.0				12.0		12.0
Parking/Grade/Parking	N	0	N	N	0	N	N		N	N	0	N
Parking/hr												
Bus stops/hr	0	0			0	0				0		0
Unit Extension	3.0	3.0			3.0	3.0				3.0		3.0
Phasing	EB Only	EW Perm	03	04	SB Only	06	07	08				
Timing	G = 6.0	G = 28.0	G =	G =	G = 16.0	G =	G =	G =				
	Y = 3.0	Y = 3.0	Y =	Y =	Y = 3.0	Y =	Y =	Y =				
Duration of Analysis (hrs) = 0.25						Cycle Length C = 65.0						

Control Delay and LOS Determination												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adj. flow rate	94	394			338	173				134		97
Lane group cap.	541	1118			803	682				436		390
v/c ratio	0.17	0.35			0.42	0.25				0.31		0.25
Green ratio	0.60	0.60			0.43	0.43				0.25		0.25
Unif. delay d1	6.5	6.6			12.9	11.8				20.0		19.7
Delay factor k	0.11	0.11			0.11	0.11				0.11		0.11
Increm. delay d2	0.2	0.2			0.4	0.2				0.4		0.3
PF factor	1.000	1.000			1.000	1.000				1.000		1.000
Control delay	6.6	6.8			13.2	12.0				20.4		20.0+
Lane group LOS	A	A			B	B				C		C
Apprch. delay	6.8			12.8						20.2		
Approach LOS	A			B						C		
Intersec. delay	11.8			Intersection LOS						B		

Robert W. Jaczko Sr.
Carolyn S. Jaczko
Josephine J. DiMiceli
PO Box 231
Vails Gate, NY 12584



*cc: Supervisor Meyers
Mike Babcock
Mark Edsall, P.E.
Jim Petro*

October 15, 2003

Tim Miller Associates, Inc
10 North Street
Cold Spring, NY 10516

Certified # 7099 3400 0004 1677 0252

Re: Hannaford Food & Drug Store site
Route 32 Vails Gate

Gentlemen:

As you are the engineers for the Hannaford Construction site, we need to address a potential hazard with you. We own the property adjacent to the Hannaford site to the south on Route 32 (map # 70-1-17.1 and 70-1-17.2). Our driveway enters from Route 32 very close to where the proposed traffic light seems to be planned.

Our concern is where the stop line for the traffic will be placed. If the line is put north of our driveway it will be impossible to get in or out, as the line of stopped traffic will block our drive. In addition, since the turning lane will be in front of our driveway we fear a dangerous situation will exist since we will be crossing over moving traffic to get into the north bound lane.

We would like the opportunity to discuss with you the possibility of putting the stop line to the south of our driveway. This would create an opening for us to get in and out safely.

At the onset of this project, you met with us soliciting our concerns in order to become good neighbors. Please address this problem so we can remain good neighbors. We await your call to discuss it further.

Sincerely,

Robert W. Jaczko Sr.

Sincerely,

Carolyn S. Jaczko

Sincerely,

Josephine J. DiMiceli

Cc: ✓ Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

NYS Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

Certified #7099 3400 0004 1677 0221

Certified #7900 3400 0004 1677 0191

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	2%OF 985,646.00 INSP FEE	CHG	19713.00		
10/24/2002	REC. CK. #1877254	PAID		19713.00	
		TOTAL:	19713.00	19713.00	0.00

Jan
10/28/02

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 2

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/19/2002	POSTAGE FOR FINDINGS MAIL	CHG	6.18		
10/22/2002	P.B. ENGINEER FEE	CHG	20974.94		
10/24/2002	REC. CK. #1877255	PAID		17500.62	
		TOTAL:	21750.62	21750.62	0.00

[Handwritten signature] 10/20/02

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/07/2000	REC #1459341 - HANNAFORD	PAID		750.00	
09/13/2000	P.B. ATTY. FEE	CHG	35.00		
09/13/2000	P.B. MINUTES	CHG	76.50		
11/15/2000	P.B. ATTY. FEE	CHG	35.00		
11/15/2000	P.B. MINUTES	CHG	18.00		
01/24/2001	P.B. ATTY. FEE	CHG	35.00		
01/24/2001	P.B. MINUTES	CHG	36.00		
02/14/2001	P.B. ATTY. FEE	CHG	35.00		
02/14/2001	P.B. MINUTES	CHG	40.50		
03/19/2001	ADDITIONAL ESCROW - CK155	PAID		3500.00	
05/23/2001	P.B. ATTY. FEE	CHG	35.00		
05/23/2001	P.B. MINUTES	CHG	9.00		
07/25/2001	P.B. ATTY. FEE	CHG	35.00		
07/25/2001	P.B. MINUTES	CHG	18.00		
08/22/2001	P.B. ATTY. FEE	CHG	35.00		
08/22/2001	P.B. MINUTES	CHG	180.00		
04/24/2002	P.B. ATTY. FEE	CHG	35.00		
04/24/2002	P.B. MINUTES	CHG	22.50		
06/12/2002	P.B. MINUTES	CHG	54.00		
06/12/2002	P.B. ATTY. FEE	CHG	35.00		



Hannaford Bros. Co.

VIA FAX (845) 563-4695 and OVERNIGHT MAIL

February 12, 2002

Hon. James Petro, Chairman
Town of New Windsor Planning Board
Town Hall, 555 Union Avenue
New Windsor, New York 12553

Re: Hannaford New Windsor

Dear Chairman Petro:

Per your request, this letter summarizes all traffic related improvements that Hannaford proposes to undertake in connection with its pending application to construct a supermarket. It also lists the many other benefits this project will afford both the Town of New Windsor and community at large.

I. Traffic Improvements:

A. Signalized Intersections:

1. **Five Corners:** Five Corners currently operates at a level of service F with existing delays during the peak hours of approximately 220 seconds per vehicle. This delay will increase even if the supermarket is not built, as a result of background growth, to about 240 seconds per vehicle by 2002. If the supermarket is built and no improvements to Five Corners are undertaken, the delay would further increase to approximately 300 seconds per vehicle. Consequently, the Supermarket's impacts without improvements are in the order of 60 +/- seconds.

Hannaford will undertake a modified lane arrangement and signal phasing at the Five Corners intersection. These improvements will be fully installed **before** the store opens for business. With these improvements, delays will be decreased at Five Corners by over two minutes resulting in overall delay dropping to 98 +/- seconds per vehicle. Therefore, these improvements not only mitigate Hannaford's impact of 60 seconds but also fully mitigate background growth and reduce existing delays by approximately 122 +/- seconds. Although the improvements do not change the level of service from its existing level of service F designation, NYSDOT has stated that there are no reasonable further improvements that can be undertaken by this development that would correct the current level of service condition. Hannaford has therefore, done all it can reasonably can do.

2. Main Access Driveway: Hannaford will construct a signalized intersection at Route 32 that will serve as the main access drive. This will eliminate the two existing Friendly's driveways. As part of this improvement, Hannaford is also constructing a new road across the Street that will enable future businesses at that location to utilize the signalized intersection for ingress/egress. Upon completion of these improvements that intersection will operate at a level of service B/C. These improvements will be undertaken **before** opening of the supermarket and will result in better vehicle operating conditions along that portion of Route 32. For example, three unsignalized full access driveways will be completely eliminated and a fourth will have left turning movements restricted along Route 32, which will significantly decrease the merging, diverging and crossing conflicts in this area.
- B. Unsignalized Intersections:
1. Secondary Access Driveway: This access driveway will be located at Route 94 and will encompass the full service access drive at Monro Muffler. Hannaford will widen and improve this access drive so that it is suitable to serve both Monro and Hannaford. The NYSDOT has indicated that left turn exiting movements that are presently allowed will be prohibited at this location. The NYSDOT has recommended that left turns into the driveway be permitted but will continue to monitor that movement. With these improvements and the left turn prohibition, this driveway access will operate at a level of service A/B.
 2. Route 94 and Old Temple Hill Road: This unsignalized intersection currently operates at a level of service E. Without the proposed supermarket the intersection will operate at a level of service F by 2002. With the proposed supermarket the level of service will continue to be F. Hannaford is willing to address this intersection by installing a traffic signal **before** opening of the supermarket, provided NYSDOT approves such installation. In the event NYSDOT does not approve such installation, Hannaford will commit to monitor the intersection. Such monitoring will entail the preparation of a traffic study one year from opening of the store the purpose of which will be to further assess the need for a signal. If based on this study NYSDOT, authorizes the installation of a signal, Hannaford will, at its sole cost and expense, cause it to be installed. Once a signal is installed at this intersection, it would operate at a level of service B.

3. Route 32 and Jacqueline Street: This unsignalized intersection currently operates at a level of service E. Without the project this intersection will operate at a level of service F by 2002. With the proposed supermarket the intersection will continue operate at a level of service F. Hannaford will commit to monitor this intersection. Such monitoring will entail the preparation of a traffic study one year from opening of the store the purpose of which will be to assess the need for a traffic signal at this location. If based on this study, NYSDOT authorizes the installation of a signal, Hannaford will, at its sole cost and expense, cause it to be installed. Once a signal is installed at this intersection, it's expected to operate at a level of service B.

C. Miscellaneous Improvements

1. Signal Override Equipment - Emergency service personnel have indicated to Hannaford there is no equipment-related impediment to getting through the five corners intersection in an emergency. The Fire Department confirmed that existing emergency equipment has signal override to facilitate emergency vehicle flow through signalized intersections. All signal improvements installed by Hannaford will also contain override equipment compatible with the equipment on existing signals.
2. Future Local Highway Improvements - In the event the Town undertakes future local highway improvements at the Five Corners Intersection, Hannaford agrees to pay its fair share to help fund those improvements, provided the Town enacts a legal mechanism requiring other commercial traffic generators to also pay their fair share.
3. Signal Coordination - All new and modified traffic signals will be designed to operate as efficiently as possible. Coordinated signal timing parameters will be reviewed with the Department and will be implemented as appropriate to minimize vehicular stops. The resulting signal timing will provide the greatest probability that motorists can pass through several signals without stopping.

D. Effect of Improvements

All improvements at signalized intersections not only mitigate the supermarket's projected traffic impacts but also create additional intersection capacity and resolve conflicts on the Route 32 roadway. Treatment at unsignalized intersections, including monitoring and potential signal installation, constitute

measures that go above and beyond Hannaford's legal mitigation requirement. In summary, Hannaford has agreed to take whatever feasible steps that its own consultants, the town's consultants and the NYSDOT have recommended to improve existing conditions.

II. Project Benefits:

The many benefits that this project will create for the Town of New Windsor and the community at large include:

1. A total expenditure of approximately \$640,000 dollars in highway improvement costs, which not only mitigates Hannaford's traffic impact but also creates additional capacity in the roadway network.
2. An approximate \$81,198.00 net real property tax revenue gain for the Town of New Windsor. (Based on 2002 rates)
3. An approximate \$125,332.00 net real property tax revenue gain for the school district. (Based on 2002 Rates)
4. 150-200 retail and management jobs created.
5. Significant contributions to and participation in volunteer efforts for local community organizations by management and employees. For example last year Hannaford in all of its markets contributed \$250,000 to local schools; \$200,000 to the Salvation Army; over \$1 million to the United Way; and \$275,000 to the Red Cross for the victims of 9/11.
6. Elimination of existing drainage problems in the residential area adjacent to the site by collecting all of the parking lot and driveway drainage and diverting it away from the residential area.
7. Protection of the neighboring residential area from nuisance pedestrian traffic presently accessing Friendly's site across private property.
8. A contribution of up to \$50,000 (exact amount to be determined) to assist in correction of sewage collection line problems in the area of the project site.

Hon. James Petro, Chairman
February 12, 2002
Page 5

III. Conclusion:

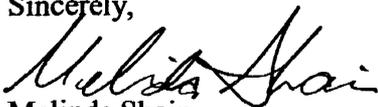
It is respectfully submitted based on all of the above, that the project's benefits far outweigh its detriments.

The traffic problems are real but so is the offered mitigation. Hannaford has committed to mitigate beyond its project's impacts for both signalized and unsignalized intersections. Its promise to monitor and, if authorized, install signals at unsignalized intersections is out of the ordinary since increased delay at unsignalized intersections is not uncommon and is frequently tolerated by motorists and permitted without further improvements. Our attorney has spoken with your traffic consultant Phil Grealy about our offer to monitor and mitigate if authorized at these intersections and Mr. Grealy said that he is satisfied with that offer. Please confirm that with him.

As you are aware, the traffic problems at Five Corners existed years before Hannaford. Yet, as far as we can tell, Hannaford is the first business to make a substantial investment in traffic improvements at that intersection. Believe me, if Hannaford could do more to improve the situation, we would look to do so. That is the kind of company we are. We have gone above and beyond what we are required to do under SEQRA and current zoning. I therefore implore you and the other members of the Board to base your decision on the substantial benefits of this proposal and the evidence in the record, rather than any unsupported perceptions. Hannaford has worked hard to ensure that this project will benefit the Town of New Windsor and its citizens and the record clearly supports that conclusion.

Thank you for your continued cooperation and attention.

Sincerely,



Melinda Shain
Associate Real Estate Representative



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

October 22, 2002

Hannaford Food and Drug Superstore
145 Pleasant Hill Road
Scarborough, ME 04074

ATTENTION: DOUGLAS S. BOYCE, P.E.
CIVIL ENGINEER/PROJECT MANAGER

SUBJECT: HANNAFORD SITE PLAN – TOWN OF NEW WINDSOR
PLANNING BOARD FILE #00-15, #00-21, #00-22

Dear Mr. Boyce:

The following is a summary of fees due to close out three projects associated with Hannaford Food and Drugs located in the Town of New Windsor:

PROJECT #00-15 – HANNAFORD FOOD & DRUGS

Site Plan Approval Fee	\$ 100.00 (check 1)
Inspection Fee (2% of total cost estimates)	\$19,713.00 (check 2)
Amount due over escrow posted	\$17,500.62 (check 3)

PROJECT #00-21 – LONG JOHN SILVER

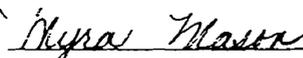
Site Plan Approval Fee	\$ 100.00 (check 4)
Remainder of escrow to be returned to applicant	\$ 443.00 (no check due)

PROJECT #00-22 – MONROE MUFFLER

Site Plan Approval Fee	\$ 100.00 (check 5)
Remainder of escrow to be returned to applicant	\$ 399.00 (no check due)

Please remit in five separate checks as noted above made payable to the Town of New Windsor. Once the checks are received, the plans will be stamped and signed approved. If you have any further questions, please feel free to contact me.

Very truly yours,


Myra Mason, Secretary to the Planning Board

MLM:mlm

10-25	360	Customer Deposit
10-28		Customer Deposit
10-29		Customer Deposit
10-30		ATM Key Route 32
		Customer Deposit

24873226 - 03290
14636

RECORD OF CHECKS FOR DEPOSIT

CHECKS	DOLLARS	CENTS
Manford 1877 252		00
" 1877 254	50	00
" 1877 257	19	71
" 1877 257	7	13
N.W. 59524	500	62
N.W. 5949	250	
N.W. 5951	351	
Spegnol 976207		
Thorogood 807	120	
Centin 278	67	
Haarman 4121	60	
Lakich 4652	35	
Fish pond 452	35	
Colectivo 530	35	
Tyada 1442	35	
Dampira 5782	35	
Leibne 2165	35	
Pensimpede 238	35	
Murino 5750	35	
McX 2943	16	
	019	
	92	704.62

DEPOSIT TOWN OF NEW WINDSOR CONCENTRATION ACCOUNT

DEPOSIT TICKET TOWN OF NEW WINDSOR CONCENTRATION ACCOUNT

COMPTROLLER'S OFFICE 555 UNION AVE. NEW WINDSOR, NY 12553

DATE: 10-30-02

DEPOSITS THAT NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

SIGN HERE IF CASH RECEIVED FROM DEPOSIT

LA FUSCE 120

KeyBank National Association
Valle Gato, New York 12560
1-800-KEY2YOU

Signature: [Handwritten Signature]

TOTAL NEW OPEN CASE
SUBTOTAL
LESS CASH

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

Key Public Checking 24873226TOWN OF NEW WINDSOR
CONCENTRATION ACCT

Beginning balance 9-30-02	\$226,399.03
28 Additions	+ 961,786.54
4 Subtractions	-1,060,933.32
Ending balance 10-31-02	\$127,252.25

Additions	Deposits	Date	Serial #	Source		
		10-1		ATM Key Route 32	Vailsgate NY	\$624.00
		10-1		ATM Key Route 32	Vailsgate NY	26,280.50
		10-2		Customer Deposit		2,500.00
		10-2		ATM Key Route 32	Vailsgate NY	19,391.00
		10-4		ATM Key Route 32	Vailsgate NY	15,740.87
		10-7		ATM Key Route 32	Vailsgate NY	22,924.50
		10-7		Customer Deposit		103,472.00
		10-9		Customer Deposit		488.00
		10-9		ATM Key Route 32	Vailsgate NY	1,619.00
		10-9		Customer Deposit		2,083.00
		10-9		ATM Key Route 32	Vailsgate NY	8,016.00
		10-11		ATM Key Route 32	Vailsgate NY	3,255.35
		10-15		Customer Deposit		148.00
		10-15		ATM Key Route 32	Vailsgate NY	955.91
		10-16		ATM Key Route 32	Vailsgate NY	1,500.00
		10-18		ATM Key Route 32	Vailsgate NY	2,721.60
		10-18		ATM Key Route 32	Vailsgate NY	14,937.40
		10-21		ATM Key Route 32	Vailsgate NY	40,614.57
		10-22		Customer Deposit		8,711.24
		10-23		Customer Deposit		3,370.00
		10-24		Customer Deposit		285.00
		10-24		Customer Deposit		575,561.35
		10-25	360	Customer Deposit		3,107.60
		10-28		Customer Deposit		92,874.62
		10-29		ATM Key Route 32	Vailsgate NY	7,108.63
		10-30		Customer Deposit		35.00

24873226 - 03290
14636



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

October 22, 2002

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PLANNING BOARD FILE #00-15, #00-21, #00-22

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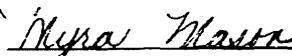
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Site Plan Approval Fee	\$ 100.00 (check 5)
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Very truly yours,


Myra Mason, Secretary to the Planning Board

MLM:mlm

CAVANAUGH
TOCCI
ASSOCIATES, INCORPORATED

327 F BOSTON POST ROAD, SUDBURY, MA 01776-3027 TEL: (978) 443-7871 FAX: (978) 443-7873 e-MAIL: cta@cavtocchi.com

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WILLIAM J. CAVANAUGH, FASA, Emeritus
GREGORY C. TOCCI, PE, FASA, PRESIDENT

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LINCOLN B. BERRY, ASA
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MATTHEW J. MOORE, ASA

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ASSOCIATED CONSULTANTS

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STEWART RANDALL, CTS

ADMINISTRATOR
DONNA L. RAFUS

July 11, 2005

Mr. Douglas Boyce
Hannaford Bros. Co.
P.O. Box 1000 M/S 6100
Portland, ME 04104

Subject: Hannaford Supermarket – New Windsor, NY
Post-Construction Sound Survey

Dear Mr. Boyce,

At your request, Cavanaugh Tocci Associates, Inc. has conducted a survey of environmental sound levels at the new Hannaford Supermarket in New Windsor, New York. The objective of the sound survey was to assess the impact of environmental sound produced by the new facility, and to determine if sound emissions are in compliance with noise limits defined by the Town of New Windsor noise regulation. The following report presents the results of the sound survey.

Town of New Windsor Noise Regulation

Section 48-17.5 of the New Windsor Code defines limits for environmental sound produced by the supermarket. The general performance standards in this regulation are listed below:

D. Maximum sound levels; measurement standards.

- (1) *Except for noise emanating from the operation of motor vehicles on public highways and private roads, the permissible intensity of noise for the foregoing between the hours 8:00 a.m. to 10:00 p.m. and 10:00 p.m. to 8:00 a.m., respectively, whether, such noise is intermittent, impulsive, sporadic or continuous, is as follows (the maximum sound pressure level, i.e. A-scale reading of standard calibrated sound meter, instrument calibration frequency of 1,000 cycles per second (hertz)):*



MEMBER FIRM, NATIONAL COUNCIL OF ACOUSTICAL CONSULTANTS

(a) *In the residential zoning districts of the town:*

- (1) *From 8:00 a.m. to 9:00 p.m.: 65 decibels*
- (2) *From 9:00 p.m. to 8:00 a.m.: 56 decibels*

(b) *In the nonresidential zoning districts of the town:*

- (1) *From 8:00 a.m. to 10:00 p.m.: 80 decibels*
- (2) *From 10:00 p.m. to 8:00 a.m.: 70 decibels*

Sound Measurements

To quantify sound emissions associated with the completed project, measurements were conducted on May 10, 2005 between the hours of 10:00 a.m. and 12:00 noon. During this period, all store mechanical equipment was operated at maximum capacity. This represents a “worst case” scenario for sound emissions from the site. The measurements were conducted with a CEL Instruments 593 C1 sound level analyzer outfitted with a ½-inch electret microphone and windscreen. The instrument was calibrated before and after each use with a CEL Instruments 284/2 acoustical calibrator. During all measurements the meter was mounted on a tripod with the microphone situated approximately 5 feet above the ground. This instrument conforms to ANSI S1.4 for Type 1 precision sound measurement instrumentation.

Figure 1 is a site plan that indicates the five measurement locations that were selected for this study. Figures 2–6 present the results of the post-construction sound measurements. The plots are one-third octave band spectra of the L_{90} sound level. The legends of each plot present the measured A-weighted L_{90} sound level. The L_{90} metric is the sound level exceeded for 90 percent of the measurement interval and is often referred to as the *background sound level* and is most appropriate for evaluating steady-state sources such as those found at the supermarket. These data indicate that sound levels measured on the east and south property lines range between 46 and 53 dBA. These levels are at least 3 dBA below the most stringent requirement of the New Windsor Code.

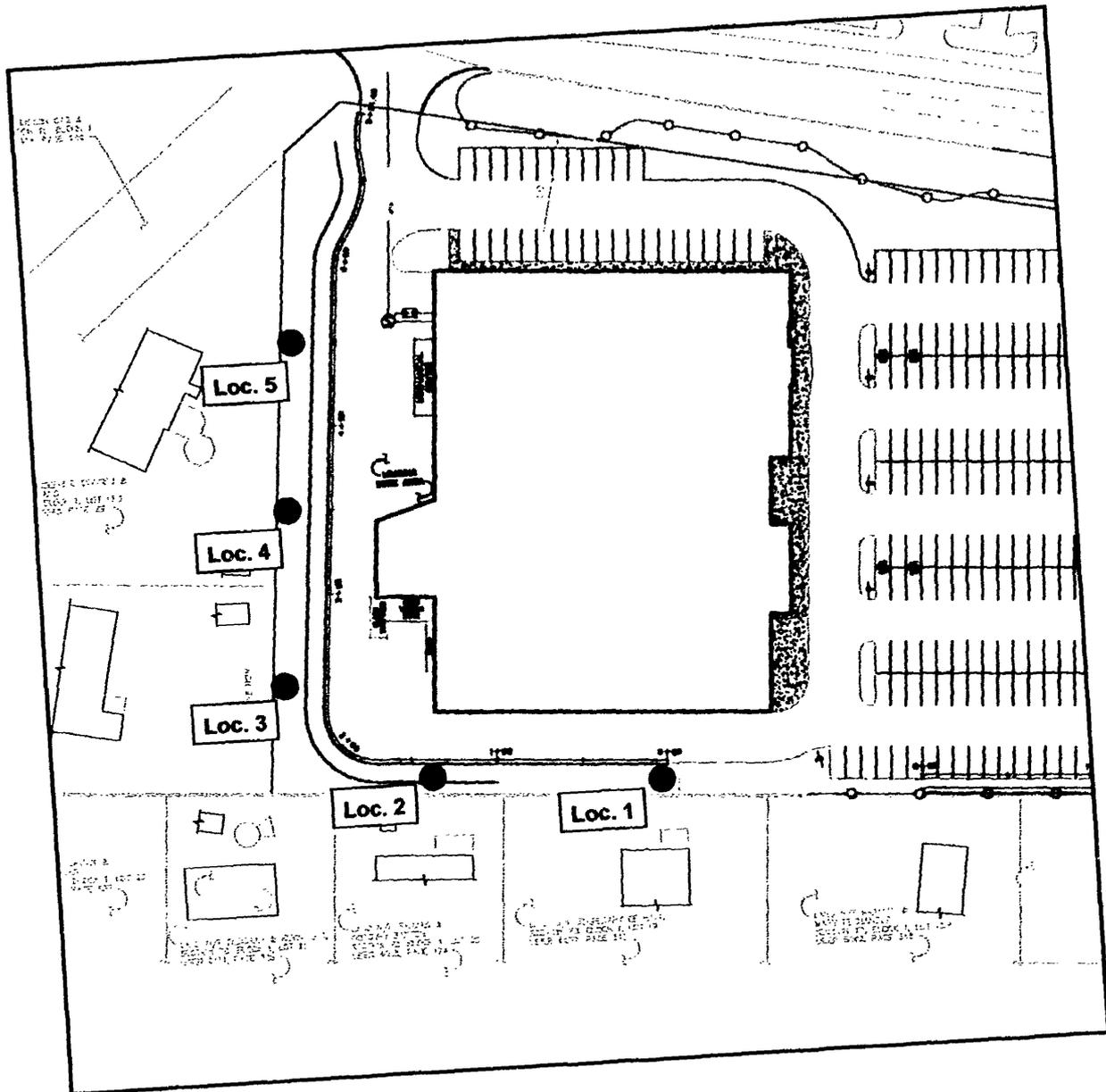
Based on our review of the sound measurements, it is our opinion that sound produced by the new Hannaford Supermarket is in full compliance with the Town of New Windsor noise regulations.

Yours sincerely,
CAVANAUGH TOCCI ASSOCIATES, INC.

Douglas Bell

Douglas H. Bell
DHB/dhb/02376 Post-Construction Sound Survey





Site Plan Indicating Sound Measurement Locations

Figure 1



Background Sound at Location 1

Hannaford Supermarket - New Windsor, NY 05/10/05

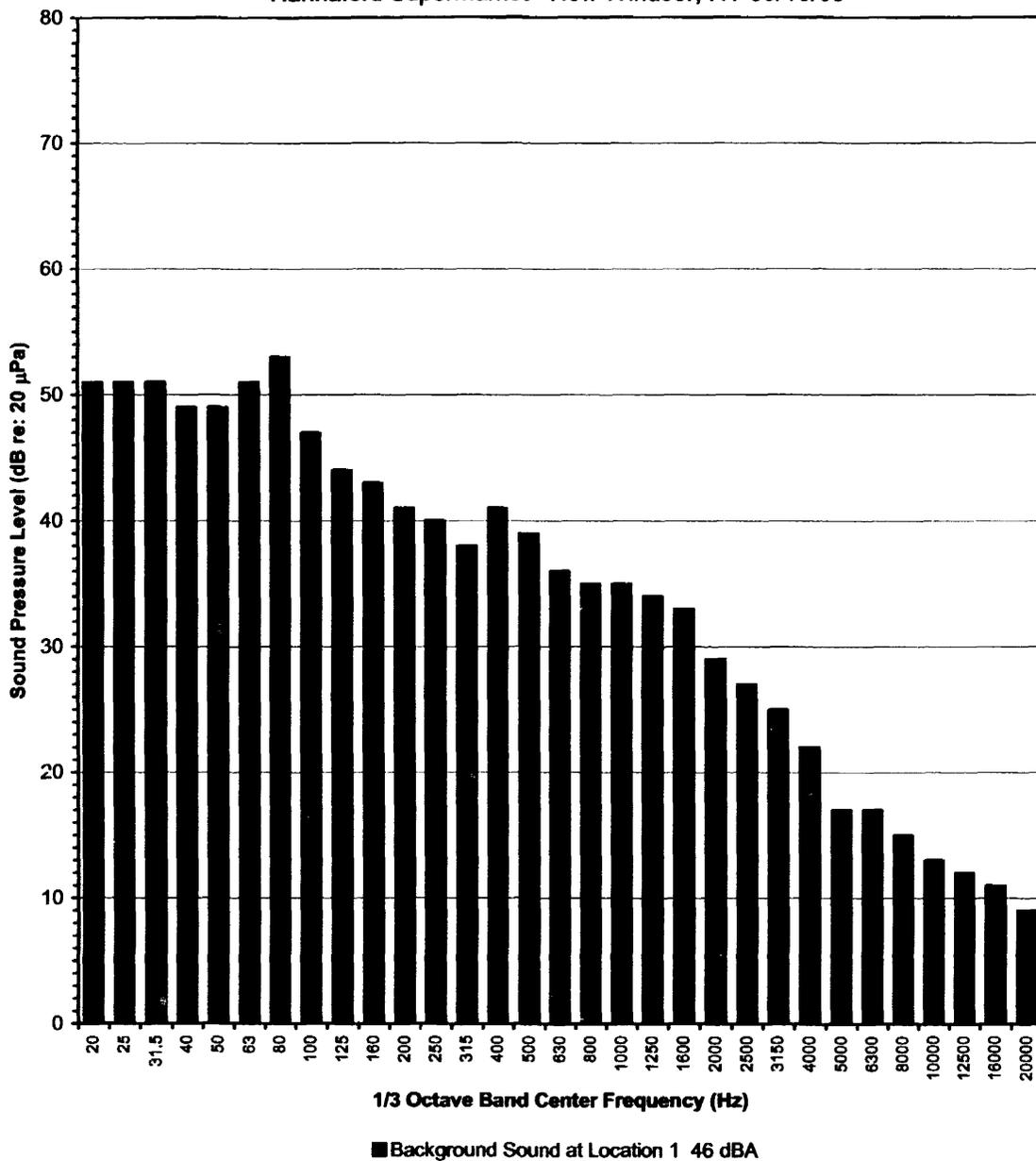


Figure 2

Background Sound at Location 2

Hannaford Supermarket - New Windsor, NY 05/10/05

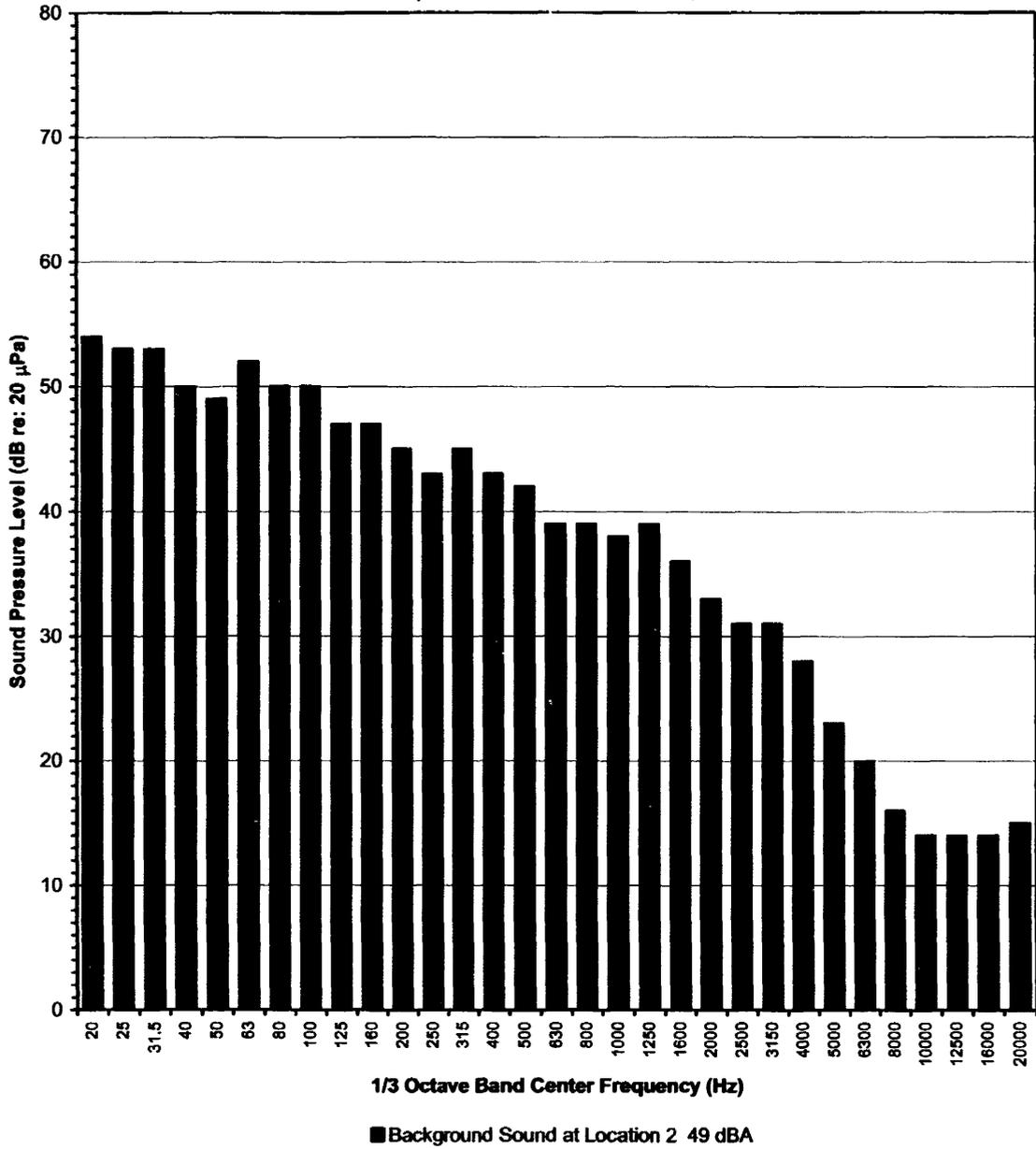


Figure 3

Background Sound at Location 3

Hannaford Supermarket - New Windsor, NY 05/10/05

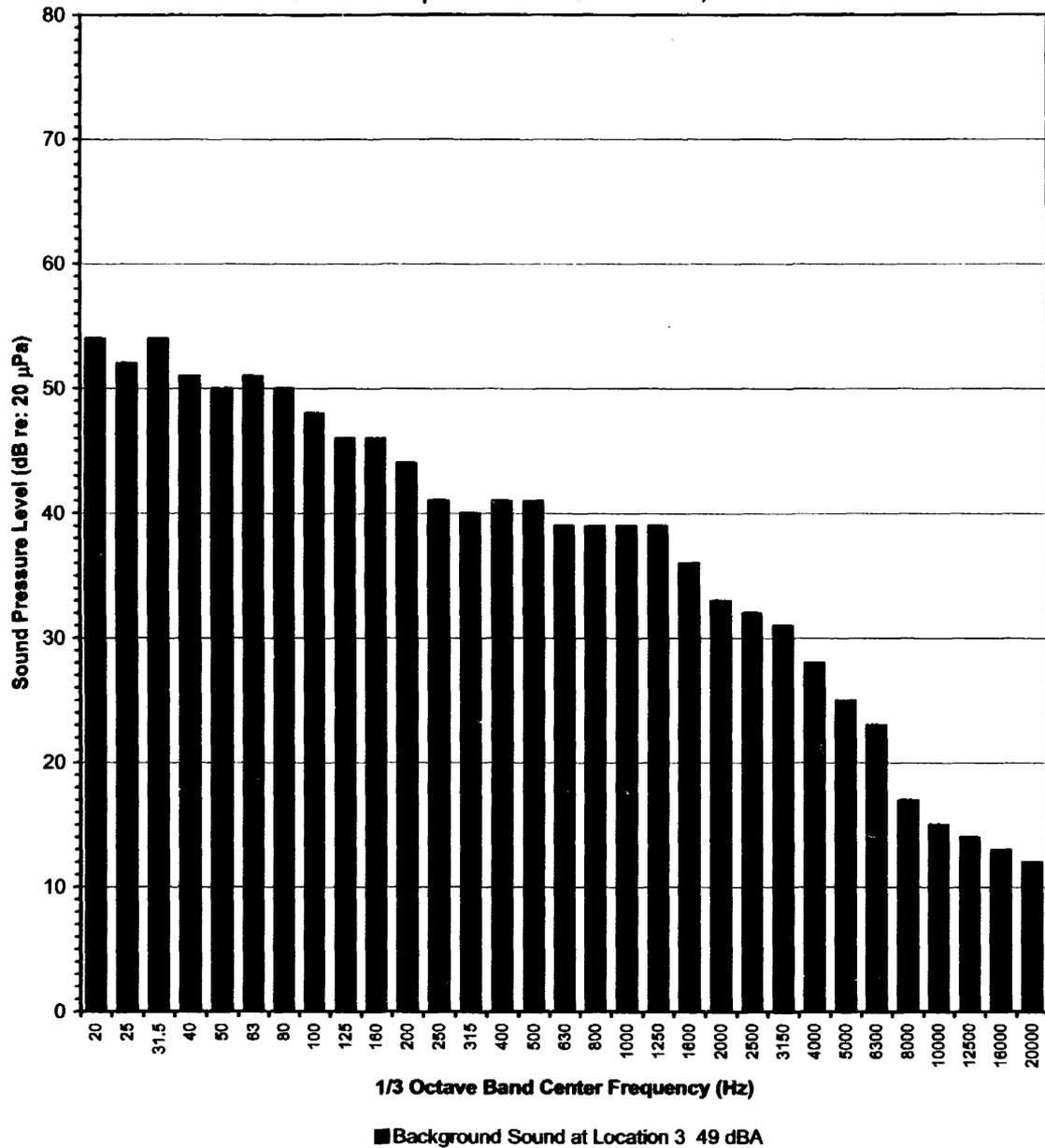


Figure 4

Background Sound at Location 4

Hannaford Supermarket - New Windsor, NY 05/10/05

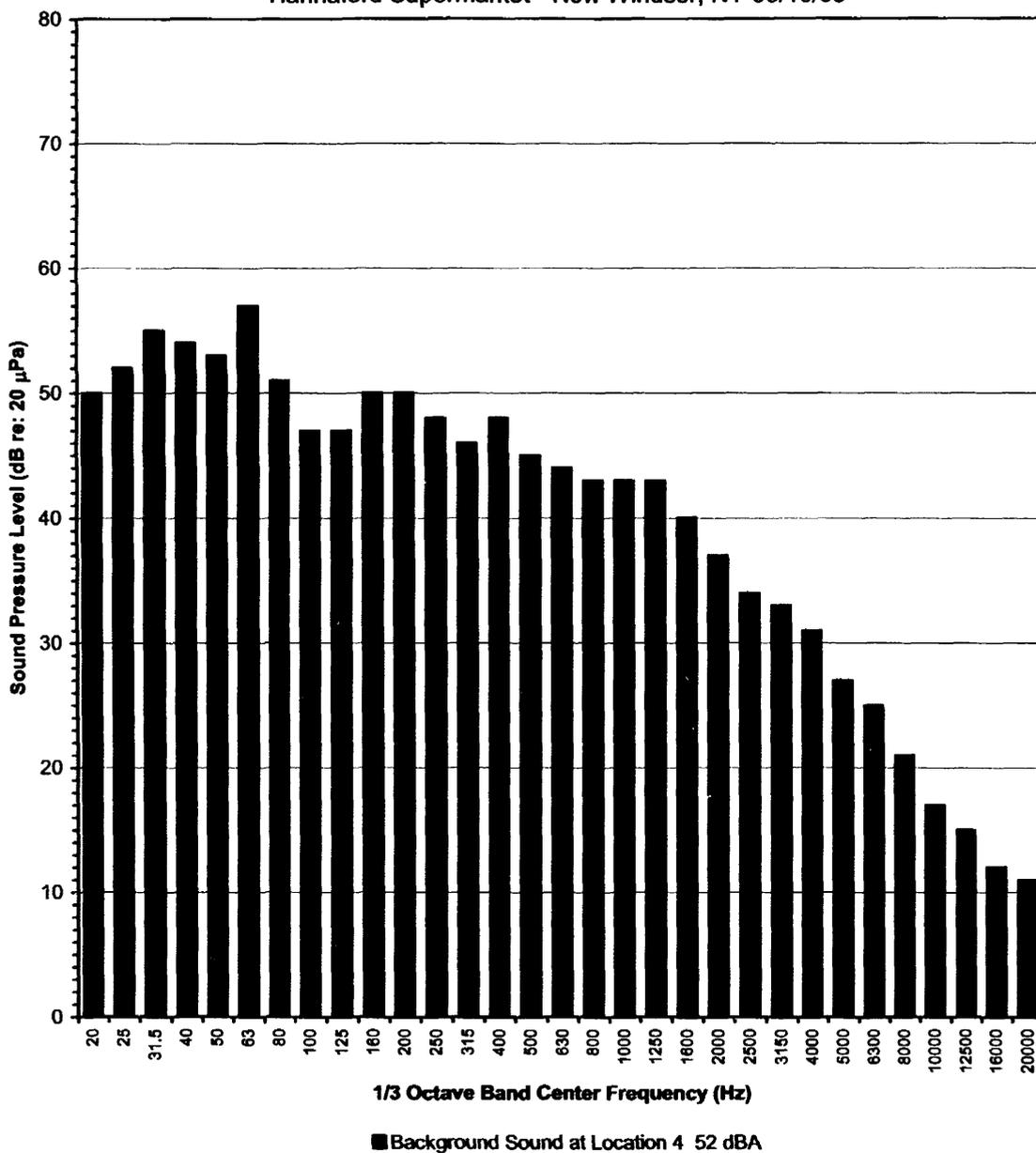


Figure 5

Background Sound at Location 5

Hannaford Supermarket - New Windsor, NY 05/10/05

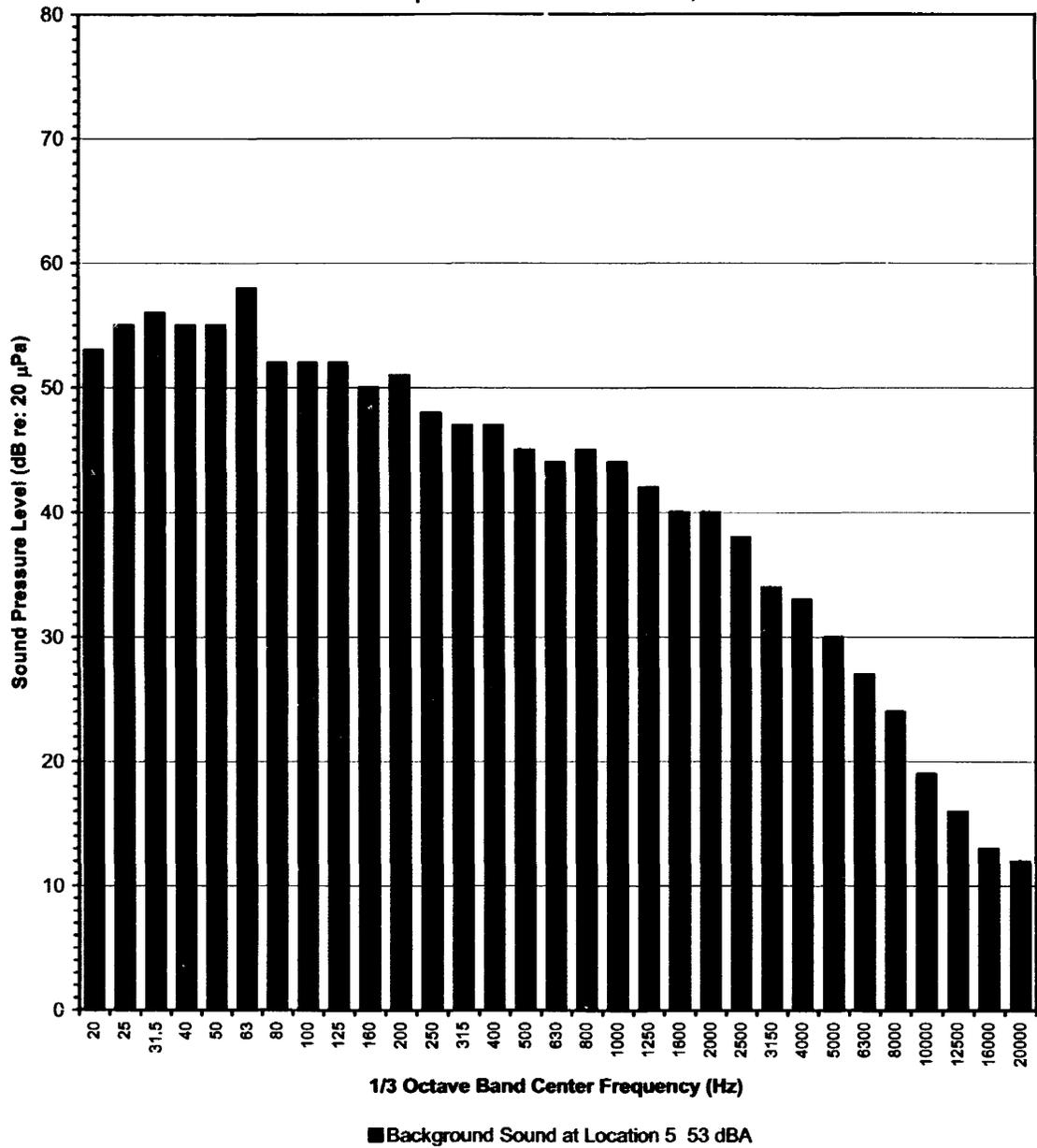


Figure 6



Partners

Charles W. Manning, P.E.
John M. Tozzi, P.E.
Edward V. Woods, P.E.
Donald G. Sovey, P.L.S.

Associates

Don Adams, P.E., PTOE
Karl H. Detrick
Thomas R. Johnson, P.E., PTOE
Shelly A. Johnston, P.E.
Edwin C. Lawson
Jeffrey W. Pangburn, P.E.
Mark A. Sargent, P.E.

June 27, 2005

Mr. Douglas Boyce
Hannaford Bros. Co.
P.O. Box 1000
Portland, ME 04104

RE: Traffic Signal Warrants Analysis, 2005, Hannaford New Windsor, Town of New Windsor, New York; CME Project No. 00-002

Dear Mr. Boyce:

Creighton Manning Engineering (CME) has completed the traffic monitoring and signal warrant analysis required after one year of operations of the Hannaford supermarket in the Town of New Windsor. The following excerpt summarizes the requirement contained in the Town's Finding Statement for the project, dated February 25, 2002:

Traffic monitoring shall be conducted at the conclusion of the applicant's first year of operation, its second year of operation and its third year of operation of the supermarket at the following intersections: Route 94 and Old Temple Hill Road (if no signal is already installed); Route 300 and Old Temple Hill Road and Route 32 and Jacqueline Street. In the event monitoring at any of these intersections discloses the need for a traffic signal during the three-year monitoring period, the applicant shall, at its sole cost and expense, cause such signal to be installed provided NYSDOT authorizes its installation. If at the end of the three-year monitoring period, NYSDOT determines that no traffic signal will be permitted, the applicant shall be released of any further obligation to install a signal. The applicant's obligation to conduct traffic monitoring shall be bonded prior to its receipt of a building permit for the project.

CME collected traffic count data at the intersections noted above during March of 2005. Using this data, preliminary signal warrant analyses were performed at the required intersections. Warrant 11 - Peak Hour Volume of the New York State Codes, Rules, and Regulations, Title 17 - Transportation (NYCRR) were reviewed based on the traffic volume data collected. To satisfy Warrant 11, the peak hour volumes on the main road and side road must exceed the threshold for the applicable lane geometry shown on Figure 271-3, which is included under Attachment B. Below is a summary of the findings:

A. NYS Route 300 and Old Temple Hill Road

The 2005 peak hour traffic volumes on each road are summarized on Attachment A and compared to the 2001 Build traffic forecasts contained in the Traffic Impact Study conducted for the project, dated June 26, 2000. Based on a review of the traffic volumes and comparison to the warrants, the volumes on Route 300 and Old Temple Hill Road appear to be sufficient to meet the minimum traffic volume thresholds for warrant 11. However, meeting of a warrant in-itself is not justification for the installation of a traffic signal, engineering judgment should also be applied when reviewing the appropriateness of a signal installation. First, the 2005 traffic volumes are lower than that which was projected at this intersection after completion of the project. Secondly, based on the traffic counts contained in the Traffic Impact

Engineers, Planners and Surveyors

Study, approximately 94% of the traffic volume exiting Old Temple Hill Road turns right. These drivers need only to merge with one lane of traffic. Because a majority of the side street traffic volume turns right, a movement that generally does not require a traffic signal to complete, the side street volumes may be reduced when comparing them to warrant thresholds. By eliminating the right turn volume, the peak hour volume warrant is not met. Furthermore, the intersection is located immediately adjacent to a railroad crossing. Given these conditions, a traffic signal is not recommended at the subject location.

B. NYS Route 94 and Old Temple Hill Road

The 2001 projected traffic volumes and the 2005 actual volumes on each road are summarized on Attachment B and compared to the signal warrant threshold. These volumes indicate that the intersection was not a candidate for a traffic signal based on 2001 forecasts, and the current 2005 level of traffic is less than predicted and remains below the signal warrant threshold. This intersection is approximately 450 feet from the Route 300/32/94 intersection, thus signal spacing is also a concern. Based on these factors, no signal is recommended at this location at this time.

C. NYS Route 32 and Jacqueline Street

The 2001 projected traffic volumes and the 2005 actual volumes on each road are summarized on Attachment A and compared to the signal warrant threshold. Based on a review of the data, traffic volumes at this intersection are lower than projected in the Traffic Impact Study and are below the minimum volume threshold for warrant 11. Therefore, a traffic signal is not warranted.

D. Summary

Based on this analysis, the 2005 peak hour traffic volumes at all three intersections are less than projected in the Traffic Impact Study. Traffic volumes and conditions at the intersections of Route 300/Old Temple Hill Road, Route 94/Old Temple Hill Road, and Route 32/Jacqueline Street do not satisfy the requirements for installation of a traffic signal. Therefore, no changes to the existing traffic control are recommended.

If you have any questions regarding this analysis, please do not hesitate to contact our office.

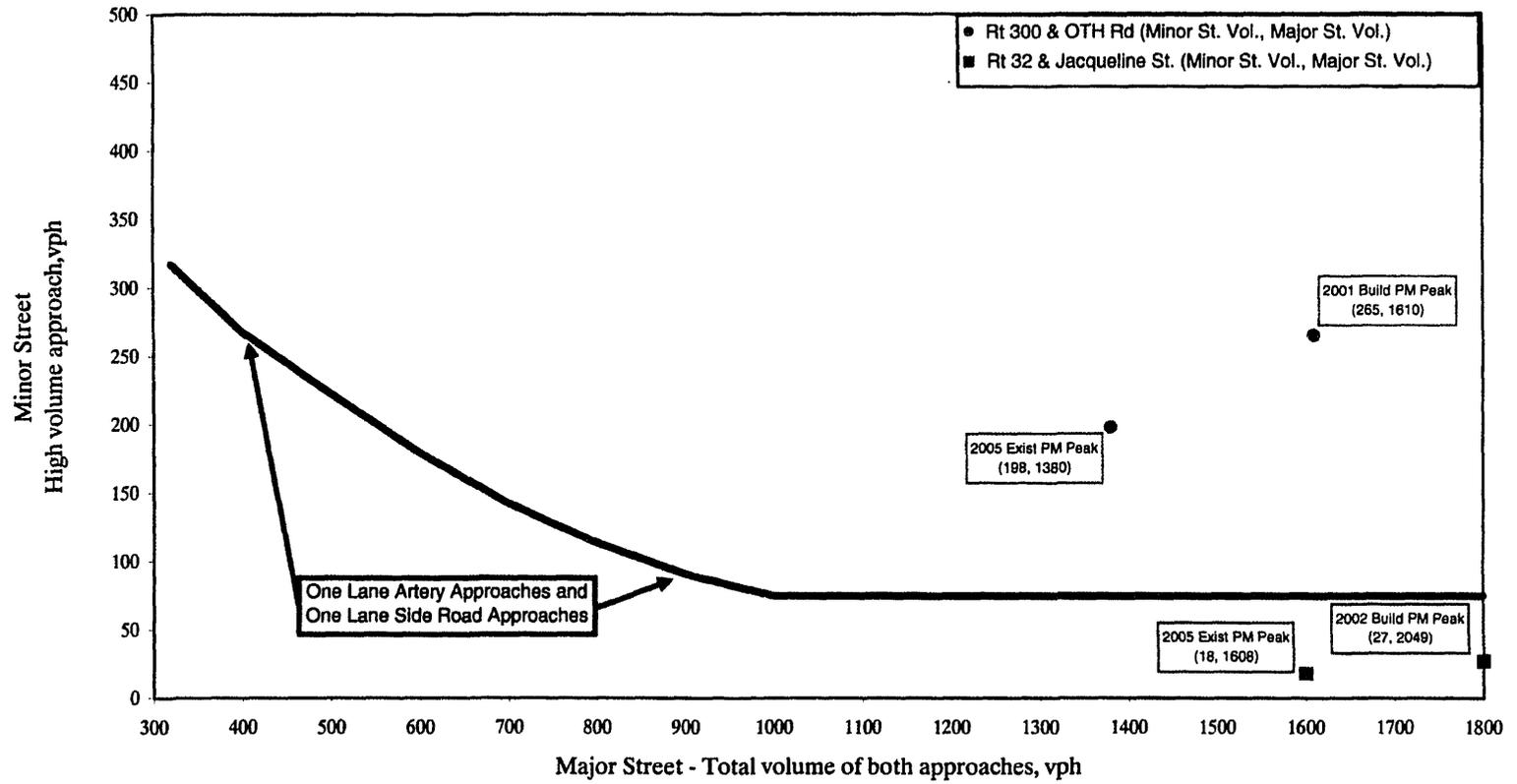
Respectfully submitted,
Creighton Manning Engineering, LLP



Kenneth Wersted, P.E.
Project Engineer

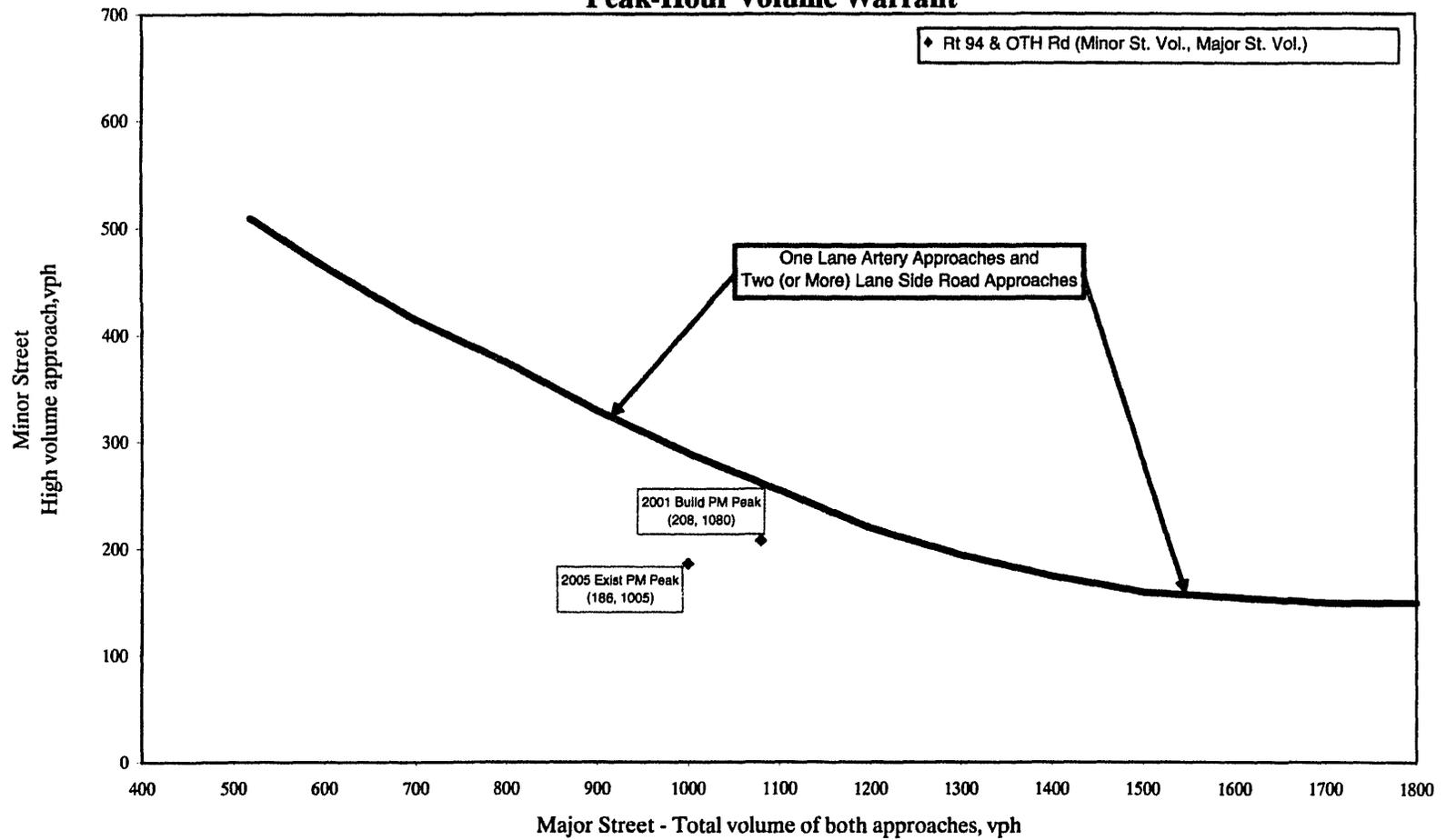
Attachments

Attachment A
Figure 271-4
Reduced Peak-Hour Volume Warrant



Source: NYCRR - Title 17 - Transportation

Attachment B
Figure 271-3
Peak-Hour Volume Warrant





Partners

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Mark A. Sargent, P.E.

July 12, 2006

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P.O. Box 1000
Portland, ME 04104

RE: Traffic Signal Warrants Analysis, 2006, Hannaford New Windsor, Town of New Windsor, New York; CME Project No. 00-002

Dear Mr. Boyce:

Creighton Manning Engineering (CME) has completed the traffic monitoring and signal warrant analysis required after two years of operations of the Hannaford supermarket in the Town of New Windsor. The following excerpt summarizes the requirement contained in the Town's Finding Statement for the project, dated February 25, 2002:

Traffic monitoring shall be conducted at the conclusion of the applicant's first year of operation, its second year of operation and its third year of operation of the supermarket at the following intersections: Route 94 and Old Temple Hill Road (if no signal is already installed); Route 300 and Old Temple Hill Road and Route 32 and Jacqueline Street. In the event monitoring at any of these intersections discloses the need for a traffic signal during the three-year monitoring period, the applicant shall, at its sole cost and expense, cause such signal to be installed provided NYSDOT authorizes its installation. If at the end of the three-year monitoring period, NYSDOT determines that no traffic signal will be permitted, the applicant shall be released of any further obligation to install a signal. The applicant's obligation to conduct traffic monitoring shall be bonded prior to its receipt of a building permit for the project.

CME collected traffic count data at the intersections noted above during June of 2006. Using this data, preliminary signal warrant analyses were performed at the required intersections. Warrant 11 - Peak Hour Volume of the New York State Codes, Rules, and Regulations, Title 17 - Transportation (NYCRR) were reviewed based on the traffic volume data collected. To satisfy Warrant 11, the peak hour volumes on the main road and side road must exceed the threshold for the applicable lane geometry shown on Figures 271-3 and 4, which are included under Attachments A and B. Below is a summary of the findings:

A. NYS Route 300 and Old Temple Hill Road

The 2006 peak hour traffic volumes on each road are summarized on Attachment A and compared to the 2001 peak hour traffic forecasts contained in the Traffic Impact Study conducted for the project, dated June 26, 2000. Based on a review of the traffic volumes and comparison to the warrants, the volumes on Route 300 and Old Temple Hill Road appear to be sufficient to meet the minimum traffic volume thresholds for warrant 11. However, meeting of a warrant in-itself is not justification for the installation of a traffic signal, engineering judgment should also be applied when reviewing the appropriateness of a signal installation. First, the 2006 traffic volumes are lower than that which was projected at this intersection after completion of the project and a signal was determined not to be necessary under those

Engineers, Planners and Surveyors

Mr. Douglas Boyce
July 12, 2006
Page 2 of 2

higher volume traffic conditions. Secondly, based on the current traffic counts approximately 99% of the traffic volume exiting Old Temple Hill Road turns right. These drivers need only to merge with one lane of traffic. Because a majority of the side street traffic volume turns right, a movement that generally does not require a traffic signal to complete, the side street volumes may be reduced when comparing them to warrant thresholds. By eliminating the right turn volume, the peak hour volume warrant is not met. Furthermore, the intersection is located immediately adjacent to a railroad crossing. Given these conditions, a traffic signal is not recommended at the subject location.

B. NYS Route 94 and Old Temple Hill Road

The 2001 projected traffic volumes and the 2006 actual volumes on each road are summarized on Attachment B and compared to the signal warrant threshold. These volumes indicate that the intersection was not a candidate for a traffic signal based on 2001 forecasts, and the current 2006 level of traffic is less than predicted and remains below the signal warrant threshold. This intersection is approximately 450 feet from the Route 300/32/94 intersection, thus signal spacing is also a concern. Based on these factors, installation of a traffic signal is not recommended at this location.

C. NYS Route 32 and Jacqueline Street

The 2002 projected traffic volumes and the 2006 actual traffic volumes on each road are summarized on Attachment A and compared to the signal warrant threshold. Based on a review of the data, traffic volumes at this intersection are currently lower than projected in the Traffic Impact Study and are below the minimum volume threshold for warrant 11. Therefore, a traffic signal is not warranted.

D. Summary

Based on this analysis, the 2006 peak hour traffic volumes at all three intersections are less than the projected traffic volumes in the Traffic Impact Study. Traffic volumes and conditions at the intersections of Route 300/Old Temple Hill Road, Route 94/Old Temple Hill Road, and Route 32/Jacqueline Street do not satisfy the requirements for installation of a traffic signal. Therefore, no changes to the existing traffic control are recommended.

If you have any questions regarding this analysis, please do not hesitate to contact our office.

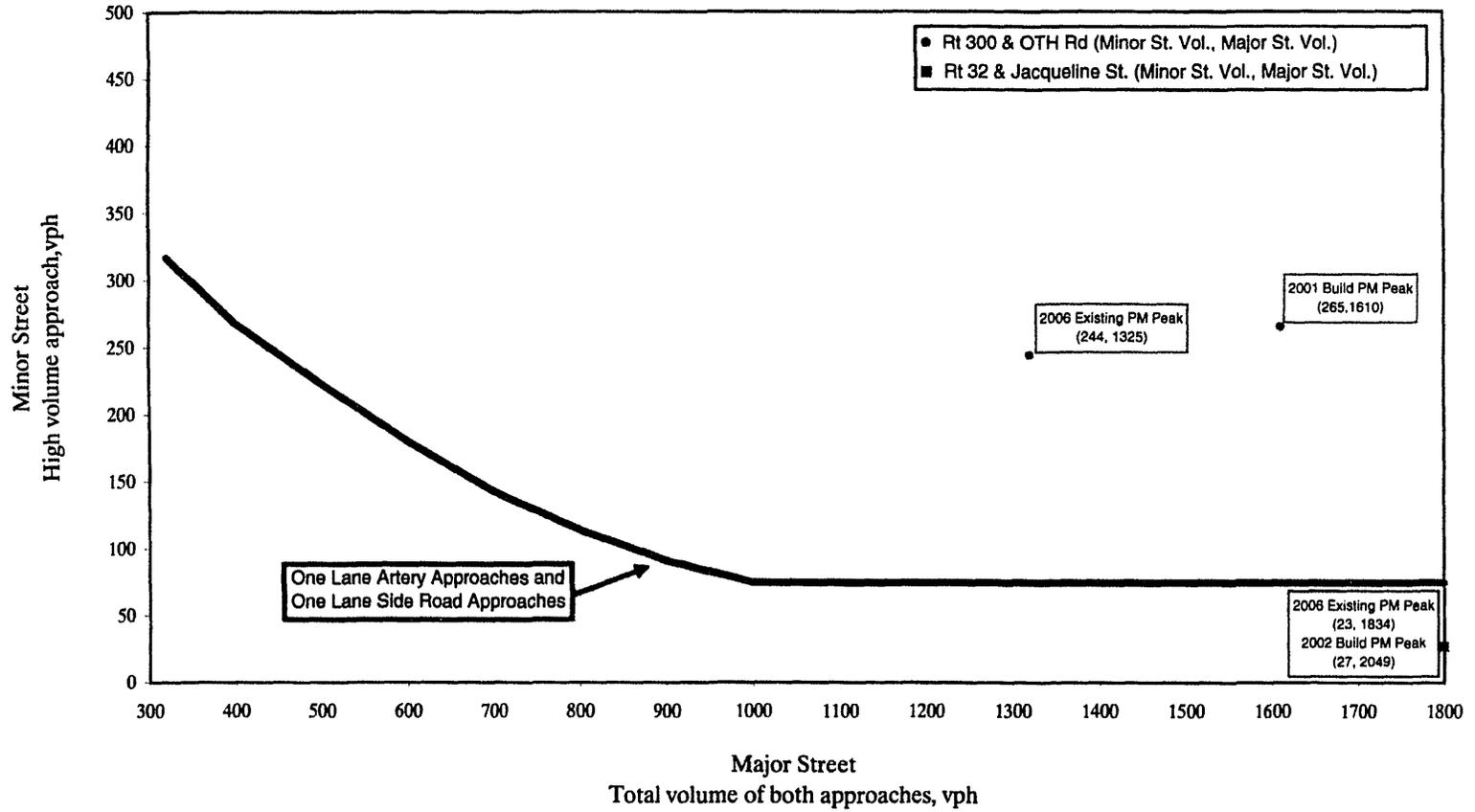
Respectfully submitted,
Creighton Manning Engineering, LLP



Kenneth Wersted, P.E.
Project Engineer

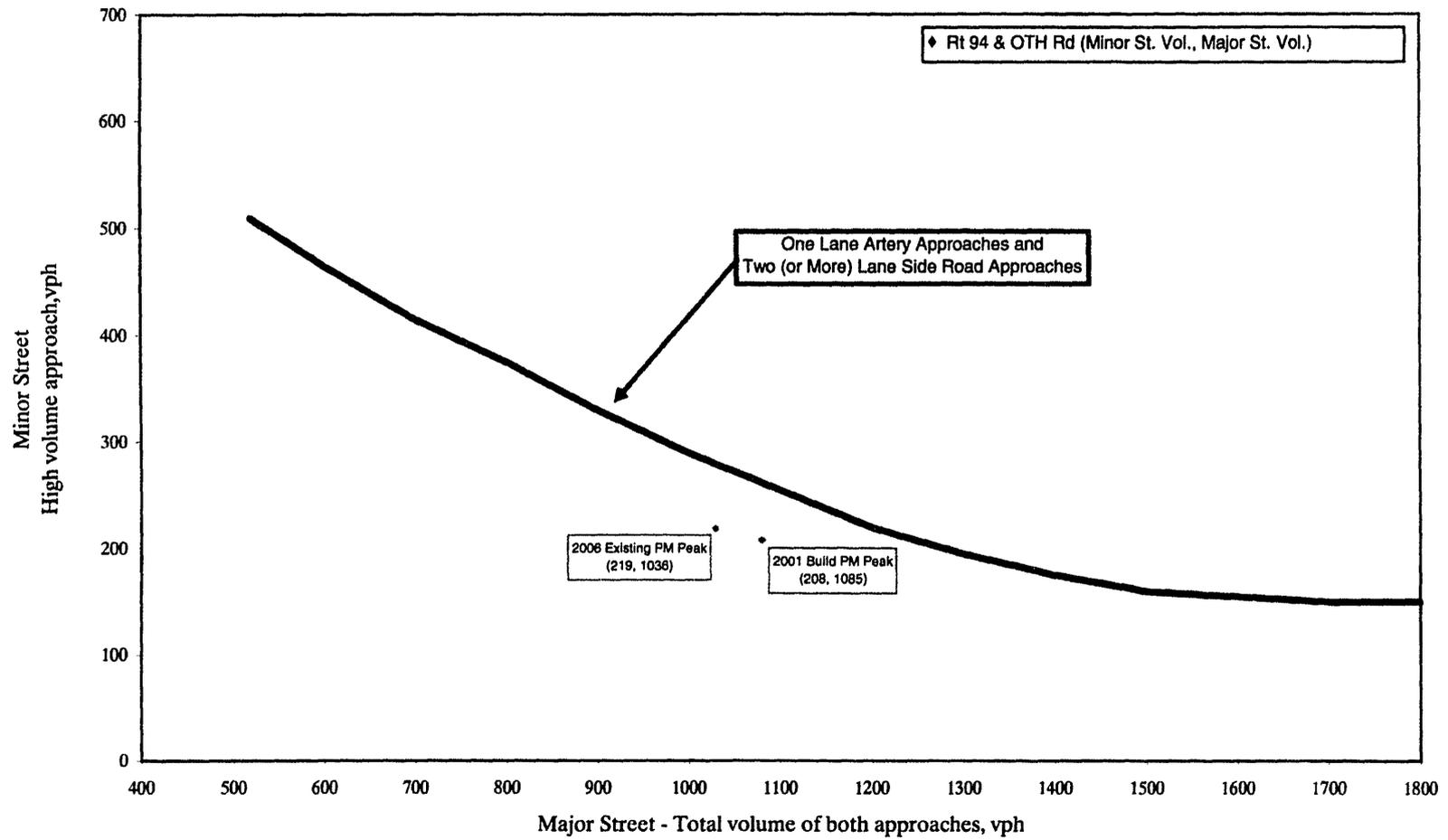
Attachments

Attachment A
Figure 271-4
Reduced Peak-Hour Volume Warrant



Source: NYCRR - Title 17 - Transportation

Attachment B
Figure 271-3
Peak-Hour Volume Warrant



H I I M Y K A

AS OF: 10/21/2002

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CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 0- 15

FOR WORK DONE PRIOR TO: 10/21/2002

TASK-NO	REC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
0-15	210132	06/18/02	TIME	MJE	MC HANNIFORD CK FNL RES	88.00	0.40	35.20			
0-15	210135	06/18/02	TIME	MJE	MC CONFRM HANNIFORD FN	88.00	0.40	35.20			
0-15	211720	06/24/02	TIME	MJE	MC HANNIFORD W/MM	88.00	0.30	26.40			
0-15	216569	08/07/02	TIME	MJE	WS HANNAFORDS	88.00	0.40	35.20			
0-15	216683	08/13/02	TIME	MJE	MC 78-CODE RVW & MEMO	88.00	1.00	88.00			
								466.40			
0-15	214967	08/01/02			BILL 02-897					-343.20	
											-343.20
0-15	220491	09/09/02	TIME	MJE	MC CLOSEOUT COMMENTS HA	88.00	0.50	44.00			
0-15	220517	09/11/02	TIME	MJE	MC HANNAFORD W/CHAIRMAN	88.00	0.30	26.40			
								70.40			
0-15	219548	09/05/02			BILL 02-1063					-123.20	
											-123.20
0-15	224358	10/08/02	TIME	MJE	MC DISC HANNAFORD W/WIN	88.00	0.30	26.40			
0-15	224855	10/15/02	TIME	MJE	MC HANNAFORD CLOSEOUT	88.00	1.80	158.40			
0-15	224856	10/16/02	TIME	MJE	MC HANNAFORD CLOSEOUT	88.00	0.40	35.20			
0-15	224858	10/16/02	TIME	MJE	WS HANNAFORD RVW STATUS	88.00	0.40	35.20			
TASK TOTAL								6325.80	14517.14	-20517.34	325.60
GRAND TOTAL								6325.80	14517.14	-20517.34	325.60

Handwritten circle around task 224358 with an arrow pointing down.

Closeout

1 1/2 hr +132

20,974.94

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CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

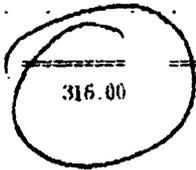
NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 0-22

FOR WORK DONE PRIOR TO: 10/21/2002

										-----DOLLARS-----			
TASK-NO	REC	DATE	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
0-22	163819	11/13/00	TIME	MJE	MC	MONROE MUFF	80.00	0.30	24.00				
0-22	163821	11/13/00	TIME	MJE	MC	MONROE MUFF REVIEW	80.00	0.30	24.00				
0-22	163826	11/14/00	TIME	MJE	MC	MONROE MUFF REVIEW	80.00	0.20	16.00				
0-22	164485	12/01/00	TIME	MJE	MC	L/A COORD	80.00	0.40	32.00				
									96.00				
0-22	165190	12/14/00				BILL 00-1147					-96.00		
											96.00		
0-22	204228	04/24/02	TIME	MJE	MC	MONRO MUFFLER	88.00	0.50	44.00				
0-22	204195	05/03/02	TIME	MJE	MC	MONRO MUFFLER ZBA	88.00	0.50	44.00				
0-22	208902	06/12/02	TIME	MJE	MM	Monroe S/P AM Cd/AP	88.00	0.10	8.80				
0-22	210134	06/18/02	TIME	MJE	MC	MONROE CK FNL RESOL	88.00	0.40	35.20				
									132.00				
0-22	214969	08/01/02				BILL 02-897					-132.00		
											-132.00		
0-22	220493	09/09/02	TIME	MJE	MC	CLOSEOUT COMMENTS	88.00	0.50	44.00				
0-22	224874	10/21/02	TIME	MJE	MC	Closeout	88.00	0.50	44.00				
TASK TOTAL									316.00	0.00	-228.00	88.00	
GRAND TOTAL									316.00	0.00	228.00	88.00	



AS OF: 10/21/2002

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN TOWN OF NEW WINDSOR

TASK: 0-21

FOR WORK DONE PRIOR TO: 10/21/2002

TASK-NO	REC	DATE	TRAN	EMPL	ACT	DESCRIPTION	RATE	HRS.	TIME	DOLLARS		
										LXP.	BILLED	BALANCE
0-21	163818	11/13/00	TIME	MJE	MC	LONG JOHN SILVER	80.00	0.30	24.00			
0-21	163822	11/13/00	TIME	MJE	MC	LONG JOHN SILVER RVW	80.00	0.30	24.00			
0-21	163827	11/14/00	TIME	MJE	MC	LONG JOHN SILVER RVW	80.00	0.20	16.00			
0-21	164496	12/01/00	TIME	MJE	MC	L/A COORD	80.00	0.40	32.00			
									96.00			
0-21	165189	12/14/00				BILL 00-1147					96.00	
											-96.00	
0-21	204229	04/24/02	TIME	MJE	MC	LONG JOHN SILVER	88.00	0.50	44.00			
0-21	209901	06/12/02	TIME	MJE	MM	Long John Cand APPL	88.00	0.10	8.80			
0-21	210133	06/18/02	TIME	MJE	MC	LONG JOHN CK FINAL	88.00	0.40	35.20			
									88.00			
0-21	214968	08/01/02				BILL 02-897					-88.00	
											-88.00	
0-21	220492	09/09/02	TIME	MJE	MC	CLOSEOUT COMMENTS	88.00	0.50	44.00			
0-21	224875	10/21/02	TIME	MJE	MC	Closeout	88.00	0.50	44.00			
TASK TOTAL									272.00	0.00	-184.00	88.00
GRAND TOTAL									272.00	0.00	-184.00	88.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 0-22
NAME: MONROE MUFFLER AMENDED SITE PLAN
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SEE 00-15 FOR INSP FEE	CHG	0.00		
		TOTAL:	0.00	0.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

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LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 0-22
NAME: MONROE MUFFLER AMENDED SITE PLAN
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SITE PLAN APPROVAL FEE	CHG	100.00		
		TOTAL:	100.00	0.00	100.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
4% FEE

FOR PROJECT NUMBER: 0-21

NAME: LONG JOHN SILVERS AMENDED S.P.

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SEE - 00-15 FOR INSP FEE	CHG	0.00		
		TOTAL:	0.00	0.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	2%OF 985,646.00 INSP FEE	CHG	19713.00		
		TOTAL:	19713.00	0.00	19713.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

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LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SITE PLAN APPROVAL FEE	CHG	100.00		
		TOTAL:	100.00	0.00	100.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/07/2000	REC #1459341 - HANNAFORD	PAID		750.00	
09/13/2000	P.B. ATTY. FEE	CHG	35.00		
09/13/2000	P.B. MINUTES	CHG	76.50		
11/15/2000	P.B. ATTY. FEE	CHG	35.00		
11/15/2000	P.B. MINUTES	CHG	18.00		
01/24/2001	P.B. ATTY. FEE	CHG	35.00		
01/24/2001	P.B. MINUTES	CHG	36.00		
02/14/2001	P.B. ATTY. FEE	CHG	35.00		
02/14/2001	P.B. MINUTES	CHG	40.50		
03/19/2001	ADDITIONAL ESCROW - CK155	PAID		3500.00	
05/23/2001	P.B. ATTY. FEE	CHG	35.00		
05/23/2001	P.B. MINUTES	CHG	9.00		
07/25/2001	P.B. ATTY. FEE	CHG	35.00		
07/25/2001	P.B. MINUTES	CHG	18.00		
08/22/2001	P.B. ATTY. FEE	CHG	35.00		
08/22/2001	P.B. MINUTES	CHG	180.00		
04/24/2002	P.B. ATTY. FEE	CHG	35.00		
04/24/2002	P.B. MINUTES	CHG	22.50		
06/12/2002	P.B. MINUTES	CHG	54.00		
06/12/2002	P.B. ATTY. FEE	CHG	35.00		

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/22/2002

PAGE: 2

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/19/2002	POSTAGE FOR FINDINGS MAIL	CHG	6.18		
10/22/2002	P.B. ENGINEER FEE	CHG	20974.94		
		TOTAL:	21750.62	4250.00	17500.62

Mason, Myra

From: Mark J. Edsall [mje@mhepc.com]
Sent: Monday, October 21, 2002 11:14 AM
To: Ross A. Winglovitz
Cc: dboyce@hannaford.com; mje@mhepc.com; mje@mhepc.com;
mmason@town.new-windsor.ny.us
Subject: RE: New Windsor Cost Estimate.



NW00-15-HannafordC
ostEst101802...



ATT00006.txt

Ross,

Estimate was fine. Thank you.

By copy of this email to Myra, I am forwarding her a copy of the estimate and advising the estimate is fine.

Myra, the estimate is in three pages, one each covering the 3 applications. The total of all three cost estimates is \$985,646. Based on a 2% field inspection fee, a fee of \$19,713 must be paid. As we discussed, all site improvements are an obligation of the parent application (00-15) so all fees are paid against that app. Only standard fees apply to other two applications, no inspection fees. Double check the fee amount when closing out.

I will fax a copy of our time printouts for all 3 applications (which includes all John Collins time to review traffic) to you so you can close out our fees and all three applications.

Call any Qs.

Mark

At Friday, 18 October 2002, "Ross A. Winglovitz"
<RAWinglovitz@tectonicengineering.com> wrote:

My apologies here are the revised estimates.

-----Original Message-----

From: dboyce@hannaford.com [mailto:dboyce@hannaford.com]
Sent: Friday, October 18, 2002 12:01 PM
To: mje@mhepc.com
Cc: Ross A. Winglovitz; Jay Samuelson
Subject: Re: New Windsor Cost Estimate.

Mark, thanks for letting me know this. I will have Tectonic email that to

TECTONIC

COST ESTIMATE WORKSHEET

WO. NO.
2586.01

DATE
10/18/02

SHEET 1 OF 3

PROJECT TITLE
HANNAFORD FOOD & DRUG

LOCATION
NYS ROUTE 32 - NEW WINDSOR HANNAFORD SUPERMARKET

OWNER
HANNAFORD BROTHER FOODS

ESTIMATED BY
PG

APPROVED BY
JS

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE MAT. & LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	2,723	LF	\$10.00	\$27,230.00
	6' HIGH WOODEN STOCKADE FENCE	347	LF	\$8.00	\$2,776.00
	6' HIGH FENCE WITH WOODEN GUIDERAIL	705	LF	\$18.00	\$12,690.00
	HEAVY DUTY PAVEMENT	5,870	SY	\$14.00	\$82,180.00
	LIGHT DUTY PAVEMENT	8,778	SY	\$10.00	\$87,780.00
	HANDICAP SIGN AND STRIPING	8	EA	\$125.00	\$1,000.00
	TRAFFIC CONTROL SIGN	22	EA	\$100.00	\$2,200.00
	TOP SOIL AND SEED	3,500	SY	\$1.00	\$3,500.00
	CONCRETE SIDEWALK	650	SY	\$35.00	\$22,750.00
	PARKING SPACE STRIPING	304	EA	\$8.00	\$2,432.00
	GUIDE RAIL	180	LF	\$10.00	\$1,800.00
	STOP BAR	12	EA	\$10.00	\$120.00
	LINE STRIPING	700	LF	\$0.40	\$280.00
	MSE RETAINING WALL	11750	SF	\$20.00	\$235,000.00
	LANDSCAPING TREES	276	EA	\$125.00	\$34,500.00
	LANDSCAPING SHRUBS	422	EA	\$25.00	\$10,550.00
	MULCHED SURFACE	2000	SY	\$3.00	\$6,000.00
	LAMPS	29	EA	\$900.00	\$26,100.00
	BLDG MOUNTED LIGHTING	2	EA	\$300.00	\$600.00
2	DRAINAGE				
	12" HDPE PIPE	288	LF	\$20.00	\$5,760.00
	15" HDPE PIPE	101	LF	\$20.00	\$2,020.00
	18" HDPE PIPE	794	LF	\$25.00	\$19,850.00
	24" HDPE PIPE	326	LF	\$30.00	\$9,780.00
	72" HDPE PIPE	1450	LF	\$65.00	\$94,250.00
	CATCH BASINS	14	EA	\$1,000.00	\$14,000.00
	CONNECT TO EXISTING CB	1	EA	\$500.00	\$500.00
	MANHOLES	2	EA	\$1,300.00	\$2,600.00
	STORMCEPTOR	1	EA	\$15,000.00	\$15,000.00
3	SANITARY SEWER				
	8" PVC SEWER MAIN	313	LF	\$25.00	\$7,825.00
	MANHOLES	3	EA	\$1,300.00	\$3,900.00
4	WATER				
	12" CLASS 52 DUCTILE IRON MAIN	948	LF	\$35.00	\$33,180.00
	6" CLASS 52 DUCTILE IRON MAIN	60	LF	\$25.00	\$1,500.00
	12" GATE VALVES	5	EA	\$1,400.00	\$7,000.00
	8" GATE VALVES	1	EA	\$700.00	\$700.00
	HYDRANTS	3	EA	\$1,400.00	\$4,200.00
5	EROSION CONTROL				
	EROSION CONTROL	5	EA	\$2,500.00	\$12,500.00
	TOTAL				\$794,053.00

TECTONIC**COST ESTIMATE
WORKSHEET**WO. NO.
2586.01DATE
8/6/02

SHEET 2 OF 3

PROJECT TITLE
HANNAFORD FOOD & DRUGLOCATION
NYS ROUTE 32 - NEW WINDSOR

MONRO MUFFLER BRAKE

OWNER
HANNAFORD BROTHER FOODSESTIMATED BY
PGAPPROVED BY
JS

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE MAT.& LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	783	LF	\$10.00	\$7,830.00
	HEAVY DUTY PAVEMENT	1,027	SY	\$14.00	\$14,378.00
	LIGHT DUTY PAVEMENT	552	SY	\$10.00	\$5,520.00
	6' HIGH FENCE	184	LF	\$8.00	\$1,472.00
	LINE STRIPING	160	LF	\$0.40	\$64.00
	TOP SOIL AND SEED	2,500	SY	\$1.00	\$2,500.00
	HANDICAP SIGN AND STRIPING	2	EA	\$125.00	\$250.00
	TRAFFIC CONTROL SIGN	1	EA	\$100.00	\$100.00
	STOP BAR	2	EA	\$10.00	\$20.00
	PAINTED STRIPED ISLAND	1	EA	\$30.00	\$30.00
	DUMPSTER ENCLOSURE	1	EA	\$1,500.00	\$1,500.00
	MSE WALL	360	SF	\$80.00	\$7,200.00
2	DRAINAGE				
	12" HDPE PIPE	116	LF	\$20.00	\$2,320.00
	15" HDPE PIPE	232	LF	\$25.00	\$5,800.00
	18" HDPE PIPE	6	LF	\$30.00	\$180.00
	30" HDPE PIPE	1542	LF	\$35.00	\$53,970.00
	CATCH BASINS	5	EA	\$1,000.00	\$5,000.00
	CONNECT TO EXIST. CB	2	EA	\$500.00	\$1,000.00
	MANHOLES	6	EA	\$1,300.00	\$7,800.00
	OUTLET STRUCTURE	1	EA	\$4,000.00	\$4,000.00
	STORMCEPTOR	1	EA	\$15,000.00	\$15,000.00
3	WATER				
	12" CLASS 52 DUCTILE IRON MAIN	235	LF	\$35.00	\$8,225.00
	12" GATE VALVES	1	EA	\$1,400.00	\$1,400.00
	8" GATE VALVES	1	EA	\$700.00	\$700.00
	WET TAP	1	LS	\$2,500.00	\$2,500.00
4	EROSION CONTROL				
	EROSION CONTROL PER ACRE		ACRE	\$2,500.00	\$0.00
					\$0.00
					\$0.00
	TOTAL				\$148,759.00

TECTONIC**COST ESTIMATE
WORKSHEET**WO. NO.
2586.01DATE
10/18/02

SHEET 3 OF 3

PROJECT TITLE
HANNAFORD FOOD & DRUGLOCATION
NYS ROUTE 32 - NEW WINDSOR

LONG JOHN SILVERS

OWNER
HANNAFORD BROTHER FOODSESTIMATED BY
PGAPPROVED BY
JS

ITEM NUMBER	DESCRIPTION	ESTIMATE QUANTITY	UNIT	UNIT PRICE MAT.& LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	662	LF	\$10.00	\$6,620.00
	12" GRAVEL ROADWAY	1,458	SF	\$4.00	\$5,832.00
	HEAVY DUTY PAVEMENT	1,107	SY	\$14.00	\$15,498.00
	STEEL GUIDE RAIL	593	LF	\$10.00	\$5,930.00
	LINE STRIPING	560	LF	\$0.40	\$224.00
	TOPSOIL AND SEED	1,800	SY	\$1.00	\$1,800.00
	STOP BAR	2	EA	\$10.00	\$20.00
2	DRAINAGE				
	12" HDPE PIPE	68	LF	\$20.00	\$1,360.00
	CATCH BASINS	2	EA	\$1,000.00	\$2,000.00
	FLARED END SECTIONS	4	EA	\$250.00	\$1,000.00
	RIP-RAP	20	CY	\$65.00	\$1,300.00
3	EROSION CONTROL				
	EROSION CONTROL	0.5	ACRE	\$2,500.00	\$1,250.00
	TOTAL				\$42,834.00

13

HANNAFORDS FOOD & DRUGS SITE PLAN (00-15)

MR. PETRO: This is right in Vails Gate, it's where Friendly's presently is, goes back a little ways. And it goes all the way over to the old ambulance building on 94 which I believe they are going to demolish and make an exit on 94, in that direction.

MR. COUCH: My name is Andrew Couch, Director of Real Estate Development for Hannaford Brothers.

MR. PETRO: Before you start, Andrew, two things I want to mention, one is I presently have a mortgage on the old ambulance building, which is to be demolished, but I have no connection to this site plan, this company, and I presently do not own that building either. I just hold the mortgage. I want to get it into the minutes. Secondly, we did meet, me being myself, Mike Babcock, Town of New Windsor Supervisor some time ago with these gentlemen and on this project, just let them know the Supervisor and the Town Board and let them know that they had a very, very strong concern about the traffic in the area. So we want to recognize that fact that it's very, very important to the Town and to the Planning Board, although we don't have direct control of it, we're going to be cognizant of the fact that it is a major factor here, but we also don't want to be negative on anything. If you meet the proper setbacks, you meet the proper conditions that you need to meet through Town or state law, then we're going to review this in that light. Nothing other than that.

MR. LANDER: Before we get going, can you put one of these plans up on the board here? Point us where Friendly's and Mr. Petro's building location is.

MR. COUCH: Mr. Petro's building is here, Friendly's is located right here, McDonald's is right here, there's an old fish and chips building right here and then it becomes kind of grass or trees.

MR. PETRO: Before you go on, according to this plan, you're not going to be touching that building then?

MR. COUCH: We'll probably demolish the building to

allow better visibility of the site, we're planning to buy it, we have, we're in contract to purchase it, we intend to do that bring the building down for the visibility of the site.

MR. PETRO: Before we get going, as the plan appears now, will you require any variances from the local zoning board?

MR. COUCH: No.

MR. EDSALL: Not that I'm aware of.

MR. PETRO: Not that I'm doubting your word, but I want to get it on the record. In the back of the property we're going to build a large retaining wall, is that still--

MR. COUCH: Yes, we are.

MR. PETRO: Why don't you give us a whole overlay of your presentation and then we'll go on from there?

MR. COUCH: Also, I'd like to submit an application for the building permit, which is required, we learned about this recently. My name is Andrew Couch with Hannaford Brothers and I have with us several of our consultants we retained, Doug Boice, our project manager, civil engineer, Hannaford Brothers, Mark Sargent, traffic engineer with, he's with Crayton Manning Engineering, we have with us Ross Winglovitz and Jeff Schiller with Tectonic Engineering and attorney Larry Wolinsky with Jacobowitz & Gubits so we're ready to answer any questions you might have. We can go as deep as you'd like with the site. If you're not familiar with Hannaford Brothers, we operate 23 stores in the State of New York, right now, closest stores are in Middletown and Kingston. We also received approvals in Wappingers. We plan to build there first, in our strategy, part of our strategy for putting more stores in the Hudson Valley. We're based in Portland, Maine, part of a company called Dell Hayes America (phonetic), which is a 14 billion dollar company and operates on the eastern seaboard. Our project overview is basically as you see it, this is

our site plan, the aerial photo helps to show the surrounding properties. We propose to build a 55,200 square foot building with entrances on Route 32 and traffic signal here, entrance on Route 94 and we're very sensitive to concerns raised at the meeting about traffic and other issues regarding drainage and we're very attentive to that. Project is in the C zone, permits supermarkets or food and drugstore, which is what they are. Three parcels involved, four acres LLC which are located in a sort of an L-shaped and Friendly's parcel and then the other parcel which is right here which is third parcel. What we intend to do is to combine those into one parcel for the development. We have 304 parking stalls which yield parking ratio of 5 1/2 spaces per thousand square feet, no variances are needed.

MR. PETRO: Nine by nineteen, what we had discussed?

MR. WINGLOVITZ: Yes, correct.

MR. COUCH: It's a permitted use and we have designed the screening in accordance with the code, setbacks, building height, things of that nature. As far as some other details we have submitted to the Town are site plans, long form environmental assessment form, the traffic study, applicant proxy statements, flood hazard area statement, we're not in a flood zone, we'll use public water and public sewage systems to service the site, site has no wetlands, it's 4/100 of an acre wetlands, so virtually no wetlands. We propose the traffic mitigation, the four major measures that we propose for traffic mitigation are to install a traffic signal here on Route 32 to have some revised lane designations on Route 32 and I believe also on Route 94 slightly, Mark, is that correct, no lane designations there? We'll have revised signal facing at this intersection and we'll have a new lane that will be an entrance lane as you come up Route 32 to come into the site right here. All told, comparing our traffic study the build versus no build situation, there's generally no degradation of service, in fact, an improvement of service in many aspects, what it yields is reduced intersection delays and reduced queue lengths and major means of doing that is by retiming this light down here

to be more sensitive to what the traffic movements actually are.

MR. PETRO: You have a regular traffic light at your intersection, do you mean a normal--

MR. COUCH: Yes, DOT.

MR. PETRO: --red, yellow green timed with the one at the corner?

MR. COUCH: That's correct, yes, these are full service access points at both intersections.

MR. PETRO: Nothing at the 94 one, though?

MR. COUCH: No traffic light there, no.

MR. PETRO: And no entrance or exit lane?

MR. COUCH: Not coming in.

MR. PETRO: Just one northbound on 32?

MR. COUCH: That's right, there will be a lane coming in there, there's a lane here now on the 94 approach.

MR. PETRO: If I'm coming on, you said northbound on 32, if I'm coming from Cornwall and coming in, I'm going north, that's what you're saying and south from the light, I'd be on the other side of the road.

MR. COUCH: There will be a lane.

MR. PETRO: If there's traffic going, the car would have to stop, you'd have the light.

MR. COUCH: You'd have the light as well, yes.

MR. LANDER: That light's going to help out right there tremendously, not only for them but for McDonald's, you can't make a left to get out of McDonald's.

MR. PETRO: If you have traffic stopped at the light somebody will have to let you in.

MR. LANDER: At least traffic will be stopped up.

MR. COUCH: We propose also to have an opening over here and we have plans to show a driveway leading into that lot so when this reveal is opened, that traffic can use this traffic signal and we have eliminated one fish and chips piece, did we eliminate both or one curb cut?

MR. PETRO: You're purchasing that piece?

MR. COUCH: We're not, but the owner also owns four acres LLC so they're being cooperative.

MR. PETRO: Are you going to take the fish and chips lot and line up the new curb cut that you're going to build opposite your light?

MR. COUCH: That's right, they'll be, it will go like this in that fish and chips lot, so that they can tie into this light, so they won't have the issues that McDonald's has with trying to make a left out.

MR. LANDER: So you'll eliminate the other curb cuts?

MR. COUCH: I can't recall if we eliminate one.

MR. BOICE: One will be eliminated.

MR. PETRO: This is all very nice, except I don't know how we'd enforce this through this application because that is on the other side of the street, it's not part of this parcel unless we made an absolute condition of approval at some point you're just telling us that that might happen in the future.

MR. COUCH: You can make that a condition of approval.

MR. PETRO: Why don't you look into that.

MR. WOLINSKY: It's going to, we're looking at a package of traffic mitigations as part of the SEQRA process and that would be one of the mitigating measures that you incorporate as an approval into the

plan and before you grant the approval, we can give you, if you want to see it on a plan, on our site plan, we can give you the design for that.

MR. PETRO: You follow what I'm saying? Down the road, we're going to do this.

MR. EDSALL: We should include it now because the parcel is under an ability to control it, if we have it constructed now, we've got the alignment the way it's desired.

MR. WOLINSKY: We already have it designed, so it's just how you want to present it.

MR. PETRO: Show it and incorporate it into the language.

MR. COUCH: We can do that and it's fine with the landowner, we have no problem with that at all. Other elements of the plan as far as storm water detention what we're going to do here is to have an underground storm water detention under the parking field, which is, which works very well for us, we have done that in the Town of Wallkill and the system we have used in quite a few locations, kind of a tight setting like this, it works very well. It will drain to an existing pond which is located in this area, it will go under Route 32 through an existing pipe that's used today by Friendly's and the DOT. We'll also drain to 94 and because of the underground storage detention system, we'll have no net increase in flows from the site.

MR. LANDER: To 94?

MR. COUCH: To either off-site in total.

MR. PETRO: Underground detention detaining the water, not dispersing it, contain it and take it off the site?

MR. COUCH: That's right, I don't know if you'd like to--

MR. WINGLOVITZ: It would detain it on site, provide a volume of storage on site underneath the pavement with

large diameter pipes, the water will be released slowly through a controlled outlet structure.

MR. PETRO: I can appreciate this kind of system better, something that's letting it filter out through sand or gravel, you know what I'm talking about, and over the years, it gets silted up and doesn't work anymore and they say this, you're taking the water off at just a slower pace.

MR. COUCH: That's right.

MR. PETRO: It can't fail.

MR. LANDER: Monro Muffler had a similar system installed because Route 94 storm water wouldn't take it all at once.

MR. BABCOCK: That's correct.

MR. LANDER: I like that, get rid of the mosquitoes at the same time.

MR. PETRO: No water leaving the site on it would be the south side or what is it, the east side?

MR. COUCH: Yeah, that's one of the nice features about this plan, everything sheets, right now, you've got flows that go onto these properties so we're going to control all that by the underground.

MR. PETRO: That's going to be a question for you because it's a major problem back there.

MR. COUCH: This is going to direct the water, I know it was mentioned at the meeting we had a while ago, we're trying to be responsive to the concerns. Other approvals we think we'll need for this project are the Orange County Planning Department, and the New York State Department of Transportation work permit from the state DOT.

MR. PETRO: Have they seen your plan?

MR. COUCH: Yes, yes, we've had quite a few meetings

with them, we've submitted the traffic study and so forth, discussions are encouraging with them.

MR. LUCAS: I don't know if we're way ahead of this but is part of the study taking into consideration the Cornwall High School that they're going to be building, is that still on?

MR. PETRO: Where the old Rancho Grande used to be.

MR. LUCAS: Did they mention anything about that?

MR. SARGENT: The proposed high school is in the background traffic, there are actually four other development projects that are pending, included in the background traffic, the Big V project that's under construction, the Cornwall High School, the demolition of the Friendly's and the reoccupancy of the fish and chips. In addition, we included about an 18 percent seasonal adjustment factor to account for peak summer conditions so we're really looking at the worst case traffic volume condition when all these developments are complete in addition to peak summer traffic.

MR. COUCH: This is, we're abutting a residential neighborhood and before the public hearing we'd be happy to meet, we'd like to meet with the neighbors just to talk about buffering and ways that everyone--

MR. PETRO: We'll get to that, the screening, we're not going to do that tonight, screening and landscaping. The exit onto 32, whatever the scale is, the staging for cars exiting your site, how many parking spots?

MR. COUCH: 304 parking spots.

MR. PETRO: How many cars can you stack, can you stack sufficient cars to exit the site in that small amount of space going from your parking area here out?

MR. COUCH: Some stacking, Mark, you're better equipped to answer that question than I am, stacking as you go onto 32.

MR. SARGENT: I don't have a designed queue length for

that right now, I can come up with one pretty quickly.

MR. COUCH: We can get an answer for you.

MR. PETRO: Obviously wasn't a major concern of yours that it would be a problem, Mark, can you make a note of that?

MR. EDSALL: I'm doing that right now.

MR. COUCH: Cars could queue back through this area.

MR. PETRO: When you do that, you block off parking spots.

MR. COUCH: That's something we have actually thought about is what we have thought about doing is designating these as employee parking spots so they're not moving in and out.

MR. PETRO: 94 side looks like you've got more than enough.

MR. LANDER: Thirty foot fire lanes around the building, I see 28, 30 in the rear.

MR. LUCAS: There's a bar right there on the border there right in front of the cheese store.

MR. COUCH: If you're facing Leonardo's, it's just to the left.

MR. PETRO: Did you get a copy of Mark's comments?

MR. WOLINSKY: Yeah, I've got them.

MR. PETRO: I'm not going to go over the minor housekeeping stuff, you can take care of that.

MR. LUCAS: Biggest thing is screening in the back.

MR. PETRO: You need to I guess come up with a landscaping plan for the east side of the property, I know there's a big retaining wall on the south side, correct, extending a little bit around the corner here

or not?

MR. COUCH: I'm not sure how far does it extend over here, I think it goes all the way back.

MR. BOICE: Retaining wall height, the height, Doug Boice, the height of the retaining wall is going to vary as you go, traverse the property, it starts just a couple feet high and increases to a maximum height of probably in the 15 to 20 foot range. We haven't got it designed yet, 15 right back in here and drops back down again you're back even with grade, you're level and as you come out into the parking lot, you're actually going to a fill condition, elevating the ground from what it is today and there's a retaining wall along this area because the parking lot at that point is higher than the adjacent ground, so the retaining wall goes from being in a hole to being higher.

MR. LANDER: Your point is screening on that end and the east side to a certain point.

MR. PETRO: It's going to help but he still should design something for the top, see the houses on the top are going to be looking at your rooftop units. Also, you're going to need some fencing along the top of the wall which would probably be Mark will go over it with you, 4 foot or 6 foot, I'm not sure, maybe it's got to be slated with some three foot something, come up with a plan.

MR. BOICE: We do have some challenges.

MR. PETRO: I'm not concerned about looking out but as these houses on the high side of the wall looking down on the rooftop units, just looks like a big--

MR. LANDER: On the east side, how much room do they have, 30 foot from the wall to the property line?

MR. BOICE: This is 30 feet on this side, this side's probably 15 here, 10 here.

MR. PETRO: You've still got plenty of room for vegetation plus the fence.

MR. PETRO: What's the wall being built out of?

MR. BOICE: Probably modular block, keystone type or several trade name products that are the same thing but we don't have the design done.

MR. PETRO: When you design that, from experience and very good comment that Mr. Argenio made on the side that you only have ten feet and you're going up high, you need the geogrid to hold the wall back and you're not going to have that luxury because you can only go ten feet to your property line.

MR. BOICE: In this case, we're in fill, so the geogrid will go back.

MR. PETRO: Over here on the high side, you would have enough to go, I'm just giving you an idea, think about it a little bit, we had one that came in and they had nowhere to put the geogrid.

MR. ARGENIO: Grid is usually my experience about the width of the grid, horizontal plain usually about 70 percent of the height of the wall.

MR. BOICE: This wall is most apt to be the modular block, this one we're going to continue to look at.

MR. PETRO: That's not a Planning Board issue, I don't know why we got on it.

MR. COUCH: It's a design issue for us because it's a pretty steep wall, but we think we can engineer it.

MR. PETRO: The point I was making for the landscaping is not only for your site looking out but for the people looking in on that side.

MR. COUCH: Absolutely.

MR. PETRO: Are you going to make the landscaping plan?

MR. COUCH: Well, yes.

MR. PETRO: Lighting plan also showing the curves?

MR. COUCH: Yes.

MR. PETRO: The drainage, obviously planned the design of it, I like that and I know Ron does and probably other members, that system, is it going to sheet flow from the rear of the building around or going to be, that's pretty far to go all the way around a 55,000 square foot building.

MR. BOICE: It will be piped.

MR. PETRO: I'm doing a lot of talking, anybody else want to ask him questions from the board members? Then we'll go to Mark.

MR. LANDER: I think you've covered it all, Mr. Chairman. Anybody get a word in edge-wise here?

MR. PETRO: Mark, what do you want to add other than housekeeping?

MR. EDSALL: I made some initial comments. As the applicant's indicated, they have a lot more planning to do, they have more plans to prepare. I'll look at those in detail. One we have, I would just direct your attention to comment number 4 which would kick off the SEQRA process, we've got a full EAF with some attachments, I would suggest that we ask for additional copies and have the board authorize lead agency coordination letter so we can get that out.

MR. PETRO: We'll do that now, you can go ahead with that. I want to read this one comment from the fire department so you can attend to it. Site plan does not show proposed underground utilities, such as sprinklers which obviously going to have to be sprinklered, domestic water service or on-site hydrants, provide stop bars at all side parking lanes at intersections with main driving lanes, if shopping cart return centers are to be used, where will they be located. You want a copy of this?

MR. COUCH: We have one.

MR. PETRO: I don't have anything else.

MR. ARGENIO: Actually, I think this is more conceptual.

MR. PETRO: Just trying to save you a step, think about it next time you come in, one less thing we have to do. Where are you bringing your water in from, just out of curiosity?

MR. WINGLOVITZ: Two options, off of Route 32 or 94, we have to meet with the water department to decide.

MR. PETRO: Domestic and sprinkler system?

MR. WINGLOVITZ: Yes.

MR. PETRO: Do you have anything else to ask the board tonight?

MR. COUCH: I don't think so, except that we'd ask if you'd make a motion to become lead agency under SEQRA, that's the only thing.

MR. PETRO: We're sending out the lead agency coordination letter which is, they have 30 days to respond, once you do all the work, if no one responds at all, then we'll do that.

MR. COUCH: Okay.

MR. PETRO: We have to do, the 30 days has to be done properly so we'll do that, I can assure you we're going to have a public hearing, so don't come in looking to waive the public hearing under discretionary judgment, I think I'd be shot, probably.

MR. COUCH: We think you'd be shocked if we asked you to waive it.

MR. PETRO: It's not a convenient store.

MR. ARGENIO: Have you heard back from the DOT?

MR. SARGENT: Mark Sargent. We met with DOT in June and went over the preliminary traffic analysis. Since that time, we incorporated their comments, we expanded the study area, we revised our analysis, included more background traffic. But one of the things they were most concerned with is the design and how to actually accomplish the mitigation. We have proposed, apparently this is a concept or idea the Town has been in favor of in the past and specific improvement is taking the center northbound lane on Route 32 and designating that as being oriented toward 300 northbound and that lane right now there are two northbound lanes on 32 that both go to 32 northbound the Five Corners intersection, so there's a change in the geometry proposed. What that requires is a change in the signal and because there isn't real good positive driver guidance at that intersection, it's just kind of difficult to drive through. The department is concerned about the placement of the signal heads and how that signal will actually operate. We have submitted some plans to them, two iterations of plans showing the precise location of the signal heads, exactly how they would phase and where they would hang in relation to the lanes, how the lanes would be oriented and redesignated so we're working with them more than a conceptual level, so that they can be comfortable that this can be implemented. The concept is great, it reduces the delays at the intersection significantly over what's there today, even with all this additional traffic so the idea is a good idea and the department is in favor of it but making sure that we can implement it is where we're working with the department right now.

MR. ARGENIO: They agree that you can achieve that by just relocating the signal heads and retiming the signals?

MR. SARGENT: What it does, it allows us to introduce an overlapping phase where 32 northbound and 300 southbound can go simultaneously, and right now, that traffic or to 300 north on 32 northbound today is in a shared left through lane and that's really the problem with the intersection, that one backs up significantly when you get one or two cars turning onto 94 westbound,

then that queue extends a quarter of a mile or more down the road and we're proposing that that lane become an exclusive left turn lane to 94 center lane be oriented to 300 and the right-most lane direct traffic to 32 and 94 eastbound so by changing that lane arrangement then we have to redesign the traffic signaling.

MR. ARGENIO: You're building a better mouse trap.

MR. SARGENT: Absolutely, hopefully, absolutely we are.

MR. ARGENIO: Again, the original question was the state agrees that this can be done and this will work?

MR. SARGENT: They are looking at it in concept, they agree with it, they have their initial concern was how would you run the emergency preempt, what would you flash at that intersection when power goes out, that's probably a problem today but they are looking at it at that level of detail to be comfortable before they buy into the concept, they want to know that it can be engineered properly so we're doing the engineering.

MR. PETRO: Okay.

MR. BOICE: I have one comment, DOT has been gracious in working with us on a conceptual basis so that we can try and identify the improvement that we think will make this project viable because we understand that traffic is the key to make this site a viable one for us and as well as the community and department, but they have also acknowledged that they recognize we're going to be in the SEQRA process and have not yet entered the SEQRA process, so they aren't going to give us any written comments or written approvals or stated approvals or anything else until the whole SEQRA process gets going.

MR. PETRO: You need to get the coordination letter going.

MR. BOICE: So we have had discussions with them, but we wouldn't be holding up any letters written by them.

MR. ARGENIO: I just wanted to get a feel for the flavor that DOT was sending back to you, that's all cause traffic in that intersection is a big issue with me, too, huge issue.

MR. BOICE: We're encouraged, we started dialogue with them early knowing that it would take a long time to work through, as Mark indicated, there was some iterations already and we're anxious to get the SEQRA process and work that through to fruition.

MR. COUCH: We have been talking to DOT on this probably since May or June of this year.

MR. PETRO: All right, just a couple things, one, across the street on that fish and chips site, you're going to get that wording done properly and show us on the plan exactly where it's going to be. Secondly, I want you to check into the staging coming, leaving the property, Ron did it just quickly, looks like 110, 20 feet which may be ten cars or so, seems like it might be a little tight there, I don't know what you can do, you're the expert, I'm bringing it to your attention, the plan looks good, we've got to make everything work and that's it, I don't have anything else. Anything else important that we haven't gone over?

MR. COUCH: When do we decide on when the next meeting should be?

MR. PETRO: Whenever you're ready, I would take Mark's comments, correct what you can by housekeeping corrections and getting the lead coordination letter out. Once you get that out, then we have a response we'll set up a public hearing, get that going.

MR. WINGLOVITZ: Mark will handle the coordination letter?

MR. EDSALL: We'll take care of it. I suggest they work through the workshop process as much as possible. We've got a 30 day clock that's going to start as soon as we get the package out to all the potential lead agencies and in that time, you can use the workshops which are held twice a month, roughly every two weeks

and try to come up with a full package of drawings.

MR. PETRO: Use the workshop a lot because we as a board, we have a lot of faith in our engineer, Mark, who's excellent and if he comes in here and has it black and white and we hold up his sheet and see no further comments, somebody might have something or he possibly missed something, but not very often, so you can get a lot done with Mark and Mike and the fire inspector at the workshops and when there's nothing on the sheet, it's time to go home.

MR. WINGLOVITZ: We went to the workshop last month and we'll continue to do that.

MR. PETRO: I think it looks good. Everybody is on the right path. Good luck. Having nothing further, motion to adjourn?

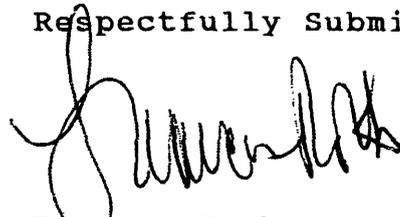
MR. LUCAS: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



9/13/00

Frances Roth
Stenographer

15,
REGULAR ITEMS:

HANNAFORDS FOOD STORE (00-15)

Mr. Jeff Schiller appeared before the board for this proposal.

MR. PETRO: Application involves development of 55,200 square feet retail store on 5.5 acre site. This application was previously reviewed at the 13 September planning board meeting.

MR. SCHILLER: Thank you. We had following last month's meeting, we met with the Town's engineer, Mark Edsall, and we have made some changes to our plans and to our process based on that meeting, based on the last meeting of the planning board. Basically, what we have done, we have submitted two additional applications, an application for what we call the, we refer to it as the Long John Silver's Restaurant piece, which is over here across Route 32 and we have submitted an application for the Monro Muffler Brake parcel down here, it's an amendment to both those previously approved plans and we have also resubmitted our application for the four pieces here across the Friendly's parcel and the main parcel. So, we have resubmitted those and we have, we talked to Mark about having coordinated review of the three applications reviewing them as one project, although they have three separate applications. Tonight, what we'd ask the planning board to do is to recirculate the SEQRA notice and declare its intent to become the lead agency under SEQRA. We have also along with those applications we have submitted our long form EAF's for the two new applications and revised the long form EAF for the original application. We have submitted proxy forms for all the parcels that are involved and was requested at the last planning board meeting that we meet with the abutters and we intend to do that as of a public meeting, public hearing is scheduled for the project. So in summary, we believe we have submitted all applications and documentation for the project. The project is a permitted use in the district as we propose to use the project to develop the project, no variances are needed under our proposal and I do want to emphasize we realize this is a very

busy area in New Windsor and we propose extensive traffic mitigation measures to accommodate the supermarket in the area.

MR. PETRO: Mark, it would seem to me we're really here for one purpose, just to authorize lead agency coordination circulation for the other two parcels.

MR. EDSALL: We're actually going to send out a supplement to what's already been circulated to make it clear to those agencies who have already received the documentation that in fact this board is looking at three different parcels and intends to coordinate all three applications as a single potential impact to the area. So yes, we're just recirculating SEQRA for the initial application and creating two additional circulations to identify the two additional parcels that are involved in those two additional applications.

MR. PETRO: Andy, would you feel comfortable with that?

MR. KRIEGER: Yes.

MR. PETRO: Accept a motion to circulate the additional two properties with the one that already was circulated for the Hannafords Food Store.

MR. LUCAS: Make it.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a lead agency coordination circulation letter to include the other two properties that Mark has mentioned to the necessary agencies and a lead coordination letter be sent out. Is there any further comments? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: As far as reviewing the plan, Mark, we have reviewed this as we see it now we're still waiting for other information, correct?

MR. EDSALL: Right, I did provide some initial comments to the applicant and as part of the discussions at the workshop, in fact, we found out that these other, the two parcels, although they have a common principal in ownership, they are different corporations that own the three parcels, so we felt that they should come back to take care of this, even though we're still working on the corrections and adjustments to the plan. So again, we're only here for SEQRA tonight and they do have other comments that we're still working on.

MR. PETRO: But we don't need to review the plan again any further tonight?

MR. EDSALL: That's not the intent.

MR. PETRO: You're satisfied with what we have done?

MR. SCHILLER: Yes, that's what we expected.

MR. KRIEGER: Before they go, I see their attorney is in the audience, maybe I should address my question properly to him and that is does the applicant, is the applicant now taking the position that the time within which the planning board is required to act has expired?

MR. WOLINSKY: Action for what purpose, approval or--

MR. KRIEGER: Approval.

MR. WOLINSKY: Not at all. My understanding of the law is that an application is not complete until a, either a negative dec is issued or a DEIS is accepted for the project, so I think the timeframes haven't commenced.

MR. KRIEGER: Meter hasn't begun to run yet.

MR. WOLINSKY: Okay.

MR. KRIEGER: I wanted to make sure we're on the same

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page.

HANNAFORD'S FOOD STORE (00-15) ROUTE 94

Mr. Andy Couch, Mr. Ross Winglovitz and Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. PETRO: Regular items tonight we have Hannaford's Food Store on Route 32 and Route 94 represented by Tectonic. This is for the construction of a grocery store with associated site improvements. This application involves development of 55,200 square foot retail store on the 5.5 acre site. This application was previously reviewed at the 13 September, 2000 and 15 November, 2000 planning board meetings. Somebody want to talk about this?

MR. COUCH: Good evening, I'm Andy Couch, I'm the Director of Real Estate Development with Hannaford's Brothers here to talk about our application for Hannaford's Food and Drug at the intersection of 94 and Route 32. We submitted our, on January 18, we submitted revised site plans and full environmental assessment forms with addendums, addendum information includes storm water, storm water report, site sections, which includes photo simulations of the views from various adjoining properties, phase one archeological investigation report, traffic study, sound impact assessment and New York State DEC letter on significant natural communities. Under the SEQRA, Town of New Windsor in early December sent its notice of intent to all involved agencies to become lead agency under SEQRA and tonight, we just want to confirm that the Town will be the lead agency and to just, if the board will allow the Planning Board Chairman to schedule a public hearing when the consultants deem the application to be sufficiently complete. So that's what we're here for tonight.

MR. PETRO: Have you changed anything on the plan since the last meeting? I know what you're doing.

MR. COUCH: Most of the changes have involved this area of the Monro Muffler right out in this vicinity, moving the driveway over in this direction, away from the current Monro Muffler building and changing some of the parking stalls back in this area and adding the

driveway around Monro. I think other than that, the changes are relatively minor.

MR. WINGLOVITZ: Supplemental landscaping has been added, there's a lot more detail than previously have seen, but the concept is basically the same. There are no substantial changes to the concept, where the entry drives are, backing space sizes and locations, none of that has changed.

MR. PETRO: I notice on the new plan, the small building, old ambulance building is not on this plan, it was on the other plan, did you move the driveway further to the north?

MR. COUCH: That's correct, it was down in this vicinity and we moved it up into this area.

MR. WINGLOVITZ: That building will be removed as part of the plan.

MR. PETRO: Andy, for the minutes, I want to note that I own, I have a mortgage on the building, the ambulance building, I don't own it, obviously, I just have a mortgage on it, but I have no relationship with these applicants whatsoever. What about up in the other intersection across from the Long John Silver?

MR. COUCH: That's really unchanged.

MR. WINGLOVITZ: Correct, that's unchanged, that's the new entry into Long John Silver's showing as it was an originally plan note detail regarding grading, drainage and so forth on the plan.

MR. PETRO: Tell me what correspondence have you had with the DOT, I mean, we've received a couple letters, do we have the same two letters that you received dated November and December?

MR. COUCH: Yeah, I think those are the two we have. Mark Sergeant, our traffic engineer is here.

MR. SERGEANT: There's nothing to add.

MR. PETRO: Nothing to add?

MR. SERGEANT: No.

MR. LANDER: Can you, just for the record, can you tell us, I know it's in this book here, this booklet what the DOT, what correspondence, what did they, what kind of feedback did you get back from them with your traffic study, what did they feel about that?

MR. COUCH: I think they, DOT basically agreed with our methodology and our findings and felt that our mitigation efforts would resolve, I believe their words were no negative impact to the intersection and I'll ask for a correction from our team if that's not it.

MR. LANDER: I tried to find it in here tonight so that I could read it back to you, but in your findings here, you said you would improve the traffic flow by changing the signal times and different, other changes, it seems to me when I read that, that the State didn't feel that you were going to improve anything, if anything, it was going to stay status quo, wouldn't get any worse, but wouldn't get any better.

MR. COUCH: I think Mark Sergeant is probably best equipped to answer those questions.

MR. SERGEANT: I'd be happy to address them. My name is Mark Sergeant, I work with Craig Manning Engineering, our office prepared the traffic impact study. There is I guess a difference of interpretation, what we generally are guided by in traffic analysis are the levels of service thresholds A, B, C, D, E and F, F representing the worst case condition or delays greater than 80 seconds. In this case, the existing delays at the Five Corners intersection are well in excess of 80 seconds, they're only predicted to degrade further with other developments that are pending in the area. And again, with the proposed project, if there are no improvements completed, delays would be on the order of four to five minutes on average per vehicle. What our analysis has shown is that if these improvements are completed we will essentially cut the delays in half, the average

motorist won't be waiting four or five minutes, waiting on the order of a minute and a half to two minutes. We believe that that does demonstrate an improvement and clearly mitigates all impacts but the department's position or interpretation is in that sense we're still in the level of service F threshold, there hasn't been a documented improvement in the level of service, so it is a technicality, we have delays that we have mitigated on the order of two minutes, but we haven't gotten down below 80 seconds with the improvements. So that's the difference.

MR. WOLINSKY: The only thing I would add is that the comment from the letters is that it is just totally impracticable, there is no measure that can be done short of kind of demolishing that entire intersection, starting over again that could make the better than the level of service F.

MR. WINGLOVITZ: In the document, Mark has prepared a little graph to show you what the delays are, what the level of service is and how we're improving the delays that would be projected without the project and with the project and to how we're improving that, that helps clarify it, if you want to take a look at it, it's in the package.

MR. LANDER: I think I read the State did disagree with you in one letter and in another correspondence with them, they agreed that it would improve the traffic flow, two different, they were contradicting themselves from one to the other. And the last one is one where they didn't.

MR. SERGEANT: In the first letter, they used the term no perceived improvement and that was something that Larry had pointed out to us that it's not up to the Department of Transportation to be determining whether a given motorist can perceive an improvement or not, what the issue is is are we mitigating the project impact. All the data that we presented clearly demonstrates we have not only mitigated and brought the delays down to the pre-existing condition but significantly.

MR. PETRO: Word perceived is the little gray area. Mark, you're going to have somebody go over this data with you, correct, an expert in traffic study.

MR. EDSALL: The traffic study will be reviewed by John Collins Engineers, I have brought them on board to review the traffic aspect also.

MR. PETRO: Also, we have just received these books not too long ago, some of the members picked them up tonight, Ron and I may have looked through them, we're going to review the EAF that you supplied us and we'll have you back at that meeting and we'll move on with the SEQRA process at that point. One way or the other, what we can do tonight is take a lead agency, I think we're prepared with that, Mark, because I have noticed we have sent out everything that had to go out. With that, I'll take a motion to assume the position of lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the Town of New Windsor Planning Board assume lead agency position on the Hannaford's Food Store. Roll roll.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNSN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I really think this is as far as we're going to go tonight, we can discuss the public hearing, obviously, we're going to have a public hearing. Mark, should we schedule a public hearing or Andy, either one can answer the question before we actually decide on adopting the EAF or if we're going to go further?

MR. EDSALL: I would wait until you reach the determination as to the adequacy of the SEQRA

submittal. As far as the necessary information, I would wait till that point before you decide when you're going to have the public hearing.

MR. PETRO: I agree, we move very quickly at the next meeting, if we get everything taken care of, the public hearing could be as soon as you can get everything done. So it's not months off, so it would be, you know, maybe two meetings, maybe, so that's where we're at.

MR. COUCH: So about a month from now?

MR. PETRO: I would think so, if we accept the EAF, if the traffic study, I mean, if this board accepts that, and then we want to schedule a public hearing at the next meeting, I would say within that, within two meetings of that scheduling, we won't hold you up, as long as you have your paperwork you'll be on the meeting and ready, if not, and we have to go further with the SEQRA process then that would take its due course. Okay?

MR. KRIEGER: Before you close, because I see the project's attorney is here, so I want to ask him a question on the record, I know we discussed timeframe before the last meeting you were here and you had told me that it was the applicant's position that the time had not yet started to run yet.

MR. WOLINSKY: Correct.

MR. KRIEGER: Would the applicant's position now with respect to that, the time period started to run.

MR. WOLINSKY: Timeframe for what are we talking about?

MR. KRIEGER: For approval.

MR. WOLINSKY: Default approval, no, I think the case law is pretty clear until a negative dec is issued or a draft environmental impact statement is accepted, the time period does not begin to run because the application is not deemed complete until that time. So we gave the board a pretty thick submission, the board

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is going to need time to digest that and, you know, we have tried to anticipate all the environmental issues in advance and we think that we've done that so we'll wait for the normal process to roll and the Chairman said, you know, we'll let it take it's due course and go from there.

MR. KRIEGER: Very good.

MR. PETRO: Thank you.

HANNAFORD'S FOOD & DRUG STORE (00-15)

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. PETRO: This involves development of a 55,200 square foot retail store on the 5.5 acre site. This application was previously reviewed at the 13 September, 2000, 15 November, 2000, 24 January, 2001 Planning Board meetings.

MR. WOLINSKY: Thank you, Mr. Chairman, members of the board, as you know, my name is Larry Wolinsky, I'm a partner at the law firm of Jacobowitz & Gubits. I'm functioning as the attorney for Hannaford's in connection with this application. With me this evening is Andy Couch, who you have met before, the director of real estate development for Hannaford's and is responsible for this project, Doug Boyce is an engineer with Hannaford's and is the principal engineer responsible for the project, Ross Winglovitz from Tectonic Engineering is the local engineer and we have Mark Sargent from Craton Manning (phonetic), who's our traffic engineer. As the board is aware, we're here tonight for a SEQRA determination of significance. I transmitted a letter to the board at the good suggestion of your engineer laying out the options of what the board can do at this point in time. Just briefly to review those, the board can issue a positive declaration which would require Hannaford's to prepare an environmental impact statement for its project proposal and in order to do that, the board must find that the application demonstrates a potential for at least one adverse significant environmental impact. Second option is to issue a negative declaration as the board has done already for at least one other project. Tonight, in order to make that determination, the board must find that the project as proposed will not result in at least one potential significant adverse impact and because this application is classified as an unlisted action under SEQRA, as opposed to a Type I Action, the board has a third option, which is the conditioned negative declaration, the conditioned negative declaration recognizes that there have been items that have been incorporated into the project plan

both on the part of the applicant and at the suggestion and from working with the municipality which are essentially conditions that result in project changes that mitigate the impacts. The distinctive thing about a conditioned negative declaration is that there's notice to the public and a 30 day public comment period established in which members of the public and the involved agencies are permitted to comment on your negative, your conditioned negative declaration. When you receive those comments, you're then able to assess whether there's new information or different information or something was addressed inadequately and then you have the option of going forward and requiring a positive declaration and again, preparation for an environmental impact statement. I think you're all aware because we have been here a number of times already, our philosophy and approach in putting this whole project together was to try and anticipate with using the greatest possible scrutiny what the impacts of this project would be on at its location and on the surrounding community. Consequently, we did not come to you with a SEQRA submission until we felt that we had addressed all the areas of environmental concern and incorporated measures into our design and plan which treated those areas of environmental concern and brought them down to a level where the impact could not be classified as something adverse. So, having done that, it's our opinion that we have put before you a record that would justify the board in issuing a negative dec or a conditioned negative declaration. Just briefly, again, to put on the record to the areas of environmental concern and the specific items we have addressed, they are filling in 4/100 of an acre of wetland, which is regulated by the Army Corps of Engineers, but it's covered by a nationwide permit and we have a right to fill that up to 1/10 of an acre without notice to the Corps and the Corps and the EPA have legislatively determined that such a fill is not significant. Once you get passed 1/10 of an acre, that's a different classification. With regard to our water impacts, we have designed a project so it will comply with the SPDES general permit for drainage discharge, that means there will be no increase in the peak storm water discharge rate pre and post development, it further means that we're treating the

first flush, it also means that there is a detailed erosion control plan and measures incorporated into the plan and it also means that we have prepared a very detailed landscape plan for re-vegetation of the disturbed site. With regard to visual impacts, we have been very sensitive to that and you know from the books we handed out and the cross-sections that have been prepared which are depicted all on one board here that we have done a tremendous amount of screening from adjoining residents. We have over 160 trees and hedges to be planted, and the elements of our screening are basically comprised of fencing in that vegetative buffer and some additional architectural details on the building, such as parapets which will further screen roof equipment. With regard to transportation, which is probably the largest single area of environmental concern, not only have we demonstrated that our project as designed and with the adjoining property improvements that are running concurrently with this project not only have we demonstrated that they mitigate or do not result in a significant impact from the traffic from our project, but those proposed improvements will actually reduce the overall delay at Five Corners by two minutes compared to the no-build conditions. So I think that's very firmly established in the record and again, that's the bar chart that's in the book which effectively demonstrates that. In terms of noise and lighting which are always a concern with supermarket facilities, we hired an acoustical engineer, who's an expert in noise assessment, a study has been prepared and measures are incorporated into the operation and plans of the project which reduce or fully mitigate the noise impacts from stationary equipment and also from the circulation conditions on the site and as you saw in the last go around, we have prepared a very extensive lighting plan analysis which demonstrates that there's virtually no spillage onto adjoining properties. The minor amount of spillage that there is is very minor and is at an extremely low light level. Last item that we spoke about was cultural resources. We're not near the closest designated historic site, which is in the Town of Cornwall, but not remotely near this particular piece of property, we did advise you that we identified an area of potential cultural resource sensitivity on the

site. We can't get to that until the, we can't cross that off completely until the snow melts, but we have committed not to disturb that area until we can demonstrate to you that is, that that is in fact not a sensitive site. So having said all that, again, I think we have presented the appropriate record justifying it, you know, in the worst case a conditioned negative dec, at the same time, I recognize and Hannaford's recognizes that this is the determination of the significance is within the jurisdiction of this Planning Board and we're happy to answer any additional questions you may have at this time and we'll see where we land.

MR. PETRO: All right, Larry, listen, originally I was going to stop you from going through all that because my mind is pretty well made up, I'm going to get to the point of it in a second, but I thought it would be a good idea to get everything that you just said into the minutes so in the future, anybody can look at that and say they've done a lot of work, it's good work and you have made a nice presentation to the board.

MR. WOLINSKY: We appreciate that.

MR. PETRO: That you have on record but with that, I have been on the board for a little over ten years and Chairman for nine years and when I go around Town as other members do, I have never heard such an outcry from everybody saying how can you possibly be having such a large commercial building and project go into this site with the traffic the way it is, the traffic this, the traffic that, my answer usually is it's a permitted use and it's the function of the Planning Board we have to follow the law and we're going to review everything. We also feel very strongly that this board in particular and I know everybody sitting here usually goes along with my line of thinking that we're not here to say yes or no, but how, that's just a personal way that we feel and we try to do that. But on this particular application, there would be no way that I could feel comfortable without going through every step of the procedure at all without giving every opportunity for you to prove to us or for us to review the necessary steps to know for sure that we have done

everything that we possibly could to understand what the traffic would be and the drainage, I think everybody else has pretty well done nicely, I don't think anybody has a real concern, other than those two major, major ones, obviously, the traffic being number one. So with that, I'm going to suggest to the board and if anybody wants to stop me at any time that they determine of significance would be the Type C which this project may result in one or more large or important impacts that may have a significant impact on the environment, therefore, a positive dec would be repaired. And with that, you know what that means, we're going to need a full EIS that we anl(|he people of thm(New Windsor can review and there are people who work for the board, whether it's attorneys, engineers, anybody who would want to review it and at such time when we're done with the reviewing it there can be no further steps that this board could have possibly taken and that we can move forward from there. But I want to leave no stone unturned, that's the way to go for you as well as for us.

MR. WOLINSKY: Okay, I'm the first to acknowledge that you have every legal right to do that, I can understand your rationale, all I would ask is that if we're down essentially to two principal issues, traffic and drainage, that the board entertain a scoping document from the applicant.

MR. PETRO: Talking about a narrow scope?

MR. WOLINSKY: Yes.

MR. PETRO: I don't think that's unreasonable, if you can work that out with Mark to his liking or understanding the rest of the board we rely highly on Mark and his company, as long as you can work that out, I don't see why we couldn't do that. We don't have a problem with lighting, we don't necessarily have to go over that.

MR. EDSALL: I think the point is Larry's done probably more of these than I have but there may be other issues that will be acknowledged so it's a complete document, we'll deal with sewer cause we've got sewer issues that

they've looked at, we'll include that in there, but you're right, the main, the volume in the EIS would likely be those two issues, but I don't think we should eliminate other issues they have already looked at, roll all the issues they have taken into account already into the EIS so when the public comes in, they've got one binder that they can get all their answers, so I think that it's probably the same work they've already done, it will be presented with some alternatives that the EIS requires that you look at other alternatives for build, no-build, other alternatives for access, but the key is I think the main issues you have already worked on.

MR. WOLINSKY: Is the board interested in conducting a public scoping session on this?

MR. EDSALL: It's optional, I mean.

MR. PETRO: Why don't you start with Mark first on the EIS and we can do--you need to know that immediately.

MR. WOLINSKY: We can't write the EIS without that happening because procedurally, we just can't.

MR. PETRO: I want it to be as much as we can do so if that's part of the procedure then I would say yes, I don't want to leave any stone unturned.

MR. WOLINSKY: If your principal concern from what I am hearing is making sure that there's full public disclosure and that everybody, applicant, public and board knows that we have done everything we possibly can to address the potential impacts of this project, then I think we probably ought to scope this in a public session. That doesn't mean the public will show up and do it, but, I mean, and comment on it, but we ought to give them the opportunity to do that so normally, what would happen at this point in time is (the board would prepare a positive declaration and as part of that positive declaration, it would submit a date for a scoping session, so maybe we can identify something that would work for you guys while we're here tonight.

MR. EDSALL: Well, assuming that we have the positive dec circulated and we ask the applicant to submit a draft scope when would you have a scope available?

MR. WOLINSKY: Probably we could have it fairly quickly. And one of the things that we're going to have to do just so you know is that we're going to have to retain a consultant to prepare and an EIS, it's just not, it's just not a matter of taking all the documents that we prepared already and putting a cover on it and calling it an EIS. Basically, we have to cull the information out, summarize it and those documents become appendices to the EIS itself, so maybe what we should, maybe what we should do is let us get our house in order a little bit and then we can get back to you as quickly as possible and you guys meet every two weeks anyway so.

MR. EDSALL: If acceptable, why don't we just leave it that way and we'll do it through the workshop, normal process once a draft scope has been submitted and we have had an opportunity to work it out at the workshop, that the next available meeting they can.

MR. WOLINSKY: Mr. Couch says we'll be prepared to have something submitted for the board's consideration in two weeks, so why don't we then two weeks after that we can all be scoping, yeah, about a month from now.

MR. PETRO: That's fine with us. Also, you'll never not be put on an agenda, if you're ever ready, you're going to be on, so if you're prepared with what you need to do, we're not trying to physically hold you up.

MR. WOLINSKY: Two other things I'd ask the board to help us out, one would be to allow me to work with Andy and Mark directly on resolutions and stuff like that so we can make sure we go forward as fast as we can that way and second to allow us to proceed with Mark on the technical design issues. Obviously, we know we do that at our own risk, but we feel fairly confident going forward and (we therefore would like to accomplish.

MR. PETRO: Normal site plan issues?

MR. WOLINSKY: Yeah?

MR. EDSALL: Just for the record, so you know where we are, there's been a preliminary review done of the drainage study that was submitted, therefore, some comments that would be available very shortly and as well, I had suggested to the board that they retain Phil Greely from John Collins Engineers, traffic consultant, to look at the traffic issue as an additional engineer that I thought that was beneficial and he's done a preliminary review. If the board has no objection, we'll start to share that information.

MR. PETRO: Sure.

MR. WOLINSKY: In addition, if there are, I guess I direct this to Mark and Myra, if there are any public comment letters that come in that we can get copies of as they come in so we can address those issues as part of our impact statement here, it will knock items off the list as they come in. So other than that--

MR. PETRO: Roll call.

MR. EDSALL: I think you need one.

MR. PETRO: Motion to declare a positive dec for the Hannaford's Food on New York State Route 32 and 94.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare positive dec for the Hannaford's Food and Drug site plan on Routes 32 and 94. Any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: I have already made note that the type of determination of significance would be C and the comments that you have made with working with Mark and Myra and Andrew are fine.

MR. WOLINSKY: Okay, great, thank you very much, that takes care of us.

MR. PETRO: Do you have any other site plan issues you want to mention quickly on the site plan itself?

MR. COUCH: No, I just want to thank you. We appreciate all you're doing and we'll work hard to make it something that's good for the Town.

MR. PETRO: Thank you very much.

CORRESPONDENCE

HANNAFORD'S FOOD & DRUG STORE (99-15)

MR. PETRO: Mark, you want to go over the Hannaford's Food and Drug?

MR. EDSALL: Yes, I think all of you received correspondence, got a copy myself from Jacobowitz and Gubits relative to Hannaford and attached to the letter was a positive declaration notice that they suggest we circulate as well. They have attached a proposed circulation for a draft scope for the EIS in their correspondence. They are suggesting that the public scoping session similar to a public hearing be held tonight which obviously is not the case and I think that was kind of pushing things a little bit. But the bottom line of this is I have also given you a copy of what used to be Appendix D in the SEQRA regulations which is a scoping checklist. We need to prepare a scope and then circulate that scope. My suggestion would be that number one, we do circulate the intent to prepare and EIS document, I believe that the section that says reasons supporting this determination they say just traffic and drainage, I think it's more than traffic and drainage. You have heard concerns about visual aspects, impacts on the neighbors, I think we need to make sure that that's expanded a little bit and then circulate it and then I would believe that maybe over the next--

MR. PETRO: Put the emphasis on that but we want to go a little bit further.

MR. EDSALL: Yeah. The second thing would be is that if all the board members could look at their proposed scope then look at the DEC checklist, if you believe anything's missing from their list, maybe just jot it down on a piece of paper, get it back to Myra, I will take everybody's comments and try to come up with one scope and then that could be something we could go ahead and circulate and at the next meeting, we can approve it and set the date of the public meeting and move forward.

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MR. PETRO: Okay, everybody review that, what they have and come up with your comments.

MR. KRIEGER: Mark, I have a number of comments, you want me to go over them with you?

MR. EDSALL: On the scope?

MR. KRIEGER: Yes.

MR. EDSALL: Probably when this thing's prepared between Myra, Andy and you and I, we were going to have to make sure we get one combined document and then we'll get it to the board.

MR. KRIEGER: Yeah, I was just thinking whether you wanted know share my comments with you because you're going to wind up talking to somebody.

MR. EDSALL: Why don't you fax over a markup and we'll get that taken care of.

HANNAFORD FOOD & DRUG STORE (99-15)

MR. PETRO: I see some, obviously, there's some people in the audience. This is a scoping session for the Hannaford Food and Drug Store. This is not a public hearing but what we're going to do is we're going to have a presentation by the Hannaford people and explain to us what we're doing, we're here to understand the SEQRA scoping session and after they're done making a short presentation, what we decided to do, I'm going to field some questions. Obviously, there's some people here, if you'd like to say something, but keep in mind that I'm going to read you this one paragraph for the people, it's important that the public understand that the purpose of this meeting is to discuss the scope of the environmental review. They should raise topics in areas of concern at this meeting and not pose specific questions nor expect answers to the questions at this meeting. Keep in mind later on during the planning board process, we'll have a normal public hearing for the entire planning review. Okay, I'll call on someone from Hannafords to represent this. I know that's a silly question just state your names, please and your functions.

MR. COUCH: My name is Andy Couch, Director of Real Estate Development for Hannaford Brothers and we're here tonight to just give a brief overview of our project. Hannafords, for any of you who don't know, we're a supermarket company, we're located in Portland, Maine, we operate in five states, we have 110 stores and 30 of those are located in the State of New York. We entered New York in 1989, our nearest store to New Windsor is located in Middletown, New York. Just some brief overview of the project. The supermarket we propose to build is 55,200 square feet. It's located in the C zone, supermarket and drug store is a permitted use in that zone. We designed the plan for the store in accordance with the ordinance and the project does not require any variances. As the Chair mentioned, tonight's purpose really is to discuss the scoping document for SEQRA and the draft scoping document we have submitted to the planning board. There will be public hearings during the site plan review process, there will be an extensive period of

time for you to comment on the plans and ask any questions regarding the specifics of our proposal. The project itself is located as many of you know where the Friendly's is located, now, this is the lot where Friendly's currently is located and there's a Monro Muffler building out here. Our store is proposed in this location, so it will be parallel with Route 32 and facing toward Route 94. We propose to install a traffic light on Route 32 and we'd construct an access road into what was the former seafood restaurant over here and would access that by that road. We have public water and sewer servicing the site, they are available in that area. There are no wetlands on the site, it's virtually no wetlands, it's .04 acres. As far as storm water goes, storm water runoff, there would be no net increase in flows from our site over what exists today. Our storm water detention system is located beneath the parking field, it's located in this vicinity and in some area out in here, as well, and that storm water, so that it doesn't overly discharge into the system that exists, and as I mentioned there is no net increase in the storm water discharge. As far as traffic goes, we have submitted our traffic study and our scheduled proposed improvements to the DOT and they have agreed with the methodology in our study and our study results and they agree with our proposed improvements that we plan to make. And the improvements we plan to make, they're quite extensive, we'll spend in six figure range here to improve conditions in this area and we know that traffic is of concern to many people. Some of the things we plan to do are to revise some of the turning lane designations on Route 32, as you approach the five points intersection. We'll also propose, as I mentioned, to install a new traffic signal on Route 32 in this location, we would add a left turn lane into the site in this, I'm sorry, left-turn lane in this area of the site into the driveway and we would revise the signal timing at this traffic signal and we would close off a curb cut in this area here, which serves the seafood restaurant. We realize it's a busy area and we're committed to making the improvements and addressing any impact that our project may have and really make it a better situation for the Town than what currently exists and we're confident we can do that. Our study

shows that and DOT agrees with us that we cannot degrade the current conditions and in fact, reduce que times and que lengths at the intersection. And that's what we have for the proposal or what we have for a presentation on the proposal.

MR. PETRO: Thank you. Does anybody else in the group want to make any form of a talk about anything? You would like to speak?

MR. SWEENEY: Give me three minutes?

MR. PETRO: You got it.

MR. SWEENEY: As you know, my name is Jim Sweeney, I'm here on behalf of the Bila Family Partnership, Rosenburg family and the owners of the New Windsor Town Center, better known as the Shop Rite Shopping Plaza. I have been here many times before you in the past. I don't intend to make a long presentation. I have here a document which I think in the form of a letter which identifies the items that I think should be in the DEIS and should be included in the scope of the DEIS and the scope is nothing more than a table of contents for the DEIS. And I must tell you that part of this document that I am handing to you is a commentary letter from the traffic engineers known as L. K. B., Lockwood, Kessler and Bartlet, who we have retained, they are traffic engineers out of Syosset, Long Island, and have a nationwide recommendation and they raise some very serious questions in terms of traffic, which is the most notable issue here and also in terms of the most revised plans that were presented to you within the last few months. Beyond that, I raise again legal issues that I brought to your attention very early in the process back in the fall, I think they're substantive, I think they're what I will call a priority, they're in the beginning, you can't even get to some of this unless you get beyond those legal issues and they too should be addressed in the DEIS. So what I'm going to do is hand this document to you, it's explanatory, there are plenty of copies for everybody and hopefully, when the scope is produced, it will include the materials that I think on behalf of my client are important.

MR. PETRO: Keep in mind people that this is not a public hearing but again, as Mr. Sweeney just came up and was very brief and mentioned a few items that deal with the SEQRA process and the scoping of this project, would anybody else like to say something along those lines?

MRS. BENNETT: Lorraine Bennett. Hi, Mr. Petro, I'm Lorraine Bennett from the Cornwall Planning Board, and I think it's important to remember that approximately a third of a mile or less from where this store is to be built there are now 84 houses, each of them having approximately two cars or more. There have just been 32 more approved and at the present time to get out of Jacqueline Street onto 32 is almost impossibility. And I think because we're in the Town of Cornwall doesn't mean that we should be a stepchild. I live a mile from the Vails Gate light and consistently, the traffic is backed up to my house almost every single night between 4 and 6 and because of that, I think any traffic study should be extended into our area. In addition, I just want to read something to you, and this is from Town Law, and it talks about protection, promotion of the public health, safety and welfare and it states nothing about assessed valuations.

MR. PETRO: Is that Cornwall Town Law, New Windsor Town Law?

MRS. BENNETT: No, this is State Town Law.

MR. PETRO: Thank you for keeping that brief and to the point, definitely to the point.

MRS. BENNETT: Well, I really think that you do need a study at least a mile and a half because we have been refused traffic lights many times at the corner of 32 and Jacqueline, there have been at least 20 recorded and probably at least ten other accidents that I know of that were not reported that has happened at that intersection. And we have been trying to improve the intersection with the new project that we have just approved but people just can't get across the road.

MR. PETRO: Jacqueline is where?

MRS. BENNETT: Jacqueline to Garland to Ardmore.

MR. EDSALL: Opposite from Russo's.

MR. LANDER: Across from A & R?

MRS. BENNETT: It is.

MR. LANDER: And you've asked for a traffic signal there?

MRS. BENNETT: Yes, we have.

MR. LANDER: Contacted DOT?

MRS. BENNETT: Right and if another light is put in for Hannafords, that only means that the traffic is going to back up further on 32, it isn't going to help anything.

MR. LANDER: Let me ask Mr. Couch or your traffic people, how far did we extend this traffic study? How far did it reach into Cornwall or did it go to the Town line?

MR. COUCH: Let me defer that question to Mark Sargent of Crayton Manning Engineering.

MR. SARGENT: The existing traffic study that we have done analyzed the site driveway and the draft scoping document actually includes the intersection of Jacqueline, so we haven't actually analyzed it yet but it's been included in the document.

MR. EDSALL: Just as clarification, the comments that we returned to the applicant, comment 4D added Jacqueline and Route 32 as to one of the intersections to be studied.

MR. PETRO: Someone else?

MR. OTTWAY: As a resident of 34 years living right off, Kurt Ottway, I live, we live right off of 94,

Rocky Lane, New Windsor, I have experienced on numerous times difficulty going through the Vails Gate corner. Mr. Vail put a toll gate up back when he established that corner for the reason that it has been the busiest intersection in Orange County since its inception and I think that as we look at this, it would be far greater if Hannaford would consider other sites, one of them ideally located would be the old Miron store which would give them an influx of people from the City of Newburgh as well as those who live in New Windsor that want to travel up towards Newburgh. There are other areas that could be considered, but looking at the corner Five Corners, I can only foresee and agree with the woman who's talking from Cornwall further accidents. Let me illustrate. On Sunday, we had to make an emergency run for a woman who I'm caretaker for in Washingtonville, it was Sunday, a quarter to four in the afternoon, it took me two traffic lights before I could get through the Five Corners. Coming from my house going towards Washingtonville, I had to wait two traffic lights. Fortunately, the ambulance was meeting me coming down the road as I was going up 94. I think that it has to be, we have to give very serious consideration to the location of Hannafords on this corner. A traffic light at the point of making a left-hand turn from 32 going into the area is not going to be the answer for us, it's going to only create further congestion at the Five Corners and it's going to create more accidents. And I just would like them to give some serious thought. We live in the area, we know what it's like, it's very easy to look at somebody's project and say this is what's going to happen. But it's not going to happen as they feel. Thank you.

MR. PETRO: You know, I want to touch on a couple things that you've said there. There's no one I think in the area that's going to disagree with anything that you've said and you have to understand this is my opinion, okay, my opinion, that Hannafords Food Store would have been, the reasons why they want to be in that location is because of everything you said, so keep that in mind. You follow what I'm trying to say? They want to be there because they don't want to go where Miron's is where it's not as congested and not as

many people going by. This is what we're trying to deal with. They're not going to change their mind and go somewhere else. This is where they want to be. And also, you would have to keep in mind all the time that the land that they're using is permitted by right of the law for that use, they don't need any variance whatsoever, no relief from any law to do what they want to do on that site. And also keep in mind and I'm not siding one way or the other, just giving you the facts the way I see them that they have every right to any road, the same as you do, my father did and my sons are going to have. And if there's too many cars, it's not necessarily their problem, is it the DOT's problem, is it the State's problem, it becomes our problem. I drive through there two or three times a day, it's a pain in the you know what. I can't get through any faster than you did. I understand and everybody understands what you're saying. But suggesting to Hannafords as our Supervisor did a year ago to go somewhere else and look and they're here again and I have nothing against Hannafords or any of the people here, this is my opinion why they're here and they like the congestion there and I'm sure they went back to their headquarters and they sat down and said this is the car count on that corner, everybody got excited. So that's my opinion.

MRS. BENNETT: Can I just add one more thing about the safety factor? Doesn't your board have to consider whether or not this store will exacerbate the safety problems at that corner?

MR. PETRO: We're looking into that, that's why they've done a traffic study, we've hired our own people to do a traffic study and we've had three correspondences with the DOT for them to study it also and they came back a number of times with a local determination and/or they know it's a problem there but that's it, but, there's nothing after the but.

MRS. BENNETT: I guess I'm sort of reacting to your attitude and your attitude seems to be that by divine right, they can come there whether it causes more safety problems for the rest of us or not and I don't believe that that's written in the law anyway.

MR. PETRO: Well, I think you went a little bit further than my intention was. I believe 75 percent of what you just said is the way I feel that they have a right to that property but that's why we're here tonight. If we felt a hundred percent the way what you just said, there would be no scoping session because we would have been far along the process already so being that we're doing this we're looking into every avenue that we possibly can and no decisions.

MRS. BENNETT: Just asking that you keep an open mind.

MR. PETRO: We're definitely keeping an open mind. And if we didn't have an open mind, I think they'd have a building permit, especially since it's a permitted right in the zone. Somebody else?

MR. EBERWINE: Lawrence Eberwein. I just wanted to question these about going, making a left turn and going into this place, how do you do this when you're going south on 32? How are you going to enter this store when you're coming south on 32 from Vails Gate going to make a left turn off 32? I understand coming north you can make a left turn and go through the fish store there by McDonald's.

MR. SARGENT: The map is oriented north to the right, I hope that's clear to everyone and there's a proposed widening of Route 32 right where the driveway is shown there and there would be opposing left turn lanes, there would be a northbound left turn lane for access into that little collector distributor road that will provide access to the fish and chips and southbound left turn lane on Route 32 for access into Hannaford, also be a full access driveway proposed on Route 94.

MR. EBERWEIN: If anything, I'm not really a Jersey person, but if they put a jug handle in there instead of making a left turn across 32 in the middle of the daytime in traffic, even if you have a light there, people don't know how to read the light situation as it is now in Vails Gate, you know, you come up and see arrows, you see a light, one points this way, one points this way, everybody's going to be in the left

lane to go on 300 straight and make the left turn on 94 and the traffic line is all the way back to that lady's house. I can verify that because I live there, I see it every day. Number 2, when you're coming down 32 or you're coming off 94 making a left going to 32, it's total chaos with McDonald's as it is there already, people are going to get more confused driving into McDonald's, people head-on coming out with the french fries in their hands, unless you can loop it around the back of McDonald's and do something like that, maybe it will work. But the way it's drawn up, I don't think it's going to work, it's going to cause more stress than ever. There has to be a big study on the traffic. They're having a hard time trying to figure out what they're going to do with the new car wash that they just put in on 94. Foam and Wash, they've had a problem on the side street by the post office, they had traffic backing up, people trying to get their cars washed, they put the new car wash, they had a new lube place there, Quick Lube or something like that, and they have traffic all jammed up with cars coming this way and that way, nobody knows where they're going. Whoever planned that planned that backwards. I think that's all I have to say. But I think there should be a bigger study on the traffic. If my kids want to go to McDonald's, I have to take my kids by the hand or drive them there because I can't let them walk to McDonald's and it's like you putting a gun to me, saying play in traffic, kid.

MS. FREIDA CAOILI: We live off of Marshall, have you considered, I'm Freida Caoili, we just moved from Rockland County to be here, we just bought a house off Truex, have you considered the noise factor? And we just feel that we're surrounded with so many supermarkets that do we need another one? And also, the noise factor, they can promise us that the trucks, we want a 90 foot, if it's a progress thing we'll have the 90 feet, you know, we want the 90 feet buffer zone. But still we have the noise factor and we have kids, we're a neighborhood that's paying enough taxes, high taxes as high as Harth Drive and people with, we have bad streets from there and it's come to a point where if you compare the taxes that we're taxed at its the same as better neighborhoods lake Harth and Willow and

we don't even get any kind of benefits and now to just put more, we're going to have the supermarket backing us up and it's literally in our back yards. We already have Friendly's, we have other supermarkets that we can see and it's a big neighborhood, I'm sure there's a lot of people from Marshall and Truex right now sitting here who have an objection.

MR. PETRO: Andy, can you touch upon the noise study?

MR. COUCH: Yeah. Actually, let me defer that to Tim Miller.

MR. MILLER: Tim Miller, I'm the planning consultant, we're going to be preparing the draft EIS for Hannaford. We have no objection to doing a noise evaluation and including it into the draft DEIS and if the board would so like to amend the scope that it already has to include an evaluation of noise, we would be pleased to evaluate that and include it into the document.

MR. PETRO: If you don't have an objection, we'd appreciate it.

MS. CAOILI: Just have a question, Shop Rite promised that to Forge Hill people, too, and they said noise factor would be, and if you go behind Shop Rite, they have houses in there that are, you know, too much noise.

MR. LANDER: New or old?

MS. CAOILI: New Shop Rite as well as Fortune Road and there are some houses and the value of the houses have gone down, but if you do title work, I represent the title company and I see that their taxes are the same and they have the noise factor and value of the house is not that much, just because things have to be considered. We pay as much and we own our properties and, you know, we would like at least that much for you guys to consider this.

MR. LANDER: Yes, they'll address the noise, also the viewing from where you live, if you're above, I'm sure

Truex Drive is above.

MS. CAOILI: It's backing.

MR. LANDER: It's backing to it but this property is going to be lower than yours.

MS. CAOILI: The promises are made but with the trucks coming, are we going to every day check up on that?

MR. LANDER: It's not only promises will be made, they have to meet all these things, they have to do the study and if our engineer tells us the study's not adequate or it's wrong, then they have to confront that.

MR. MILLER: Mr. Chairman, I think your comments, Mr. Lander, on the visual are correct, we have actually sent letters to all of our neighbors that back up to us, my landscape architects have met with most of them already at this point in time to show them our plans. We have provided cross-section and descriptions of the landscape treatment behind the property. I intend to continue to work with those neighbors to try to reach a satisfactory solution to the relationship between the rear of the store and the back yards that are also in, this happen to be in the C zone back there. So we understand that as a planning issue and we fully intend to address it.

MR. PETRO: I want to address one comment that you made, this will be for everybody. A lot of times I hear when we're out, somebody will say, you know, you have a gas station on that corner, that corner, a convenient store there, we don't need another convenient store, why are you letting this in or in your case, you just said why are we letting another food store in. We're not letting, they have to meet the law and get through the whole process, but it's not a planning board issue of an individual use, as long as it's part of the bulk table in the zoning law of the Town. In other words, if a shopping center is an approved use for the zone and there's four of them in a row, the planning board cannot say no, you cannot have another one of these, we already have too many. In

other words, it's by the law is stating that that use for the property is okay, it's a hundred percent, so we can't so yeah, we have too many shopping centers, we don't need it.

MS. CAOILI: I'm saying what about the location, they can, I'm sure there are plenty of locations around, I mean, we already have Tarkett out there who's making a noise and that's a noise issue that hasn't been approached, we have come to the planning board and like he said, he's approached the neighbors, I was never approached by you. One neighbor might have been approached, I'm sorry.

MR. LANDER: Are you an adjoining property owner, that's maybe the people they're talking to.

MR. MILLER: All the abutters.

MS. CAOILI: I'm, well, I am one of them and I was never approached.

MR. LANDER: Would you give this gentleman your address?

MR. MILLER: We'd be happy to meet with you if you abut our property.

MS. CAOILI: Thank you.

MR. OTTWAY: I have another question. Has the scoping committee considered the fact that there's going to be an additional flow of traffic coming out of Cornwall with the new school being built on 94?

MR. PETRO: Yes.

MR. OTTWAY: You're aware of this?

MR. PETRO: Yes.

MR. OTTWAY: That's all I'm curious about, thank you.

MR. PETRO: I think we looked into the new houses on Mt. Airy Road, Mark?

MR. EDSALL: Those and the ones Mrs. Bennett had mentioned.

MR. PETRO: We've looked into that also.

MR. EDSALL: Well, just a reminder is that the scope is not complete, the point of tonight's meeting is to receive input such that any issues that the board may not have added on March 28 can be added at this point based on the input from the public so the scope is not complete.

MR. PETRO: Like we just did with the noise.

MR. EDSALL: Exactly.

MR. BARTON: I'm Tom Barton, I met with one of their people and he showed me the layout and what they had proposed with the buffer between our house and the, where they're building back there, 49 feet is only a stone's throw and they have these big lights come down, we want them off the night. Plus the fact that they are going to build a retaining wall, he said, and a fence, he's telling me the fence is going to be 6 feet high. Now, 6 feet high, these kids are coming in through Knox Village will knock out a couple of the things and they'll be running through that property like crazy down there so we do meet, the planning board does meet, we would like to have it amended higher and further.

MR. PETRO: You're talking about the fence?

MR. BARTON: The fence we want higher and we would like to have at least 75 feet to the property line, the buffer.

MR. PETRO: We're getting off the subject of tonight for the environmental, when we have the public hearing, you certainly should be recognized, come forward with that kind of information. We're going to write it down now and take note of it because you've just said it, but during the normal public hearing is when we look at size of the fence.

MR. PETRO: Any other issues with the environmental?

MR. MILLER: Mr. Chairman, I think, you know, this gentleman's comment about the treatment of the area behind the store is a comment that we can and are happy to respond to. It relates to how the project is ascribed and what we're proposing to do so we'll provide illustrative information that indicates how we propose to do it and if a higher fence is something that is desirable, that's an alternative that we can also take into consideration.

MR. PETRO: Okay, I think anything over 6 foot has to go to the zoning board, correct?

MR. BABCOCK: Depends on the location to the property line, it could be over ten foot or over 6 foot if it's a distance from the property line. I can go over that with them.

MR. PETRO: But again, the fence is not part of what we're doing tonight, correct?

MR. EDSALL: Correct.

MR. BARTON: That fence by Friendly's that's about ten feet because I know when we were having trouble with the kids coming through them woods up Truex Circle, they busted a hole into the fence over there because the fence is high and they got through there anyway.

MR. LANDER: What type of fence is that?

MR. BARTON: One of the cyclone fences.

MR. LANDER: Did they cut a hole in it?

MR. BARTON: They cut a hole into it.

MR. LANDER: I can believe it.

MR. PETRO: Any other comments that we can utilize to help us through with the environmental process? Okay, we're going to go back to the board here, any of the

board members would like to say anything or address any of the people?

MR. ARGENIO: Yes, Mrs. Bennett, how many lots are approved in the Town of Cornwall on Jacqueline Court, that subdivision that you were referring to?

MRS. BENNETT: Between Jacqueline and Ardmore, going as far as the Moodna, there are 31 lots with the possibility of a 32nd lot being improved within a year, construction probably will start within the next couple of months.

MR. ARGENIO: None of them are developed?

MRS. BENNETT: Not yet, no, sir, the 84 houses that I am talking about and I did neglect to mention that some of them are duplexes are the ones that are already existing on Jacqueline, Garland and Ardmore.

MR. ARGENIO: Did you require that developer to install a signal light or investigate the possibility of installing a signal light?

MRS. BENNETT: What actually the developer agreed to as part of the subdivision plan was to make a right turning lane at the top of Jacqueline where it intersects with Route 32 to ease the traffic in because it backs up so far from the light. However, the existing problem is still if you're trying to pull out and go southbound or where people come over that hill and don't realize that people are stopped to make a right into Jacqueline and rear end cars constantly. And as a matter of fact, on my way to get here tonight trying to pull out of my driveway, I sat there for 7 minutes and I don't consider 7 o'clock at night a real busy time.

MR. ARGENIO: Thank you.

MR. KARNAVEZOS: No comments.

MR. LANDER: Mrs. Bennett, let me go back to the traffic light situation, only because I have met with the people that are doing a study two years ago on

that, the northbound side of Route 32 where the Foam and Wash is because really when you look up, you're saying who goes where, and I asked him, I says well, why don't they put signage on the pavement so that people know whether this is a left turn, a straight or what and he said he was only there for, the study would take him a year and it would take the State another year before they did any of the improvements, that's even the markings on the pavement, it would take two years. And as far as you going to the State to put a traffic light there, it will be ten years there. Wheels move very slowly.

MRS. BENNETT: The reason I'm here tonight is because of these very factors and because of the safety factor, you know. And the other issue is when you get to the Vails Gate light, unless you're a local, you have no idea that it's a delayed green to go left onto 94. I mean, I sit there and waiting to go left on 94 while the people in front of me go no place because there's nothing to indicate it's a delayed green so I mean and--

MR. LANDER: My point being--

MRS. BENNETT: What we're talking about is exacerbating what's already there.

MR. LANDER: My point is the State moves very slowly, you can ask for a traffic light, they can agree to it ten years down the road.

MRS. BENNETT: They've said no.

MR. LANDER: But why won't they put a traffic light there?

MRS. BENNETT: Because they say that the traffic volume and Mark can back me up on this does not require a traffic light at that intersection, regardless, irregardless of how many accidents. And the other thing is if you try to, if you're in the middle lane by Jim Russo's and you try to make a left into Jacqueline or even over the hill to make a left into Ardmore because of northbound traffic, your life is in your

hands. And this only makes things worse because it backs it up further, it's even a matter of, one of the things that we did in the new development is we're hoping to make some of the streets one way and required them to have both exits, two exits and entrances just for the simple standpoint of emergency vehicles and the health and welfare of the people that would be living in those houses and, you know, I just see this as making the situation that we tried to do something positive about made much worse.

MR. LANDER: Again, let me stress that we have hired traffic consultant and if this traffic consultant tells us Hannafords' plan doesn't work, then they have to go back to the drawing board again.

MRS. BENNETT: Well, I hope that they won't forget to come into the Town of Cornwall because Pushman's is the line.

MR. EDSALL: Just so the minutes reflect some additional information, just to confirm what Mrs. Bennett indicated when the what's now called the ADC subdivision was considered years ago as the Trifam and Trisil Subdivision, DOT indicated that the warrants were not met at Jacqueline and 32 and they question whether or not they'd even permit a center left turn lane for southbound traffic to get into Jacqueline but they were agreeable to allowing an upgrade of the intersection on the Jacqueline, the Town road side to raise the elevation so effectively, you're on the same playing field to get out onto the highway and allow turning lanes to it would be a left and right turn lane exiting the Town road, but they were not at all agreeable to any improvements on Route 32 itself and again, just to reiterate, that intersection is listed in the comments that this board has mandated be included in the EIS.

MRS. BENNETT: Just to add to what Mark said, they are willing to have the upgrade done but not at their expense. The Columbo family when they built the office on the corner of Jacqueline and 32 dedicated the property to the Town needed for that right-hand turn and ADC Orange is paying for the upgrade, so we have

tried to with their help solve our own problems but the State is not willing to put any money in it.

MR. ARGENIO: I didn't want to beat it to death, if we have included it in the Jacqueline intersection in the study, then I think that covers it, but I was curious how many houses were in there.

MR. PETRO: Anyone from Hannafords want to wrap it up, anything to say?

MR. SARGENT: I had a question of clarification, did you say that the improvement of Jacqueline then is already paid for in the program, someone is actually going to construct that?

MRS. BENNETT: Yes, well, actually, that project is not bonded yet, but my understanding is the improvement will be in the bond, the Town already has had the dedication of the needed property but it won't be done at State expense.

MR. EDSALL: Right, and again, that's only an improvement to Jacqueline, which is the Town road, bring it up to level elevation and provide widening and turning lanes. If it's appropriate that there be any improvements to 32, as of yet, DOT has not authorized that nor is that going to be included in the bond amount for the public improvements for the subdivision since DOT didn't authorize it.

MR. SARGENT: What's the schedule for the completion of that?

MR. EDSALL: I would suspect ADC will have the bond posted within the next month to month and a half, construction, as Mrs. Bennett indicated, probably starting within the next two to three months and I'd look probably at a year at the most year and a half buildout.

MRS. BENNETT: Yeah, they have a timetable of 16 C.O.'s before that construction has to be done.

MR. PETRO: Andy, anything else from your group?

MR. COUCH: No, I don't think we have anything else.

MR. PETRO: This session is over and we're going to go on to other business.

MR. COUCH: I guess we have a question procedurally.

MR. MILLER: Mr. Chairman, just to wrap up, we heard a number of comments, Mr. Sweeney submitted a letter, there's a comment asking that other sites be considered in the alternative section. We have no objection to doing that. Obviously, this is the site we own, this is the site we control. There was obviously concern about the traffic, we think that that's already been dealt with in the scope that the board has developed to date. We have agreed to include a noise evaluation in the scope. We have agreed to address the relationship between the rear of the property and the residences in a sort of a buffer visual landscape lighting type of evaluation, I didn't hear any other comments, Mark, I don't know if there was anything else that you picked up on, we're interested in having this board adopt a scope and in doing so with those items added as a condition so that we can finish the draft EIS and submit it.

MR. EDSALL: What I think is appropriate is that we have the minutes prepared and forwarded on and then you take those minutes, Mr. Sweeney's letter which apparently at this point is the only correspondence we have received and the comments that we have already provided to you and have you resubmit a scope and the board will review that scope and determine if it's complete relative to the issues that were raised here by Mr. Sweeney and any other correspondence that might be in the mail and received within the next day or two and the board's comments.

MR. MILLER: Okay.

MR. PETRO: How detailed are you going to be with the lighting because this gentleman asked about lighting, obviously, when we do the site plan further along, we're going to have a lighting plan. Are you going to

include, how much lighting detail are you going to include in the scope?

MR. MILLER: We'll include a landscape plan and a lighting plan in the project description material in the EIS, we have no objection to that.

MR. PETRO: Okay.

MR. MILLER: Ideally, when the draft EIS public hearing is open, we want to have the site plan public hearing open simultaneously, which is consistent with the law so we want the board and Town to have the appropriate information necessary for both of those hearings to run simultaneously and concurrently.

MR. PETRO: You don't want to do it twice?

MR. MILLER: We don't.

MR. LANDER: For the gentleman that spoke about the fence also they have in one of their proposals I read that their trucks will only, can't idle more than 15 minutes there when they're unloading, you have, they have to shut them down, I think it's a State Law now that they can't idle more than 15 minutes. So that should cut down on the noise when the trucks are back there unloading. I don't know the difference in elevation off the top of my head but fumes shouldn't be a problem running for 15 minutes, then they have to shut them off. I think that was in the first presentation that they had.

MR. BARTON: If they don't?

MR. LANDER: Call the building inspector, Mike Babcock, just give him a call, day or night.

MR. PETRO: Thank you everybody.

REGULAR ITEMS:

HANNAFORD'S FOOD & DRUGS (00-15) VAILS GATE

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. PETRO: This application involves development of 55,200 square foot retail store on 5.5 acre site. This application was previously reviewed at the 13 September, 2000, 15 November, 2000, 24 January, 2001, 14 February, 2001, 14 March, 2001, 28 March, 2001 and 25 April, 2001 planning board meetings. Someone here to represent this?

MR. WOLINSKY: Mr. Chairman, members of the board, we're here tonight simply to conclude the scoping process. The board recalls there was a public scoping session and some additional comments came in. We have modified our scoping document to include those comments and we just need to have the board acknowledge that the scope as modified is now final and we'll see you shortly, if that's okay.

MR. PETRO: Well, we have a recommendation from the planning board engineer that the comments have been attended to in the scoping session, you did a good job, it's his recommendation that this board accept the scope as written and that you proceed with the DEIS. Mr. Argenio, do you have anything contrary to that?

MR. ARGENIO: No, I don't but I did have one question from Mr. Edsall, who is the interested party's engineer?

MR. EDSALL: That was the letter we received from Mr. Sweeney with an attached evaluation from an engineering traffic consultant.

MR. ARGENIO: No, I've got nothing else, Mr. Chairman.

MR. BRESNAN: No.

MR. KARNAVEZOS: No.

May 23, 2001

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MR. LANDER: No.

MR. PETRO: Okay, I guess we have nothing over there, I'll take a motion.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the Hannaford Food and Drug site plan scope as submitted by the applicant, the DEIS. Is there any further discussion from any of the board members?

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE



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**TOWN OF NEW WINDSOR
PLANNING BOARD
CLOSEOUT REVIEW COMMENTS**

PROJECT NAME: MONRO MUFFLER BRAKE SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTE 94
PROJECT NUMBER: 00-22
DATE: 5 SEPTEMBER 2002

I have been asked to close out the Monro Muffler Brake approval. Some items require correction on the plans submitted for final review and stamp of approval. Note the following:

1. There are two versions of this sheet, one as part of application 00-15 (Hannaford, Sheet 5 of 15) and one as part of application 00-22 (Monro Muffler, Sheet 1 of 1). Please make these sheets identical with the exception of the sheet numbering and add a note on both drawings indicating that *"The improvements shown hereon are an off-site obligation of the Hannaford Site Plan, and all work shall be complete prior to the request for a Certificate of Occupancy at the Hannaford building"*.
2. Easement referenced in note #4 on drawing should be submitted to Planning Board Attorney and Planning Board Engineer for review. After approval, this must be properly filed.
3. The two way traffic aisle on the west side of the building (shown as 19' on one version of the plan) must be changed to a minimum 20' as required for two way traffic in the code. Replace curb as necessary.
4. Regarding the Bulk Table:
 - Correct number of provided parking spaces in bulk table.
 - Reference area variance granted on bulk table.
 - Also note that only one of the two versions of 102A had a bulk table. Insure the final drawing has a complete and correct bulk table.
5. A reference is made to an easement to the Town for a watermain on one version of 102A, but not the other. No continuation easement is shown on the Hannaford site plan. First, we will need to verify that a Town easement is required, then the proper easements must be depicted, if needed. As appropriate, the easements must then be filed.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st NW00-22-Closeout Comm.mxs 090502.doc



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**TOWN OF NEW WINDSOR
PLANNING BOARD
CLOSEOUT REVIEW COMMENTS**

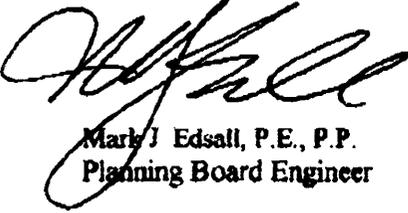
PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 - BLOCK 1 - LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 5 SEPTEMBER 2002

I have been asked to close out the Hannaford's approval. Numerous items have not been corrected on the plans submitted for final review and stamp of approval. Note the following:

1. Approval Resolution Condition #3 required a site improvement cost and public improvement cost estimate. These have not been submitted and are necessary for a final review. Also see wording of condition with regard to DOT issue.
2. Bulk table on drawing C-102, side yard provided values, still need correction.
3. Sheet C-102, Hannaford Site plan, must depict compliance with fire lane requirements of Town Code. Add notes, sign details, pavement marking details, etc. as required.
4. Detail 15 on drawing C-112 (Handicapped Parking Space) does not meet State Code. All striping must be blue in color, and a third sign in front of cross-hatched zone ("No Parking") must be added.
5. Detail 5 on drawing C-112 (sign detail) does not comply with State Code. Height of bottom of sign in mounted position must be between 5' and 7'.
6. A reference is made to an easement to the Town for a watermain on one version of 102A. No continuation easement is shown on the Hannaford site plan. First, we will need to verify that a Town easement is required, then the proper easements must be depicted, if needed. As appropriate, the easement must then be filed.
7. Drawing 102 should include another large "boxed" note that states the following:
"Approvals granted for the Hannaford Site Plan are subject to mitigation requirements noted in the SEQRA Findings Statement adopted by the Town of New Windsor Planning Board, and compliance with all the mitigation measures and requirements are hereby deemed a condition of the site plan approval."

8. Drawing C-102 should include a note stating that no work will be performed on site until the Highway Work Permit or an site access permit is obtained from the NYSDOT.
9. Drawing C-102 should include a note stating:
" All off site work on the related Long John Silver Site Plan Amendment and Monro Muffler Site Plan Amendment, as well as other off site impact mitigation measures shall be complete before a Certificate of Occupancy is requested."
10. Contribution for off-site sewage pump station and force main improvements should be paid to the Town at time of stamping of the plan.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-13-Closeout Comments 090502.doc

DISCUSSION:

HANNAFORD FOOD & DRUG STORES (00-15) REVIEW OF DEIS SCOPE

Mr. Larry Wolinsky, Esq. appeared before the Board for this proposal.

MR. PETRO: This is a review of the DEIS scoping. Mark, I'm going to turn it over to you. We can start the ball rolling on the discussion part of it and bring us up to date.

MR. EDSALL: Larry Wolinsky from Jacobowitz & Gubits representing the applicant had written to the Board with a letter dated March 27th and attached correspondence. I'm sorry, that's not the correct date. Myra, what's the date that the transmittal with the proposed scope?

MS. MASON: I think it's the 23rd.

MR. WOLINSKY: I'm being told it's the 28th. That we transmitted the scoping document?

MR. EDSALL: Yes.

MR. WOLINSKY: February 28th.

MR. EDSALL: February 28th they wrote to the Board and proposed a scope. That document was circulated following the meeting on the 14th. Since that time, the Board members have contacted me and provided input as to any revisions or additions that they care to have included in the proposed scope. Based on all the input from the Board members, I've prepared a listing of the comments, and each Board member has a copy, Items 1 through 5. And at this point I would suggest that the Board adopt these comments and ask the applicant to include these into the scope and prepare a revised scope for purposes of holding a public meeting, public scoping meeting at the Board's convenience.

MR. PETRO: Mark, are you going to simply hand your comments or this list to their attorney for the applicant?

MR. EDSALL: Yes.

MR. PETRO: And the attorney for applicant is going to

read this and say, Okay, we're going to put it into our scoping paperwork and have it ready for whatever date we choose after we're done here today?

MR. EDSALL: Well, it actually should be available as part of a circulation that I've discussed with Mr. Wolinsky, and it should be available for public review prior to the meeting. So as soon as they can get it prepared and get it in, we'd post it, and then you'd have the public scoping meeting at a date determined by the Board.

MR. PETRO: Just to clarify this one step further. This is going to be a requirement of the New Windsor Planning Board to be added to the documents, or are we asking them to do it? What if they say no?

MR. EDSALL: Well, you as Lead Agency you have the ability to require that this be added into the scope. And obviously all the Board members have contributed, and that's where this came from.

MR. WOLINSKY: Mr. Chairman, we've already reviewed it and there's no problem, we'll add everything. I'll have it done tomorrow morning.

MR. PETRO: We're going to do probably a motion on this to adopt it. And also, Mark, the date for the scoping session itself, we've talked briefly about it. We've come up with a date that we thought would be fine.

MR. EDSALL: Based on what information we got from Myra and the current applications before the Board, I believe you had suggested the 25th of April which would be the second meeting of next month.

MR. PETRO: And also I'd like to kind of keep that meeting light if we can, which I will do since I make the agenda. We'll just keep it light and keep it kind of dedicated for that purpose. So it will be the second meeting in April. Any objection to that?

MR. EDSALL: Just one thing that maybe you could make clear to the applicant, whether or not you believe it would be appropriate at that meeting to not only have a discussion of the scope but also a presentation, because you surely will have a number of members of the public, and better to have them understand the correct information rather than any rumors that may be circulating. So you may want to let them know that

you're looking for a presentation at the start of the meeting.

MR. WOLINSKY: Presentation being basically just an explanation of the project?

MR. PETRO: Overview.

MR. WOLINSKY: Want us to get into the summary of the impacts that we're looking at at this point?

MR. EDSALL: I would think that it would be of benefit to give an overview of the entire project, and for then all the apparent potential impacts, just in general indicate what the impact is and in general how you believe you're going to mitigate the problem.

MR. WOLINSKY: Okay.

MR. PETRO: Mark, are they, the applicants, and/or this board going to field questions from the public at this scoping session?

MR. EDSALL: I think you can control the meeting to the point that you only ask for input as to what should be added to the scope for the DEIS rather than get into a long drawn out public hearing on the site plan which obviously --

MR. PETRO: That comes later.

MR. EDSALL: -- you may have an additional public hearing with a detailed site plan at a later time. It's going to be a little tricky to control the content of the comments.

MR. PETRO: People are going to be raising their hands, trying to get up here to speak.

MR. LANDER: If you're going to do that, you're going to have to post that you're looking for public input on this. Because if you don't post it, then there will be a problem.

MR. PETRO: Isn't that the intent of the scoping session?

MR. EDSALL: You're looking for public input on the scope, but I don't believe you're looking for a detailed critique of the site plan or any other issues.

You're looking as to what should be considered in this scope.

MR. WOLINSKY: Mr. Chairman, normally what we do is the applicant in the very beginning of the presentation we explain to the public what the purpose of the scoping session is and that the purpose being to find out from the public what the public believes should be addressed in this document and that it has no, that the project has no standing beyond that and that there will be an additional opportunity for public hearing after the document is written to address the comments and submit it. Usually that helps, that explanation at the onset.

MR. EDSALL: You may want to try to avoid getting into the position of trying to answer questions. Really the purpose is to receive comments or concerns.

MR. PETRO: That's a very good idea. Just say thank you and move on. Any other comments?

MR. KRIEGER: Yes, Mr. Chairman. As I previously told you, I won't be here at that meeting, and of all the comments that came in I have only one additional thought about the Notice of Intent, the document, and that's based on a prior experience we had here. And that is it should specify that erosion controls have to be in place before any construction is done. Sometimes they sort of let that portion, they put the erosion controls in after the construction has started. It's a little like barring the gate after the cow has left the barn.

MR. WOLINSKY: Mr. Chairman, do you want us to mail notices to the abutters, the adjoiners?

MR. PETRO: For the scoping session?

MR. WOLINSKY: For the scoping session. There's no fixed rule in the SEQRA regulations, and we can either do that or it just gets published in the newspaper.

MR. PETRO: Why not put it in the Sentinel as is required. I think that's what's required by law and I think that should suffice. I mean the abutting neighbor has the chance to buy the paper the same as anybody else does.

MR. WOLINSKY: Okay.

MR. PETRO: See anything wrong with that, Andy?

MR. KRIEGER: No, I don't.

MR. PETRO: Jerry, any other comments?

MR. ARGENIO: No. I think -- no. I think Mr. Wolinsky has got a handle on this.

MR. PETRO: Jim?

MR. BRESNAN: No.

MR. PETRO: Ron?

MR. LANDER: No.

MR. PETRO: I'm going to take a motion to accept the comments of the scoping document to be handed over to the applicant to be added to his documents.

MR. LANDER: So moved.

MR. KARNAVEZOS: Second.

MR. PETRO: And I have to extend that motion to actually set the date of April 25th for the scoping session of the New Windsor Planning Board. We have a motion and seconded. Any further discussion from the board members?

MR. LANDER: We want to add Andy's comment to this document.

MR. PETRO: That the erosion control measures be implemented before the construction starts. Okay?

MR. WOLINSKY: That's agreed.

MR. PETRO: Anything else? Roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. WOLINSKY: Thank you.

MR. PETRO: Mike, do you have anything else for tonight?

MR. BABCOCK: No.

MR. PETRO: Mark?

MR. EDSALL: No.

MR. PETRO: Andy?

MR. KRIEGER: No.

MR. PETRO: Mr. Bresnan?

MR. BRESNAN: No.

MR. PETRO: Mr. Argenio, anything else for tonight?

MR. ARGENIO: No.

MR. PETRO: Tom?

MR. KARNAVEZOS: No.

MR. LANDER: No.

MR. PETRO: Myself no. Motion to adjourn.

MR. KARNAVEZOS: So moved.

MR. LANDER: Second.

ROLL CALL

MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Denise M. Provnick
Denise M. Provnick
Stenographer

HANNAFORDS FOOD & DRUG STORE (00-15)

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. WOLINSKY: Good evening, Mr. Chairman, Larry Wolinsky from Jacobowitz & Gubits. I'm here for Tectonic tonight and on behalf of the applicant, Hannaford Food and Drug and we're here this evening for the consideration of the board's determination of completeness for the draft environmental impact statement that was submitted. As you know, completeness is nothing more than a determination that the document that was submitted is adequate for public comment and circulation to the involved and interested agencies.

MR. PETRO: Is that the end of your spiel?

MR. WOLINSKY: Short and sweet.

MR. PETRO: Mark, why don't you bring us up to date and give us a little instruction what we need to do, bring us up to date.

MR. EDSALL: Comment 1 just notes the history as far as the steps that have been taken so far. I won't repeat them, unless someone has a question. Comment 1 notes some minor corrections that I'm suggesting be incorporated into the DEIS before it's circulated and in fact, the comments that are attached from John Collins Engineers, the traffic consultant retained by the town to review the EIS is, it's my understanding that they have shared with the applicant and those changes have already been incorporated into a current document they have on file. So, my suggestion would be exactly what Larry said, you're not agreeing or disagreeing with the specifics listed in the EIS, you're merely acknowledging that they have submitted an EIS which you believe is complete enough and acceptable form to be circulated for public review and comment and for the scheduling of the public hearing. And I would agree and as I list in my comments, it's my recommendation that you vote that it is acceptable on a completeness basis request, that they incorporate the

changes I've noted and then submit copies to the town for circulation. I want to make sure the town circulates them because we have been advised recently that the DOT will not review something unless it comes from the municipality. So I want to make sure that we do the circulation, other than that, short and sweet.

MR. WOLINSKY: The only other thing that I would add to the shortness and the sweetness is if we could target the public hearing date with the understanding that it would only go forward at this point subject to those minor modifications.

MR. PETRO: Second meeting in August.

MR. WOLINSKY: That would be great.

MR. PETRO: You'll have to do your due diligence.

MR. WOLINSKY: Just so you know, we have a workshop session scheduled in August, first we'll be prepared to show the revision on August 1st, really they're minor, very technical and minor so--

MR. PETRO: Looks like August 22 is the target date.

MR. WOLINSKY: Yes, thank you.

MR. BABCOCK: Will you have enough time from the workshop for August 22nd?

MR. WOLINSKY: Yes.

MR. EDSALL: Applicant has also prepared a proposed notice relative to the DEIS being deemed complete and adequate for public review and I have reviewed that, I have no objection to it so I'll work with them on getting that packaged up and sent out.

MR. PETRO: I don't mind, Mark, I can the target date the 22nd of August but if you miss it, it's not urgency on your part, in other words, you have to be prepared to have it complete.

MR. WOLINSKY: I understand.

MR. PETRO: Any other comments from the board members before I give a little direction here?

MR. ARGENIO: Nothing, no.

MR. LANDER: No.

MR. PETRO: We're going to have a motion that the board is going to accept and determine that the DEIS is complete with the few subject-to's and the revisions above which Mark has already discussed and this is only a recommendation by this board to accept the DEIS as complete as written. Anything else?

MR. EDSALL: It's fine.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the DEIS for the Hannafords Food and Drug Store as written with the number of subject-to's, the revisions that Mark Edsall had mentioned earlier. Mark, those revision, how do we get them to be tied in with these minutes? Can I use the--

MR. EDSALL: They'll be attached to my comments.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. WOLINSKY: We should really have a resolution setting the target date as well because if we go forward, you should have a resolution setting that, just a motion.

MR. EDSALL: I would suggest that you have a motion authorizing the public hearing for the 22nd of August subject to the applicant meeting.

MR. WOLINSKY: Complying with the completeness requirements.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board target the date of August 22nd for a public hearing for the Hannafords Food and Drug Store as Mark noted as long as the applicant is ready to go forward at that point. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER AYE
MR. ARGENIO AYE
MR. PETRO AYE

PUBLIC HEARING:

HANNAFORDS FOOD & DRUG STORE (00-15)

MR. PETRO: Public hearing for the Hannaford Food and Drug Store on Route 32 and Route 94. It's represented by Tectonic Engineering. Proposed construction of 55,300 square feet of building for retail. This application was previously reviewed at the 13 September, 2000 meeting, 15 November, 2000 meeting, 24 January, 2001 meeting, 14 February, 2001 meeting, 14 March, 2001 meeting, 28 March, 2001 meeting, 25 April 2001 meeting, 23 May, 2001 meeting and 25 July, 2001 planning board meetings. So, if anybody thinks we're moving too quick, read that again. Now, we're just waiting up here for the attorney to show up. I'll explain to the people because obviously, there's people here for the public hearing, our procedure here is that we're going the call upon Hannafords to make a presentation to the board, we'll review the plans and. Then at some time during that presentation, we'll open it up to the public for their input and their comments. And you would be recognized by the Chair, come forward, state your name and address and then we'd move forward with the hearing, thereafter, with the public hearing, we'll then close it to the public and the board would then review it again. And I'm stalling here as best I can, I don't know what we're going to do. We'll start and if we come to a point where we need our attorney, then we'll hold up. We can at least have the presentation started so we can move things along. So first on tonight's agenda is Hannafords, might as well come up and get set up.

MS. SHAIN: We pretty much have what we need here. I'm Melinda Shain representing Hannaford Brothers, pretty much I'm going to get our consultants to speak briefly. I know you're familiar with the project based on all the times we have been before you. I will hand it right over to Tim Miller so we can get started.

(Whereupon, Mr. Krieger entered the room.)

MR. PETRO: Let the minutes show that the planning board attorney is now with us.

MR. MILLER: Mr. Chairman, members of the planning board, members of the public, my name is Tim Miller with Tim Miller Associates. We're a planning and environmental consulting firm in Cold Spring and we represent Hannaford, having been the primary authors of the Draft Environmental Impact Statement. This is a public hearing on the Draft Environmental Impact Statement and site plan application, as well as 12 proposed site plan amendments that have all been filed with this planning board. Just procedurally, so you understand where we are in the process, we have been reviewing the plans with the planning board for some time, as the Chairman indicated. The draft environmental impact statement was a result of a positive declaration made by this board some time ago. The contents of the draft EIS were largely established based on a scope that was also developed by the planning board in consultation with planning board staff, town engineer and subject to a public hearing. So the draft EIS was done in response to comments from interested public, the board and the consultants to the board. After tonight's public hearing, the comments that are made will be responded to in writing and provided to the board and to the same agencies and the same parties that had been recipients of the draft EIS. We have a stenographer tonight that will be recording all of your comments. There will be also a period sometime after the close of the public hearing in which if you wish to make comments you may do so. We'll be responding to those comments in the final EIS, submitting that to the board for a determination of adequacy and acceptability that will be circulated and all this will take place prior to any final decision on this application. Hannafords is proposing a 55,200 square foot state of the art supermarket. It will be situated on 5.443 acre site located on New York State Routes 32 and 94 near New Windsor. The facility is proposed on a property that is currently designed Shopping Center C zone in the town and that is, that does allow for supermarket use on the property. For those of you that live in the neighborhood, this is a site where the existing Friendly's is. The Friendly's would be removed as part of this proposed action. As I indicated, there are two proposed site plan amendments

in connection with the application, one of the amendments involve improvements to a secondary access drive that would go out to Route 94. This is the Five Corners.

MR. PETRO: Normally, you give the presentation to us and then we open it up to the public. Does anybody object to the way we do this, Mark, is there a problem?

MR. ESDALL: I don't think so, let them finish the presentation.

MR. MILLER: Everybody see this? All right, okay, so one of the site plan amendments involves existing facility which is the Monro Muffler and extension of the secondary access drive out to Route 94 as indicated, this is Five Corners intersection and there's Route 32. A second site plan amendment involves the improvements to the access to I guess it was formally the Long John Silver's Restaurant and the reason that is being proposed is to allow for this driveway to align with the proposed primary driveway into the supermarket and this intersection will be signalized. The project shows 304 parking spaces. As indicated, primary access is about 800 feet south of Five Corners intersection. Part of the application the applicant is proposing improvements to the Five Corners intersection. This is an intersection that operates with long queues, long delays and we recognize that from the very beginning and we have spoken to the board about this. We have retained, the applicant's retained the trafficking firm of Creighton Manning to address potential improvements to the intersection in order to reduce delays. And Mark Sargent, who's with Creighton Manning firm is here tonight and he will be talking about some of the proposed improvements to the intersection. With this application and with the draft EIS is a very detailed landscaping plan that shows proposed landscaping around the perimeter of the project site. One of the things that Hannaford requested that we do is reach out to residential abutters to discuss the landscaping plan and try to address their preferences and concerns which we have done. This site will be provided with public water, public sewer. I think at this point, Mr. Chairman, I'm

going to ask Mr. Sargent to speak a little bit about the intersection improvements and that will conclude our presentation.

MR. PETRO: Okay.

MR. SARGENT: Is this difficult to see from where you are? Can everybody make out what's on this pie chart here? Thank you, Mr. Chairman, members of the planning board, with your permission, I will turn my back to the board and present to the members of the public. I will briefly describe traffic impact evaluation that we completed for the project as well as the status of your discussions with the Department of Transportation. We analyzed a number of intersections in the area and probably no surprise to you that really the only intersection with any significant operational problems is the Five Corners intersection. What we found is from our data and analysis is that the average motorist driving through the Five Corners intersection today during any given peak hour experiences about three minutes of delay, that level of delay depicted here--

MR. PETRO: Continue.

MR. SARGENT: Thank you. I respect that input because we do understand that there's a variability in trafficking and does change from day-to-day, but overall average, the average motorist will experience on any given approach is on the order of three minutes. We have also estimated that if no additional improvements are completed at the intersection that over the course of time, delays will continue to increase as due to our projects in the area that have already been approved or are pending. As they become constructed or occupied, delays will increase and we estimated that in a year from now, those increases will be 25 percent greater than they are today and you'll be waiting four minutes. The proposed Hannafords project would generate about 500 trips during p.m. peak hour and if that project is approved without any off-site highway improvements at all, then we estimate again that the build condition would see delays at that intersection under five minutes per vehicle during the peak hour. Obviously, that represents an impact. So

we evaluated the signal to try to identify some improvements or improvement that can, will fully mitigate that. What we have come up with and identified is an improvement, it involves implementing some efficiencies into the traffic signal as well as modifications to the lane arrangements on Route 32 northbound and with those modifications, we can expect significant improvement reduction in the level of delay that the average motorist will experience traveling through the intersection and this, going through a little bit of detail about what the improvement consists of and what it is is when you're traveling on Route 32 northbound today, the left most lane is a shared lane which takes people to Route 94 westbound as well as 300 northbound. We're proposing to make that an exclusive left turn lane to Route 94. I will show, this will be north, north is up. Now, this lane here is a shared lane, it accommodates through movement to Route 300 northbound, as well as left turns. We're proposing to make that an exclusive left turn lane. The center lane here currently is designated for Route 32 northbound and we're proposing to realign this approach slightly and to allow that traffic to go exclusively to Route 300 northbound, what that allows at the signal is to implement what we call an overlapping controller so Route 32 northbound and 300 southbound can operate on the overlap and simultaneously traffic will flow and subsequent phase will allow this approach to flow. The intersection can process a lot more traffic during a peak hour than it is now. And with that improvement, we would expect some delays substantially reduced even with the completion and construction and occupancy of the Hannaford project. In addition to this improvement, we have or the project includes, it's not shown on this diagram, this is really a site plan but there's an off-site highway improvement board on the side of the room which I should bring up, let me just grab that board. This board shows again north is up on this figure, shows a widening of the Route 32 in this area, construction of the southbound left turn lane for access into the Hannaford property, northbound left turn lane provision of traffic signal and as shown on this plan, there would be access management improvements in this area reducing the number of curb

cuts and providing access by this single driveway to reduce all the vehicular conflicts in this area. That is essentially the conclusion of the traffic impact study. We submitted the study on the DEIS to the Department of Transportation for review, two different offices within the department have reviewed the study, the Planning Group as well as Traffic Engineering and Safety Group and in a joint letter that we received back from the department from both groups, the Planning Office signed off on and agreed with the methodology of the study, all the traffic forecasts in the study and essentially, the process and the trip generation estimates that we have estimated for the project. The Traffic Engineering and Safety Group has concurred with the operational forecast and the findings of the study as indicated in a letter dated November 27, 2000, both with and without the project. So, essentially, what this means is the other, the Department of Transportation has jurisdiction over the highway, concurs with this and that this general bar chart that you see here represents an accurate depiction of what we can expect at the Five Corners intersection in terms of reduced delay with the completion of the project and with the completion of the improvements that are proposed. Thank you.

MR. MILLER: Mr. Chairman, that concludes our presentation. Just so the public understands, tonight is a public hearing, we'll be taking your comments, we'll be responding to them in writing, unless instructed by the board, it's not our intention to engage in dialogue or interaction with you. Every comment will be recorded and responded to in writing.

MR. PETRO: I don't have a problem with that process but sometimes I'd like to hear an answer right away and I'm sure some of the people would.

MR. MILLER: We'd be happy to do so.

MR. PETRO: I don't want to get into a bunch of redundant questions and go over the same thing over and over, but I'd like a few questions answered, if I can.

MR. MILLER: We'll wait for your instruction.

MR. PETRO: Thank you.

MR. ARGENIO: Would you put the other board up on the easel, please, the traffic board?

MR. PETRO: All right, folks, on 8/9/01, 35 addressed envelopes containing attached notes of public hearing were mailed. So if you're here and would like to speak on behalf of this application, please be recognized by the Chair, come forward here, state your name and address and speak clearly and address myself and the board first and then if so, direct it to the correct corresponding person. Jim?

MR. SWEENEY: Thank you, Mr. Chairman. For the record, my name is Jim Sweeney, I'm an attorney with offices in Goshen, New York and I'm here on behalf of the Bila Family Partnership, you know that, I have been before you before on the rebuilding of the New Windsor Town Center and other matters involving at Bila Family Partnership.

MR. PETRO: Bila Family Partnership owns?



MR. SWEENEY: Owns and maintains the Shop Rite in New Windsor, the New Windsor Town Center, the Shop Rite Shopping Center. I also have with me Richard Malec from the engineering firm of LKB along with Harris Fischer also of that firm and we have Jeff Rosenberg, too, who is the primary principal partner of the Bila Family Partnership and they'd all like to address you a little bit. Let me lead off on a, I don't want to be redundant on traffic matters, that's why Mr. Malec and Mr. Fischer are here, I want to talk about legal matters that I think is important. And one that really hasn't been addressed in the DEIS or otherwise and it's a matter that I brought up to you in my early correspondence and has been before the board for a while and I'm not sure in all of the other issues that it has really been recognized or treated effectively and I think it's important. So let me go right to the board and talk about it. I'm talking about the, what's called the secondary entranceway, secondary route or road from Route 94 and you see it here fairly well

detailed into the main site. I indicated early on in the process that I thought that that was a street, a street as defined by your Town Code and should at least comply with the street regulations that have been promulgated by the Town Board over the years. And the response in the DEIS that no, it wasn't a street, it was called in the DEIS a shared driveway. Well, I want to take issue with that and I want to put on the record some indications of why I do feel that this way is really what amounts to a small alleyway is a street and needs to conform with your street standards and street specifications and it really can't. The accessway is only 25 feet wide and it's about, I would say, roughly half the size the width of this room. It's about 240, maybe 235 or some odd feet long from the edge of Route 94 to the edge of the property. As it's built, it really comes in as a, almost as a potential ring road and is much longer, but I'm talking about its tail point here. Now, what is this particular facility? Is it a street? That's the issue. If it is a street, you've got to treat it as a street. Well, you have a definition of street in your code and it's in chapter 36, which is your street regulations and defines a street as an area designated by any developer to be used as a public right-of-way upon any map survey or plans which have been or are heretofore submitted for approval to the planning board. Well, certainly, this is a way that's going to be used by the general public to get in and out of this facility. It appears to me to fall right in line with what that definition is. Now, beyond that, you have the definition of what the folks who put that right-of-way together called it themselves and I'm going to read from the document that created that right-of-way and for the record, it's an easement document dated January 11, 1995 between House of Apache Properties and the Slepoy Family, I don't know if I pronounced that right, I apologize if I haven't and the document recites the 25 foot right-of-way describes it and so forth and goes on to indicate that it is non-exclusive and that means open to anyone for the purpose of vehicular ingress egress, for access to and from New York State Route 32 and Highway number 94. Now, in the second paragraph of this document, the authors of the easement describe the strip as a roadway indicating that the right or the

obligation to maintain and repair as follows and according, and which will keep the roadway sufficiently clear of ice and snow to permit the passage there over and to maintain the surface of the roadway in a reasonably safe, unobstructed condition. So, the fellas and the folks and lawyers and all who put this together to begin with call it a roadway, not a driveway. Now, there's some other indications that will help you understand the difference between driveway and roadway--

MR. PETRO: Before you go any further, please, I'm sure you did a lot of work on this.

MR. SWEENEY: I did.

MR. PETRO: But other than to be obstructive, excuse my frankness, what's the bottom line here, whether it's a roadway, driveway? We understand it's going to be built to the specs that are approved by the town. If you can call it a rose by any other name, it's still a rose. So what's the point? Let's get to the point.

MR. SWEENEY: Any street, even your private street regulations call for a right-of-way of at least 50 feet. Your private roads, that is the four houses, by the way, they call for a paved improvement of I believe 25 feet with roads and gutters. And additionally, your suburban streets, ones that carry a modicum of traffic paved way 30 feet, streets and gutters, major streets paved way right-of-way 60 feet paved way 30 feet streets and gutters. That can't even make private road specs, that's the bottom line and is it important? You bet it's important. This roadway is going to carry a significant amount of traffic. As I read the DEIS, I may be wrong, but as I read it from the building, if it carries about 100, maybe 120, maybe 150, let's see, I have 94 in and 100 out, 194 vehicles peak hour Saturday in and out, that's a lot of cars, that's a lot. Shouldn't it be built to at least specifications of a private road that you guys require for subdivisions for private roads? I think it should. And there's a link when you look at your street ordinance, it says that even privately owned maintained streets that you approve in this type of a process must conform to the

subdivision regulations, rules and regulations, that's the bottom line.

MR. LANDER: I think, Jim, you're leaning more to the width of the road.

MR. SWEENEY: Width and pavement.

MR. LANDER: More than how the road's going to be constructed.

MR. SWEENEY: Well, I don't think 25 feet, you can't get 30 feet of pavement on 25 feet.

MR. LANDER: That's the crux of the whole thing. Even if they built it to town specifications, road specifications, it still, as you say, wouldn't meet the criteria.

MR. SWEENEY: No, it wouldn't.

MR. LANDER: If it's a street.

MR. SWEENEY: I think you've got a legal impediment to, and Andy's going to have to talk to you, you have a real legal impediment. Let me cut to the real chase, we'll go on to the traffic issue, that's what Mr. Malec is here for, but before I do that, I want to read something, strangely there were three or four letters that were not included in the DEIS and I don't understand why, I'll just assume cause I know Tim's a great guy, puts together terrific material, I'll just assume he missed them or they weren't available. One is the DOT letter that we heard about, actually two DOT letters, there's a letter from your supervisor, then there's a letter from the planning board of the Town of Cornwall, your adjoining town. I want to read three quotes from the DOT letter that we heard about before concerning acceptance and compliance and so forth. Let me read from their, this is from the letter of November 27, 2000, the level of service at the Five Corners intersection will be F during the peak traffic even with the incorporation of the mitigation measures. From November 27, 2001, again, there is not sufficient or available traffic capacity at this intersection nor

are there reasonable improvements which can be undertaken. December 29, 2000, DOT--

MR. PETRO: You should finish the end of the sentence.

MR. SWEENEY: I'm going to give you the letters.

MR. PETRO: Where it says that the applicant is not the cause of those deficiencies.

MR. SWEENEY: I didn't mean to--

MR. PETRO: We can look at part of any sentence, make it fit to what we're trying to do.

MR. SWEENEY: You bet but the purpose of my comment is that this is the straw that breaks the camel's back. I think the DOT agrees with that, let me read the last sentence because I think it's important, even with the improvements, the forecast operational level of service at the Five Corners will remain F, with delays during peak periods which are considerably unacceptable and there are no reasonable improvements which can be undertaken as part of the development which would correct the conditions. I don't think, if you read them--

MR. PETRO: I read them but I have read them in their entirety and you're leading us and the audience to an end which is not the complete whole of the letter.

MR. SWEENEY: I don't mean to indicate that this project has caused the level F. The level F is there and it's only going to exacerbate the level F and make it worse. That's the point of my comment.

MR. LANDER: Why didn't the DOT in their letter strictly turn down Hannafords' application?

MR. SWEENEY: Because I don't know if they have the right to do that.

MR. LANDER: They can deny anybody access, if they feel so strongly that this project is a, cannot, they cannot mitigate the traffic at this corner, they can deny it.

MR. SWEENEY: The law is such that this is not a limited access highway, it's not like an 84 or Thruway where they control absolutely who can get on and off, this is an unlimited access highway and people have under normal and good conditions and circumstances the right to access it. Those highways, it's up to you folks to decide and that's what really that letter says, that you folks to decide whether they should get in and out.

MR. LANDER: My feeling about the DOT is this they were under the impression, to me, that letter says to me that have, well, let's leave it to local determination let Hannafords sue them, meaning the town planning board, okay, if they feel that they didn't mitigate that traffic, let them take on the fight, DOT's not gonna get involved, make it local determination.

MR. SWEENEY: They left it in your ballpark.

MR. LANDER: They sure did.

MR. SWEENEY: No question about it.

MR. LANDER: But my point is DOT should of, if it wasn't going to make it, if it was going to make it at all, he should of denied it and they'll deny a permit.

MR. PETRO: And once we had read those letters for the first time in nine years we went along and did a positive dec and because of the traffic situation and this is the result of that which I don't think they put together in a week. If anybody wants to read this and they have two or three days, they're welcome to one of them.

MR. SWEENEY: Okay, I'm gonna move on, I'm sure you're aware of the Supervisor's letter, I'm sure you're aware of the letter from Cornwall. If not, I'll hand them out to you.

MR. PETRO: We're aware of everything, Jim.

MR. SWEENEY: I thought you were. With that, let me

introduce, Mr. Malec, he'll go over the details of the traffic as we see it from our view and Mr. Malec is with LKB, it's a fairly, it's more than fairly, it's a very reputable company out of Syossett, 180 people, been around a long time, done a lot of traffic work around the Mid Hudson. Rich, why don't you come up here?

MR. MALEC: Richard Malec from Syossett, Long Island. We have reviewed the DEIS, the document that you had just mentioned in reference to traffic issues.

MR. SWEENEY: This is Mr. Malec's letter.

MR. PETRO: Try to keep it somewhat brief because this is a public hearing, we have 75 people here that want to talk. Be recognized by the Chair if you'd like to speak but I'm as much interested as you.

MR. MALEC: I'll make it brief. It's basically the same things in the letter, although the consultant had indicated that the intersection would be improved. Nevertheless, there are, they don't, I'm sure you're all familiar with levels of service, movements that will be at level of service, even after the improvements are in place and not wasting the time to go through all of them but there's seven out of the eleven movements, lane groups at this intersection that will still operate on level service F. In addition to the focus on this intersection, there are other intersections that were analyzed and there are movements that still operate on level service F and there are no improvements at Old Temple Hill Road and State Route 94, Jacqueline Street-Route 32 and Route 300 and Old Temple Hill Road, no mitigation improvements, they are intersections that are operated at low service, they'll remain at level service F. The development of the proposed additional signal that can only increase delays along Route 32, as you add another signal, you can expect delays. What this particular panel shows this information is extracted from the DEIS, what we call vehicular queuing for backup at an intersection. With the build, with the improvements, they project that there will be a, you may not be able to see the numbers here, 23 vehicle backup along

northbound Route 32 headed towards Route 300 with the new lane arrangement in place. They also anticipate 24 vehicles will back up headed towards Route 94. Currently, there's backup of about 42 vehicles destined for Route 94 and Route 300. With the improvements, they have shortened that, but the point here is that when they open, you'll have backups almost to the new site driveway, it will not be long before those backups will reach this intersection and they did an analysis with the ten year long range projection and found out that you'll have approximately 30 vehicles backed up where you now project 24 and that's within the ten year horizon. If the development that goes on sooner than that, that's a condition which will appear much earlier than the ten year horizon and we feel that that's a concern. What will happen is that people, vehicles will not be able to exit from the driveway. The other queue is along Route 94. Now, the existing queue backs up passed Old Temple Hill Road. With the development in place, build with mitigation, it will still back up through Old Temple Hill Road. These are the figures out of the DEIS. We feel that there will be difficulty in negotiating a left turn into the site driveway number 2 and left turn exiting the driveway because of the queue backup. Vehicles will have difficulty maneuvering. Another issue and there was a statement as you mentioned earlier, I will try to keep a statement in hold was that long range impacts and statement in the DEIS that said that the future delays at the Five Corners intersection will be less than today with overall delays under three minutes. Somewhat misleading, although it is true overall when you have the intersection and it's just a mathematical volume with the delays for each vehicle on each approach that there will remain 5 out of 11 or nearly 50% of the movements will still be degraded and they will have a longer delay now, I mean, after the build condition than they do now. And the last issue is that a comparison was made and it's in the DEIS, of trips from the site on a typical Saturday and projected daily traffic, I'm talking, not talking peak hours, just on a whole day of about 10,000 cars will enter and exit the site. And on a typical Saturday, currently, you have a Friendly's restaurant and on a typical Saturday, we projected that has a traffic volume of about 1,000

cars. So we're concerned there is that, there's a ten fold increase in the number of cars that will be generated by this particular site. And those are the issues that we found in the DEIS.

MR. PETRO: Thank you.

MR. SWEENEY: Jeff Rosenberg would like to say a word and we're done.

MR. ROSENBURG: Mr. Chairman, planning board, ladies and gentlemen, I'm here representing Bila Family, we own Big V Town Center. Our concern, I'm really here for my tenants, including K-Mart, that's going to open up in November, they're concerned, just making sure that there is traffic flow to the tenants and that their customers aren't impacted by the proposed development of Hannaford. You know, that's really all I'm here for. Thank you for your time.

MR. PETRO: Thank you, Jeff.

MR. ROBERTS: I'm Ron Roberts, I live in Washington Green and had a couple of questions. But one for this gentleman, when K-Mart opens up, do you project, what, another 2, 300 cars a day rolling into the shopping mall?

MR. ROSENBURG: I think it will be significantly more than that. Jim may have a better idea.

MR. SWEENEY: I don't have the figures, it's more than that, but I don't have the figures.

MR. ROSENBURG: K-Mart expects the store to be a very strong volume store.

MR. ROBERTS: Same thing like if this is anything like Caldors, there's going to be volumes of traffic going in and out of there. As it is, commuting from Orange County going down to Rockland County and having to use 32 when I worked in Highland Falls, Highland Mills, I had to come back up 32. Regretably, people have tendencies to have minor little accidents at the Five Corners. I have sat there hour, 40 minutes just

with a fender bender, not with an additional thousand cars rolling out of Hannafords. If that's the case, I may have to sleep in Central Valley and not come home. The other issues are real basic. I think we've got other options available for the these gentlemen, if they want to build a supermarket, Miron's is a perfect place. Newburgh does not have a supermarket. This place, Miron's is sitting there, it's empty right now, it would be a great revenue generator for New Windsor, parking lot's already paved, people will walk to your store. You've got Lakeview Apartments, you've got Mullins Apartments, you've got a lot of people who don't have transportation who need to get to and from your store, city transport can pick up some extra dollars bringing people to and from Hannafords located at Miron Lunber. That's something that should be considered because we have a couple of projects that have just started, I'm quite sure everybody's aware, Mt. Airy Road housing, that development there, you're projecting 400 families. What do we get out of the 400 families, two car families, man, nobody can live in Orange County without two cars unless your wife's gonna be locked in the house for 24-7, you've got to have two cars, 800 plus cars, where's 800 cars going to go unless they're are lucky enough to be able to use public transportation and to go to Salisbury Mills, they're going to go through Five Corners because they've got to pay the mortgage.

The other issue we've got the sports complex that's going to be a great thing for New Windsor, but that's also going to bring a lot of people from the east end of New Windsor over to 94 to take advantage of this new town benefit that's being provided to them. What do you figure the kids with their cars coming put of school, the Cornwall High School that's going to be, that's definitely going to come on line, that's more buses coming through that area. And I don't know how you guys count these things, but my car, a bus is three cars. If I have to sit behind a bus, I'm sitting behind three cars. You get three school buses, I never get through the light, never get through the light, sit at that light.

MR. PETRO: Let me bring up a point because you mentioned it and I wanted to respond to it anyway,

sooner or later. And that is that Hannafords likes this spot that they're going to and they like it for reasons, they're business people, it's a major business. Back maybe a year and a half ago, when they first approached the town, they sat with the Supervisor and myself and they said this is what they wanted to do and the Supervisor basically asked them to please leave, maybe not quite that friendly and don't, we don't want to go there, we don't want anything there of that nature because of the traffic problems and that basically was it for a few months. Well, Hannafords had come back with an application and by the law, we have to look at that application and, let me finish now because this is, this is very, very important why we're at this point. They have a piece of land that's a permitted use on that piece of land, their use is a permitted use by law and again for everybody in the audience, Hannafords does not need a single variance of any type to build this on that property. We then had another meeting, I had asked them maybe with the clearing down here on Union Avenue, it's a nice site, it's already approved down there as a shopping mall, maybe go visit that site. Again, this is getting back to what you said, maybe something in Newburgh, other sites. They want that site, okay, they don't want to go down there and have people milling around. They want to go over there. It's not up to you to say that, sir, there's laws, that's what we're trying to do, I may feel the same way as you, but I have to take a different path sitting here.

MR. ROBERTS: I can definitely empathize with Hannafords, no doubt they have invested quite a bit of money into the studies and all the rigamarole that's necessary in order to get any type of building project off the ground. It seems to me that most of these large businesses make one major mistake when they come into any area, they never ever ask the people, do you want a supermarket in your town, do you need another supermarket? Anybody, did anybody in here get asked that question? Big question, the answer to the question is automatically no and regrettably, the response is we don't need another supermarket here, you know, Hannaford may be great, but the prices aren't going to be significantly different than anybody else.

It's not going to make a difference, I'm not driving to Hannafords to save two cents. It's more convenient for me to go to Shop Rite. I like Shop Rite, for one reason I don't even have to cross the Five Corners. I used to go over to Price Chopper at least twice a month, I don't go there. You know why, when you come out of, what's the road that runs behind the new Shop Rite and Wendy's, takes you down to 300?

MR. PETRO: Old Temple Hill.

MR. ROBERTS: You can't make a left out of there now because we've got so much traffic and so you cannot make a left and go to Price Chopper. So, I don't go because that way, I avoid the Five Corners. I hate the Five Corners with a passion and you guys are seriously going to jeopardize me using it with your traffic light, it's a wonderful idea, you put the traffic light up, what's that effectively, just backs the traffic up on 32 further down to the dog-gone bridge. You're going to have people coming out of 218 from Cornwall who can't even get on the dog-gone road now with the traffic backups. It's going to be like a traffic accident there every single day if you add that light.

MR. PETRO: Thank you very much.

MR. ROBERTS: Thank you.

MR. PETRO: Someone else? Try to keep your comments to a question, please. Bernie?

MR. SUSSMAN: My name is Bernard Sussman and I'm a resident of Cornwall and I happen to be the Vice President of Orange Environment and I think the question is I'm not afraid of them moving in, the question is maybe it's not a question, I'm afraid you won't turn them down, that's my fear because they're slipping and sliding in a couple of directions when they talk about the driveway in on 94, that's a problem now, we know it backs up to, I can tell you it backs up to Temple Hill Road. When we're talking about going south on Route 32, there's going to be cross traffic going passed that light and going across Route 32. They said this, they're going to take two minutes off

the intersection at Five Corners, they haven't said how much time we're going to back up at that intersection that crosses 32 at the McDonald's site. I know, I haven't had a question, but I tell you my question is why are we going any further, let's turn them down now, when will you turn them down, how long will it take for you to turn them down?

MR. PETRO: I'm not going to answer that, there's not an answer for it. If you could sit here and I asked you that, what would you say, what would your reasoning be?

MR. SUSSMAN: Well, I understand you have a problem. My concern is--

MR. PETRO: Give me an answer. I'm asking you a question. Everybody out here has the answers. I'm asking the questions.

MR. SUSSMAN: I don't have to answer the question and you don't have to answer the question. The problem is we don't want them. We don't need them. All of these people probably, bar none, except a few of them over there.

MR. PETRO: Let me ask you this, too, when I come from Newburgh to go over to Price Chopper, you think I fly over that corner? Sometimes I've got to shave when I get to the other side. But that doesn't change anything for me sitting here. I have to have a reason, this is the State of New York and the Town of New Windsor, it's nice for you to come up and yell and say I don't want to it, I don't want to see this, we don't want them.

MR. SUSSMAN: I can give the reason, the reason is I understand your problem, but the reason is we have six or seven houses that are about to be built within a mile.

MR. PETRO: There's thousands more going to be built, there's tens of thousands.

MR. SUSSMAN: We have a high school being built and

we've got to be concerned with that. We're your neighbors and we've got to be concerned with that high school and there's no reason to make the situation--I would like to take a minute and to read what the DOT said long after the November 29th letter. These are quotes, March 26, Five Corners, one traffic light, I'm going to quote the man who said that, you know Bill Fitzgerald, too much neighboring, commercial development flushes too many cars into an overburdened intersection, said Bill Fitzgerald, DOT Director of Traffic, Engineering and Safety, not exactly a model plan for development and Fitzgerald put it, you have a demand, we do not have a capacity to handle that demand. If we can't handle the demand, that should be sufficient reason to turn them down. Thank you.

MR. PETRO: All right. Thank you.

MS. KASSAM: Mr. Petro, my name is Sandra Kassam, I live in the Town of Newburgh and I have to tell you that I feel that you do not have a right to limit our comments to questions. This is a public hearing and I challenge you to show me a document that says that the only way that people can speak is if they put a question mark at the end of a sentence. So I'm going to make a statement and I'm within my rights to make it. I believe that you have a handle here with which to oppose this project and I believe that this handle is to force the applicants to look at the cumulative traffic impacts because according to environmental law, you're supposed to look at within a reasonable distance of a project cumulative traffic impacts, particularly since there are stores, major stores that are under construction now within a quarter of a mile or less of this project. And so I feel that you could take these folks to court and insist that they look at cumulative traffic impacts and cumulative traffic figures for this area around the Five Corners. That's all I have to say.

MR. PETRO: That was very informative and you put me in my place coming up here and you had a valid point but being you're against everything, it kind of makes me suspect.

MS. KASSAM: I resent that remark, I'm not against everything. I'm for good planning and I'm for a reasonable amount of clarity in terms of traffic in the town and I am for the community. I am not against everything and I--

MR. PETRO: We all have our opinions, same as you did when you came and--

MS. KASSAM: I don't want you to characterize me as being against everything, that's not right and that's not correct.

MR. PETRO: Fine. Yes, sir?

MR. OTWAY: Kurt Otway (phonetic), Rocky Lane, New Windsor. I have spoken once before here when they had the scoping meeting. I would like to know from Hannafords' committee if they ever did a survey on the number of people who have frequented on good occasions of eating at Friendly's. I'd like to know how many of you here in the past ten years have eaten in Friendly's, once, twice, three times for the main reason that we could never get in the damn place. I have eaten there twice in ten years. And I think that that's an important factor to show you that the people do not like having to make a left-hand turn when they're going south, even though you're going to have a nice little cut across. This afternoon, I came up 32 and the traffic light that you're talking about will be exactly at the spot where the road branches out into three lanes. I waited five minutes before I could get to the Five Corners. And I think that's an important factor. I'm against the fact of Hannafords coming in because of the traffic situation. I have lived here 34 years and I'm not, so I'm not a newcomer, and I have seen Five Corners change over and over again. And I think it's important that we consider the whole flow of traffic. We do not need them coming out onto 94 with the new car wash and other buildings that are there. I just think that Hannafords ought to look for another place. And I go along with the gentleman who had mentioned earlier had said why not go to Miron's and at lease serve the community of Newburgh as well as New Windsor. Thank you.

MRS. JASKO: Caroline Jasko, I live at 18 Haight Drive. Our house is directly behind the proposed building and our concern is noise. We visited the supermarket that's in the Town of Wallkill and the refrigeration seems to go all day, all night and it seemed noisy and that was during the day. At night, when the community is relatively quiet and sleeping.

MR. PETRO: Can somebody address that, the noise?

MR. MILLER: We don't have anyone here to address that right now. We did do a noise study in the DEIS, basically, the mitigation measures that are proposed result in baffling of noise, attenuation of noise so as to not create noise beyond the property line that exceeds, you know, typical outside and indoor living standards. Certainly willing to take another look at that, I can't give you--

MR. PETRO: Why don't you take a look at it, we'll have our own engineer look at that, too.

MRS. JASKO: Thank you.

MR. PETRO: We'll get a letter from you, right, and Mark, you can give us a memo Caroline and Myra will have it?

MR. EDSALL: We've got the entire EIS to review.

MR. PETRO: Okay, someone else like to speak?

MR. RANDAZZO: Thank you. Members of the board, Richard Randazzo from Cornwall. As you know, I served as Town Supervisor for 16 years involved in a lot of, you know, obviously government business, town business and I don't envy your position. They are tough decisions that we deal with. It's nice to hear from the engineers and the traffic people and everything else, but I think what's most important here, Jimmy, is really we're talking about the quality of life for the people in this part of the county. And I'm standing here as an individual who's lived in this area all my life and I will tell you that I get frustrated when I

have to go through the Five Corners and I've gotten to the point where I'll try to avoid it at any price. The bottom line is in my opinion, I'm not an engineer, but I truthfully don't need the engineers to tell me this, there's no more capacity for the Five Corners the way it currently exists. I don't care whether it's Hannafords or what business it is for that particular area over there, to generate more traffic, to add to the confusion that's already there to the delays that are there, it's just not the way that we should want to live in New Windsor, Cornwall and Blooming Grove, this entire area here. You have an opportunity, I know you need good reason if you're going to turn down a project, I understand that. To me, the traffic situation in Five Corners which is confirmed by DOT is at a point where if you continue to add anything to that particular area without making any improvements to it, it's going to be absolutely impossible to get through there. I was on Long Island this morning and I will tell you as crazy as we all know Long Island is, I was at a major intersection that moved in shorter time than I did at the Five Corners. And, I mean, that's the reality, Jimmy. So, what I'm asking the board to do is not, I'm not saying Hannafords should not go there, it doesn't matter to me where Hannafords goes. The bottom line is that they cannot go in the Five Corners area. And if there's only one reason that you need, in all honesty, it's simply the traffic, this traffic continues to build. Five Corners is a commuter area where people go through on 94, they go 32 north, south, east, west. So it's not just serving the businesses that are there on top of the people who want to frequent and go to the businesses that are there, you've got a lot of commuter traffic, people just moving through with Stewart, West Point on the other end. So I think that I'm asking this board to really look closely at the capacity of the Five Corners. And if you make a determination based on the facts that you have, whatever studies you have, DOT's input and everybody else's input that I think it's reasonable for New Windsor to say that until improvements are made to substantially move traffic more freely in the Five Corners area, that you cannot allow any more development there. I just think that's a reasonable basic approach that New Windsor should take and I hope

for the sake of everyone who lives in this area who's forced to use the Five Corners area that you will make that decision. I know it.

MR. PETRO: I'm going to have a response, I don't want to respond to everybody, but you should have a good answer for this because this is one of the things that bothers me and some of the other members, who most of them, I have already spoken to some of the people about this that that property there is zoned for commercial. You say no more building in the Five Corner area. What do we tell the people who own that property who have been paying taxes for 40 years on a commercial site? Now they have a tenant, they want to build now, they didn't build before Shop Rite, they didn't build before Price Chopper, they are not the first guy to build when it's not a problem, now they want to build. They come to you and you're still the Supervisor and they say what do you think and I want to know what's your word, what are you going to tell them?

MR. RANDAZZO: I'll tell you exactly what I'll tell them because I believe it's the right answer. Bottom line is everyone does have a right to use their property for a reasonable use, reasonable purpose. The property in that neighborhood, certainly they have a right to develop it, but perhaps the circumstances that exist right now do not permit them to use the property in a way that maybe it has been zoned, maybe that's what they thought they wanted to do, but they haven't gotten there before these problems. The real problems exist with traffic, so the bottom line is while they have a right to use the property, perhaps this traffic project generates too many traffic movements to be accommodated by the infrastructure that exists right now. At some time in the future, if improvements are made, maybe they can build a project that they wanted to. The other thing, I would never suggest how you should conduct business, but perhaps New Windsor has to start looking at what the zoning is in particular areas and basically based on whatever infrastructure's available, maybe you're going to have to start limiting the projects that can go into various areas so they don't allow the types that would generate 10,000 cars a day, whatever it is. But I think there are limits that

have to go on there and I think it's up to local government to continually look at it.

MR. PETRO: One step further, that's just what we did and they came back and said we're going there, okay. Now, what's your answer now? So, in other words, we go through this step, what we're doing, they have been here 9 times, we're having scoping sessions, positive dec, public hearing, okay, and if we say no for whatever reason I can say no, I'm not quite sure what that reason may be, and we wind up in the courtroom, what do you think would happen?

MR. RANDAZZO: What do I think would happen? You would have, Jimmy, what I believe, truthfully, they had a right to come back, I believe you would have the support of the people of the community if they sued, you'd defend yourself and defend on behalf of the people of the area, whether New Windsor or you defend it on the basis that reality says that that intersection will not handle anymore traffic the way it's configured.

MR. PETRO: I don't think reality and the law are the same.

MR. RANDAZZO: I do because when you do--

MR. PETRO: All the time.

MR. RANDAZZO: When you do the environmental studies, isn't one of the purposes quality of life issues? Isn't that really one of the factors, is it going to impact the quality of life of the people that live in the area, work in the area.

MR. PETRO: But it's a fine line because where do you draw that line? Do we say we're going to put a school, we don't want this, put a convenient store, where do you draw the line? That's why you have zoning.

MR. RANDAZZO: Absolutely, you do have zoning, but the point is maybe right now, something that generates 10,000 cars a day just doesn't work because in reality if they're proposing something else that had far fewer

cars in and out and less activity, maybe it would fit in there. All I'm saying at this point in time this place, that project is not the right project for the Five Corners in Vails Gate. And I honestly believe every, and I know that you hopefully will make the right decision, honestly believe that if you draw that conclusion, that given the current circumstances, the project doesn't fit because the Five Corners and the roads in that area will not handle it, if they decide to sue you, which I think would be a mistake and I would encourage them not to sue the town for doing that, this community will support you in your decision because I believe it's the right decision and if you ask the average person on the street, I think they'll tell you exactly the same thing.

MR. PETRO: I don't disagree. I agree with you, but we still have a job to do and a duty to perform.

MR. RANDAZZO: I respect that and I believe that will happen, I have not seen all the information. I'm a private citizen who has to use the intersection. When you really look at all the information, you evaluate all the facts that are there, you can reach a conclusion that based on traffic alone, that it will diminish the quality of life for everyone that has to use the area. Thank you very much.

MR. PETRO: Jim, I want to take the newer people first, please.

MR. RIVERA: Steve Rivera. I want to address public safety, talking about drawing a line, I think public safety is an important factor with the buildup of traffic. We have a firehouse right on 94, as you all know, and response time and the impact study doesn't show anything as far as how much time a fire engine to respond to an emergency, how much time it will be delayed before he can respond to an emergency. Emergencies can happen anytime, anywhere 24 hours a day, Saturday peak hours, whatever it will be. And I'm with the firehouse there and I feel time to respond is delayed somewhat. So this, if that's an issue, I'd like to see if you guys address that impact in the impact study. Does it show anything for public safety?

Thank you.

MS. MARVEL: My name is Joan Marvel, I live on 25 Continental Drive. My question, well, my statement is I can't get a left-hand turn out of Cannon now, what, I mean, I have to go to the stop light, go out Forge Hill and go to the stoplight and get the left-hand turn. I'm never going to be able to move, I mean it's a terrible situation, 94 is going to be miserable, absolutely miserable. So that's all I have to say.

MR. PETRO: Anybody else before I take the other fella here again? Is there something new?

MR. SWEENEY: I'll give you an answer, you're searching for an answer, you have a guideline in your code in the state law, it's in any zoning ordinance, any zoning procedure; you act for the benefit of the community and you must in that aspect look for the health, safety and welfare of the community. The property is zoned for what it's zoned for, no question about it. You're here for a reason, you're here for a reason, to take a look at what's zoned and what people want to use their property for, individuals. You've got to look at it in a higher light, in the community light and you must measure it against the health, safety and welfare of the community. Rarely, rarely does it come to a point where you deny something because of the health, safety and welfare of the community is jeopardized, but this is a situation which I think warrants it. It just doesn't fit.

MS. KASSAM: Sandra Kassam. I have another piece of, another piece of information which might help you. A highway is a form of information, a structure in a community, infrastructure has its limitations, a sewer line is infrastructure, a water line is infrastructure, all of these are public services, a highway is a public service. If you were overloading a sewer system and the sewage was flowing out into the street or flowing out into a river untreated because it was overloaded, the DEC would require that you had a moratorium. So essentially, if you're overloading you infrastructure highway system, you should in effect be able to from protect that infrastructure by forbidding any

additional usage.

MR. PETRO: I would agree. And one of the first things that we did was sent this to New York State DOT for their comment and we did receive two letters as was stated and in both of those letters, the way I read and understood it was that it's a big mess, but we don't know what to do about it and the applicant is the sole cause. Good luck.

MS. KASSAM: Well, let me say something.

MR. PETRO: There's your moratorium.

MS. KASSAM: Let me say something about the DOT, they are not a very great agency and they do not take very much responsibility for the problems that they create and they pass the buck whenever they can. But you guys are minding the store for the folks who live here, so if they're going to pass the buck to you, then by golly, you should take, the buck should stop there.

MR. PETRO: Bernie?

MR. SUSSMAN: I just want to publicly apologize for hollering but I was very frustrated when you said we can only ask questions but the thing is--

MR. PETRO: I didn't want to get into an auditory because I'm out of control. I have to have some control.

MR. SUSSMAN: The thing is that the DOT has passed the buck to you, perhaps you ought to just pass it back to them and say listen, we must get a ruling from you, if you tell us that the road is incapable of having anymore traffic, then you must deny anymore traffic. And since they're going to provide more traffic, then the DOT must say to them we have no more capacity. And we do not have any more capacity according to the DOT. And I would suggest that you go to them and say listen, this is the problem, you've dropped it on us, we have perhaps thinner capacity to stop it, but they have the capacity to stop it.

MR. PETRO: Keep in mind I sent a second letter because the first one was exactly what we had just said and we did exactly what you just said, said look, it's not an answer, that we know it's a mess and take care of it and we did. So you're saying send a third letter?

MR. SUSSMAN: What did they say?

MR. PETRO: Exactly what I just said, they said we know that the Five Corners is a major problem, we do not know how to fix it, but the applicant is not the sole cause of the problem. Good luck.

MR. LANDER: Local determination.

MR. SUSSMAN: Thank you.

MR. PETRO: But maybe we'll try a third letter. Any different subjects?

MR. RIVERA: Is it possible to get an answer from the impact study if they did anything about public safety and addressing the emergency vehicles?

MR. EDSALL: All these, Jim, I think it's important to understand that all the comments are being taken down by two stenographers. There will be a written response to not only the public comments, the board's comments, responses from agencies that received the document, it will all be incorporated into a written response. I think we can probably be here till next Thursday trying to respond to everything, but we need to understand that there's going to be written responses.

MR. PETRO: All right, Steve?

MR. PRESTON: My name is Preston, I have lived in, Preston, P-R-E-S-T-O-N, William, I'm a 44 year resident of New Windsor, I remember when Five Corners didn't have a traffic light and the little Ciccone station was the post office. My question is with all this going on, traffic kazoo, fire department problems and everything else, I'm not a lawyer, legally, why must you fellas have to make a decision? Why couldn't it be a referendum and let the residents of New Windsor vote

on it?

MR. PETRO: Andy?

MR. KRIEGER: However good an idea that may be, there's no provisions for it.

MR. PRESTON: Why should you fellas do it? If you ask how many people wanted it, you'd get a pretty good negative vote, I believe.

MR. PETRO: Well, the state law has procedure that is the procedure they're following that they did come to the planning board for the Town of New Windsor, if they had needed a variance.

MR. PRESTON: Is it possible it could go to a referendum?

MR. KRIEGER: There's no provision for that. There's no piece.

MR. PRESTON: That's not fair, I mean, our future rests in the hands of two, four, five members.

MR. KRIEGER: However much the board as individuals agree with you, the fact of the matter is they're bound by the state laws the Legislature in Albany gives it to them in these circumstances and in all circumstances governing their behavior and they have to operate within that law, whether you like it or not, that's the nature of the law.

MR. PRESTON: I'm curious because locally you see different things up for referendum. Come election day when everybody's got their back against the wall and they decide they had a referendum in the City of Newburgh at one time and different things come up, why can't--

MR. KRIEGER: Referendums are, when they occur in the law, are specifically provided for in individual issues and there's no provision in state law for referendum on this issue.

MR. PRESTON: Can't cut red tape?

MR. PETRO: Sir, also keep in mind this is five people here and you've lived her 44 years, I haven't lived here that long but--

MR. PRESTON: Didn't even have a traffic light then.

MR. PETRO: My father used to wait an hour to see a car go through there so I know.

MR. PRESTON: I know you know but it seems unfair that so few decide the future of the whole New Windsor area.

MR. PETRO: It's not less important to me than you, I have two sons that go to Vails Gate School, which is, you know where the proximity of that is, and I live on 32. So, I mean, it's not that we're making a decision lightly, it's taken a long time and I've heard a few good comments that I can hang my hat on, some comments I can't, I can't.

MR. PRESTON: Very interesting the fireman from the fire department came, he beat me to it, I mean, I sit there sometimes the traffic goes back to the fire department. How do you get out, how do these guys get out if they get a call and they have to go out Temple Hill Road road, 300? You've got double lane coming in, you've got cars coming from the other direction because the, what are they going to do, they don't even have a button to make all the lights go red, which they said they were going to do. Okay, I'm finished.

MR. SCHLESINGER: Neil Schlesinger, I'm a businessman in the area. I've lived in the area and I've heard what everybody has to say and I think that you all have very valid points, whether it be for business or your your own personal reactions. But I think that the planning board is like between a rock and hard place because here on one side, they have DOT and all the other reports that they have to respond to and yet, these people who have businesses have a constitutional right to free enterprise. So it's little bit of a conflict. And it's not an easy thing. I think everybody has valid points and I think you just ought

to pay a little bit more regard to, you know, the planning board being in such a position and they just can't say yes, no or right or wrong, there's rules and regulations and laws and also, these people have a constitutional right. It's not an easy issue.

MS. KASSAM: Like you guys are there, so you got to do the dirty work.

MR. RITZ: Ferdinand Ritz. I know you all have lived here at least as long as I have and I have a feeling deep down you feel the same way these people do and you feel that you just don't have the right to say no to these people because their constitutional rights, but everybody else besides Hannafords that wants to get from one place to another has a constitutional right to do that and what they want to do is going to infringe upon that right and it seems that you're afraid of being sued. Well, anybody can sue anybody for any reason, it doesn't mean they're going to win.

MR. PETRO: Not necessarily, you bring up a good point, not necessarily being afraid of being sued. We really want to do the right thing too and it's easy, everybody has an idea of how to do it but it's easy to do it, he didn't say we'll go do this, but you still have to be here and do it so we'll do the best that we can.

MR. SUSSMAN: It's simple, I have the simple solution, I really do, I have a very simple solution, just occurred to me, I think Hannafords should do the right thing and say folks, we made a mistake, we really don't want to impact the community as we will do if we go ahead and so we'll take your suggestion and drop our proposition. Simple solution.

MR. MILLER: I wish the world was as simple as the gentleman suggests. Unfortunately, it's not. Hannaford was well aware coming in the traffic was going to be an issue in connection with this application, they were advised by your board, advised by the Supervisor, certainly they have taken a hard look at traffic. I'm not sure if the former Supervisor of Cornwall was here when we made the presentation, we're making a significant improvement to the Five

Corners intersection that will significantly reduce delays at that intersection from what it is today after the Hannafords store is open. So I want to make sure that the gentleman understood that. One person brought up the issue of infrastructure and water capacity and sewer capacity. The improvement that Hannaford is proposing will increase the capacity of that intersection beyond what it presently is operating at today. And I think it's important that everyone understand that Hannaford, myself included, has heard all the comments, we're not surprised by them. Hannaford has an obligation to its, to this community by making the proposed improvements to the intersection as planned, that's part of the fulfillment of that obligation. It's obviously not easy for an applicant to sit here and get the sense that they're going to be creating a problem in the community. Hannaford has also an obligation to its investors, it's a publicly owned corporation, they're not going to come into a site if they don't believe that there's a market and a, that the site is going to be successful and people cannot get in and out of the property. That's why they did the studies, that's why they did the due diligence, that's why they're here today. I just wanted to make those comments. I'm not here to argue for or against, we're going to respond to all the comments in the final Environmental Impact Statement, we've heard what everyone has said and we're concerned, certainly committed to working with the town to resolve the issues to the greatest extent that we can. The letter from the New York State DOT acknowledged that the intersection did have lengthy delays. DOT I think is frustrated because there's no additional right-of-way out there, but I do want to acknowledge that the improvements proposed by this applicant will improve the operation of the Five Corners intersection, whether it's this applicant or anyone else, we believe that that is a benefit to the community. We believe that that's what makes this project work. So, as I said, we'll respond to all your comments in writing in the final Environmental Impact Statement. I guess that's really all we have at this moment in time. We'd like to get started on the final EIS, you need to establish a time period for receiving written comments after the close of the, of this public hearing so we'll put this

back in your board's hands.

MR. PETRO: Hearing's still open, I want to ask is there anything unusual that we have so many people speaking solely on just tonight, obviously, is the traffic, is anybody interested in landscaping or anything that's more under the control of the board? No? Right back to the traffic. Yes, ma'am?

MS. MAISONET: I'm Marilyn Maisonet, I live on Rocky Lane. First of all, this is nothing personal against Hannafords. My son lives in Pine Bush and he's ecstatic that you people are building out there. But I've heard about everything on 32 and the traffic light coming out onto 94, that access road, when we had Grand Union in Washingtonville, I never went into it, but I remember driving out 94 seeing people sitting forever, there was no traffic light onto 94, trying to get out onto 94 from there. What do you propose for that road on 94? Is that right where people try to turn into the road to go to the Vails Gate post office, which is always backed up and you can hardly get there at that time.

MR. PETRO: It's closer to the Gate, it's on the side of the old, to Vails Gate, it's on the side of the old ambulance building.

MS. MAISONET: How are they going to get out there onto 94, how are they going to make a turn, you're not certainly going to put a light that close?

MR. PETRO: There's not a light.

MR. LANDER: It's too hard to make lefts anywhere in Vails Gate or New Windsor, so you have to make a right. I don't, I'm not answering your question.

MR. PETRO: Is that right-hand turn only?

MR. MILLER: That's a full operation, rights and lefts.

MS. MAISONET: I have trouble getting out of my road and Rocky Lane making a left now.

MR. PETRO: I think what they mean is at 3 o'clock in the morning, if you want to go left, you can go left. That's the bottom line.

MR. ROSENBERG: Members of the planning board, just one question for the applicant. I'd like to know if they can redo the traffic study after K-Mart opens because I think that will have a significant impact on the Five Corners that you have additional traffic coming through the K-Mart?

MR. PETRO: Jeff, you have to understand in theory that's okay, but again, should we wait after the school, should we wait until Mount Airy Estates are built? I know you want to wait 37 years, but where do you draw that line? I don't think that's fair to ask the applicant.

MR. ROSENBERG: Okay.

MR. PETRO: Somebody different? Okay, Mr. Randazzo.

MR. RANDAZZO: I'm not here to debate again but the question that I have is the indication is that the traffic improvements that Hannaford proposes for the Five Corners will improve the traffic flow and decrease waiting times. Now that's excluding the turning lane in and out of the property where the light is going to be but at the Five Corners it's rearranging, reconfiguring of the arrows and all, if that's such a, I can't, don't want to say logical solution to easing the traffic problem, why does DOT throw its hands up in the air and not adopt those proposed changes that they have? You know what I'm saying? Without Hannafords there, if those changes will ease the traffic, why doesn't DOT do it? I'd like to know if DOT has said that's a great idea, they have because if they have, my question to them is why aren't they doing it to improve the traffic because it's already an overburdened intersection, so if they can improve it by making changes suggested by Hannaford, then that would ease the burden on a lot of people traveling through there, hopefully, not have to dump out 10,000 cars.

MR. PETRO: I think it will help a little bit, you

know, that's like if you've got a sinking rowboat and you're sitting there with this cup, it's going to help a little bit but it's not doing anything.

MR. LANDER: Let the applicant go through all the paperwork, all the money while DOT's just sitting back and does absolutely nothing. I've dealt with DOT, I understand, even all the improvements that they say is going to happen, we have the bar graph up and down, forget it, it's just going to add.

MR. PETRO: I don't want to say that because they have spent a lot of money.

MR. RANDAZZO: My point is that the bar graphs are nice but they're not going to ease the burden that the people have.

MR. PETRO: When the sewer capacity is complete, they tell me we're going to stop infiltration and all of a sudden, they have enough sewer for 20 more houses, baloney, that's enough, in reality, it's nothing but on paper, it looks okay.

MR. RANDAZZO: When you make your decision, I hope that you take into consideration on paper it looks good what your, in relation to when you're in the car driving through the intersection, it doesn't ease the burden. Thank you.

MR. JASKO: Bob Jasko, 18 Height Drive. Just something different, I just want to go back to refrigeration, can someone point out where the refrigeration unit would be on the map on your building?

MR. BOYCE: Douglas Boyce from Hannaford Stores. Refrigeration equipment is enclosed in a modular that's adjacent to the rear wall of the building, which is at grade level.

MR. JASKO: The rear wall is here and we're here. I have an impact study on noise and I believe it was tractor trailers weren't allowed to idle after certain hour at night, is that correct?

MR. LANDER: I believe so.

MR. JASKO: I can't remember whether it was 11 o'clock, 9 o'clock, whatever it was, refrigeration unit where it's at and where the one is at in Middletown store is exactly the same. The landscaping here, the houses here are exactly the same as in Middletown, however, there are no houses in Middletown. The refrigeration unit in Middletown, if it's the same as the one you're proposing is noisier than five tractor trailers idling and that will probably run 24 hours a day, am I right, refrigeration unit?

MR. PETRO: There's a large retaining wall in the back.

MR. JASKO: I understand that there's a retaining wall in Middletown as well and I visited that.

MR. PETRO: Tim maybe you can address that?

MR. MILLER: A noise study was done and submitted in the draft EIS and just for your information, the New Windsor Code establishes acceptable limits for noise and it has a set of standards for noise in residential areas and set of standards for noise in non-residential areas. The minimum noise level which is a nighttime noise in residential areas is 55 decibels and in non-residential areas, it's 70 decibels and this is nighttime type situation. The design guidelines for the refrigeration units have been established to keep noise below 53 decibels during nighttime periods so the noise emanating from the refrigeration units would comply with your Town Code as far as noise is regulated. Moreover, the applicant has made a commitment that all truck engines will be shut off while trucks are unloading, so there will be no idling trucks, after the trucks pull up to the docks, the loading docks are enclosed, deliveries will be limited to between 8 a.m. and 9 a.m. so, and I know there was a technical supplement that was included in the draft EIS, I'd be happy to provide a copy to the gentleman if he wants to study it further.

MR. JASKO: Is there any possibility to have the

refrigeration unit on the highway side where all these houses over here won't hear it at night?

MR. MILLER: Certainly it's something we can take a look at. I'm not sure how that relates to the store layout and the interior design of the store, but that's a good comment.

MR. JASKO: Most grocery stores in our area and around our area, there are no houses within 2, 3, 400 feet. Their units really don't matter. But here, it will, so, you know, if you can look into it, there's a possibility to move it on a highway side, maybe it would help a lot of people sleep at night.

MR. MILLER: We'll certainly take a look at that.

MR. PETRO: Thank you.

MR. SMITH: Everet Smith, Vascello Road. For the life of me, I cannot understand what the Planning Board of New Windsor is doing trying to make a decision on a traffic problem on state road. I have been at a lot of planning board meetings and a lot of meetings over the last 40 some odd years and seems to me that when, if little Joe Blow is going to build a store on Route 94 or 32 or whatever, the DOT would be right on him for all kinds of studies, permits and everything else. As soon as a multi-million dollar corporation comes in with a project of this size, suddenly, the DOT wants nothing to do with it. And they have already said they can't do anything with Five Corners but they want you guys to make a decision on something that's their decision to make. And I think that they should be called to task for it. I don't quite understand it. I'm going to do some looking into it, find out why they can't make this decision. You guys shouldn't be making this decision. You're not traffic experts, it's the DOT's job and what, they're not here as far as I know, they should be, because this is their problem, not yours. Just something I wanted to put on the record.

MR. PETRO: Can you repeat that? Okay, anybody else? I'll entertain a motion to close the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.
ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Again, folks, we're going to take all these comments tonight, we're not voting tonight, we're not making any decision. Our planning board engineer is going to review the complete DEIS and all the comments that were made tonight. There's a few couple that we're going to definitely check into, may not agree with Jim a hundred percent but we'll look into the road business about being 25 or 50 foot, I'm going to look into that myself with the engineer, traffic, the safety by the firehouse, there were a few good comments tonight I have think that we can at least grasp on a little bit and do some work with Tim. Now, this application is still open now, the board is reviewing this again.

MR. MILLER: Do you want to set a timeframe for receipt of any further written comments? The State guidelines call for a minimum of ten days. You're certainly free to accept that default value or two weeks, whatever you feel is a reasonable timeframe.

MR. EDSALL: I would think that you'd want to have at least two or three weeks only because of the size of the project and two weeks would seem reasonable.

MR. PETRO: Okay.

MR. EDSALL: For receipt of written comments to the planning board, for those people who may not want to decide to speak tonight but would care to write a letter, add additional information to the record. And again, I will repeat that all the comments were made have been taken down by the stenographer, it's the applicant's responsibility to respond to all those

comments for review by the planning board. In addition, we'll be receiving comments from the DOT notwithstanding the fact that DOT might of responded separately and previously, they have an obligation under the State Environmental Quality Review Act to respond to the document we sent them as part of this procedure so we're waiting for that response now.

MR. PETRO: Is there, do any of the board members have any comments on the application at this time?

MR. ARGENIO: Nothing at this time.

MR. PETRO: I thank you for coming in and we'll be in touch. Thank you.

HANNAFORD'S

MR. EDSALL: Everyone got a copy of the proposed FEIS. We've got to understand that we have to live with the state law, state law tells us that we have to respond within a fixed timeframe. Technically, we're already over the timeframe. The applicant is working with us, I need to hear if anyone has an opportunity to finish their review, if you've got comments, get them to me by next Wednesday. This step is not to say you agree or disagree with what the report says, the FEIS says, it's whether or not it's complete. The bottom line is did they respond to all the questions, later on, when we say if we agree or disagree with the response and our findings, for now, we have to say yes or no, it's complete, and I need to forward based on what Jim and I worked out, I need to get them comments, so they can be at the January meeting so--

MR. PETRO: Let everybody understand too that the EIS although we're going to say probably is complete, you're going to say well, why would you say that, Jim, that it's complete if you're disputing the fact that DOT has never even given you an answer, in their mind, they have given us an answer, their mind being DOT and Hannaford's we're not going to accept that answer, I would assume that it's either positive or negative, therefore, we're going to accept the EIS as being complete, we're then later not going to agree with what they're saying. Follow what I'm saying?

MR. ARGENIO: They being the DOT.

MR. PETRO: DOT, we still do not have an approval.

MR. EDSALL: This step is that as I believe the wording is it's complete and it's acceptable for public review, that's all we're doing. If DOT never responds and states clearly that they're potential impacts have been mitigated by what they're proposing, you may not have the ability to reach findings that it's been taken care of. But for now, we've got to take this next step.

MR. PETRO: Okay, that's it. Motion to adjourn.

December 12, 2001

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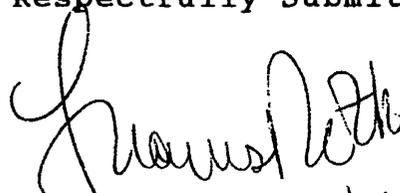
MR. ARGENIO: So moved,

MR. BRESNAN: Second it.

ROLL CALL

MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer



DISCUSSION:

HANNAFORD FOOD & DRUG STORE (00-15)

MR. PETRO: Someone here to represent this?

Mr. John Capella and Ms. Melinda Shane appeared before the board for this discussion item.

MR. CAPELLA: I'm John Capella with Jacobowitz and Gubits, I'm pitch hitting for Larry Wolinsky and I have Melinda Shane with me from Hannaford. My understanding tonight is that we have a comment letter from your consultant and we have also received a comment letter from DOT. What we'd like to do is arrange a meeting with the consultant and any representative from the board to go through these comments, discuss and clarify them, also receive any comments your board might have tonight so we can move forward towards the completion of the final environmental impact statement.

MR. EDSALL: As John indicated, the application is before you procedurally under SEQRA tonight and the next step in the procedure is to determine if the FEIS is complete and acceptable for circulation. Under comment 2, I provided some input in that regard, I reviewed the document relative to all the correspondence that I was aware of and as well to the public hearing minutes and it's my belief that the applicant has responded to all of the comments. Now, I'm not saying if we agree or disagree with the answers, I believe they have identified all the comments and they have responded from a completeness standpoint. Some additional items which lead to the recommendation that they make some revisions is the fact as John indicated we have received a letter dated January 22 from the New York State DOT and it would be appropriate in my opinion and I spoke with Larry Wolinsky that that be included into the FEIS and they can incorporate some responses to the comments made by Mr. Meyer. Last but not least, comment 3 I have listed some suggested revisions to several of the responses and in one case, a typo for one of the comments, the gist of most of the recommended revisions is the belief that the FEIS responses should be provided as responses

or identification of the, what the studies submitted have indicated, rather than conclusions, conclusions should be included in the findings and I'm looking to have this document be less of a conclusion than rather it should be responses and identification information. So I have noted several corrections that I believe that should be made. Larry Wolinsky contacted me today and we agreed that it would be very appropriate to get together to discuss these revisions once they have had a chance to look at them. Tentatively, I believe we set something up for next Wednesday and we were going to see if the Chairman or some of the board members, one or two could attend, if possible.

MR. LANDER: Wednesday, what time, Mark?

MR. EDSALL: We haven't set a time, we're waiting to see if that was acceptable and if anyone was available.

MR. PETRO: What Wednesday is this?

MR. EDSALL: Next Wednesday, probably in the early afternoon in the morning, we have a meeting with the town attorney on some zoning issues, probably 2 o'clock or something of that sort.

MR. LANDER: Contact us with the time.

MR. EDSALL: Two o'clock unless we hear otherwise.

MR. PETRO: Here?

MR. EDSALL: We can have it here or in the Supervisor's side office.

MS. MASON: Don't you have that thing with Crotty?

MR. BABCOCK: It's in the morning.

MR. EDSALL: So 2 o'clock on the 30th. Again, we're looking to have one or two board members, if possible, as representatives so we don't constitute a meeting and the applicant should have an opportunity to review all the comments then.

MR. PETRO: Mark, did you touch on the comments where they're giving us the findings and we feel that we should be making our own findings, how did you word that?

MR. EDSALL: What I have done is I have, and again, I discussed this with Larry Wolinsky, I didn't care to change the intent of the response, but more identify the response and where in a study they may have identified the impacts or how the impacts are proposed to be mitigated, but not necessarily include the final determination of the conclusion that would be normally included in the SEQRA findings. So again, I have proposed some revisions, I'm sure they'll have an opportunity to look at them, if they agree or disagree, we can work it out next week and propose something new to the board.

MR. PETRO: Okay, John, I have been talking with Melinda Shane a few times and maybe Larry once or twice about the DOT, that's always been pretty much our holdup is not so much the site plan itself, but the impact of the traffic and we have been trying to get a response from DOT as to an approval or disapproval, very simply put that way, none of these fancy letters and we have to decipher what they're trying to say. And January 22, 2002, we received another letter from Mr. Dennis in DOT and again, it's very well written, he's done a wonderful job. The bottom line of this letter, as far as I can see, is that the conditions will only degenerate and this is a quote but the applicant isn't causing the problem and that's the way I see this letter. And again, he says patrol overland uses remains with the town along with the responsibility determined if the mitigation measures proposed are satisfactory. So, I guess the ball is back in our court and I want to review this again, I want to talk to some Town Board members, the board members here, our engineer and the town attorney and see exactly which way to go from this. I just frankly I'm at a loss myself which is the best course of action so I'm going to look to get some input from other people.

MR. EDSALL: Mr. Chairman, as you may recall, we

retained because of the complexity of this issue and the sensitivity of all the general public, we did retain John Collins Engineers, Phil Grealy as a special traffic consultant, so he is aware of this letter and obviously, we can proceed even if we don't reach a conclusion on the impacts and how they're mitigated, we could proceed with the determining it complete and between that point and the time you have to reach findings, we'll have to pin down Mr. Grealy and try to decipher where it stands and whether or not in fact the impacts are really mitigated. I think that's our goal between determining it complete and preparing our findings.

MR. PETRO: Okay, any other comments from the board members? John, do you have anything else you want to say?

MR. CAPELLA: No, although I'd be more than happy to give my input onto what the solution should be.

MR. PETRO: But I think that can wait till Wednesday. We look forward to working this out.

MS. SHANE: I just wanted to make sure that the board got a copy of the FEIS, I wasn't sure what the timing was, and if you had a chance to look at it because any input from you as soon as possible so we can incorporate it, that's all we want. I do plan on being in that meeting next week so whatever time I can be here.

MR. PETRO: Okay, I guess that's all we're going to do tonight.

MR. CAPELLA: Thanks very much.

HANNAFORD

MR. PETRO: Discussion is Hanaford's on Route 94 and Route 32, someone here to represent this?

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. WOLINSKY: Yes, Mr. Chairman, Larry Wolinsky, law firm of Jacobowitz & Gubits. Happy to report to you that we were successful in obtaining our variance from the Zoning Board on Monday evening. We therefore believe we have accomplished most of everything that needs to be accomplished with respect to site plan subject to whatever outstanding technical details are necessary through the engineering department and we're hoping tonight that the board would be in a position to entertain a conditional final site plan approval.

MR. PETRO: Mark?

MR. EDSALL: I spoke with Mr. Wolinsky earlier this evening just to verify status wise his comfort level that procedurally we have properly adopted our findings and that we're in a, now that they have obtained this ZBA action, we're in a good position to adopt the conditional final approval and based on that discussion, I feel comfortable that you could adopt the resolution of approval that's before you, which has conditions, some of the standard conditions relative to bonding numbers for the site improvements, payment of fees, final review of the plans and other related items.

MR. PETRO: Prepared resolution.

MR. EDSALL: Yes, it's basically a resolution which states the fact that the board had done a full environmental review and had adopted findings and had dealt with SEQRA issues such as traffic, access, circulation and parking, landscaping and screening and itemizes the conditions of approval and if you're comfortable with the resolution that's before the board, we can put it into the record.

MR. PETRO: But are there any additions to that that we should make in it such as the comments from the zoning board being placed onto--

MR. EDSALL: That's one of the conditions to reference the ZBA action on the final plans.

MR. PETRO: That's correct.

MR. EDSALL: Actually, you have three applications to deal with tonight since we have Hannafords, Monro Muffler and Long John Silver's, so we should act separately. We addressed SEQRA as a single action for all of the site plans but each one is a separate application before the board, so my suggestion is that you individually adopt the conditional approvals.

MR. PETRO: First one would be for Hannaford's itself.

MR. EDSALL: Yes.

MR. PETRO: Which would be on Route 94 and Route 32 and it would be subject to your looking over any further comments and accepting them all as written?

MR. EDSALL: Right.

MR. PETRO: We're going to just adopt the conditional approval as it's been written with I guess there's no other additions just they're there.

MR. EDSALL: Yes.

MR. ARGENIO: The plans haven't changed, Mr. Wolinsky, since the zoning board?

MR. WOLINSKY: No, they have not. Please keep in mind that everything is subject to the conditions that are set forth in the Statement of Findings.

MR. ARGENIO: Right.

MR. WOLINSKY: And there are many conditions there that we have to fulfill before we're entitled to get a building permit, not the least of which is the highway

work permit from the DOT.

MR. ARGENIO: I read them.

MR. PETRO: All right, so we just need a motion for final approval for the Hannaford's site plan.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: This would be, we're going to accept the Statement of Findings as written and also basically I'm going to just say subject to your comments, Mark.

MR. EDSALL: The resolution that's on file and will be put into the minutes.

MR. PETRO: Any further discussion from the board members?

MR. ARGENIO: It's also to Mark's review.

MR. EDSALL: Yeah, one of the conditions I'm going to do a final review of the plans, I'm going to make sure that the proper cross references exist and so on.

MR. ARGENIO: Great.

MR. PETRO: Any further discussion?

MR. LANDER: No.

MR. BRESNAN: No.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

HANNAFORD FOOD & DRUG

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (4 acres, LLC, Terry Scott Hughs, and Apache Properties, Ltd.) submitted an application for site plan approval to the Town of New Windsor Planning Board (the "Planning Board") to permit construction of a 55,200 SF food and drug store and related parking improvements on property located near and around New York State Routes 32 and 94 (the "Project"); and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA) which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the Project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The Project is a permitted use in the Design Shopping C Zoning District.
2. The Project meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The Project's proposed traffic accessways are adequate in number and properly designed to permit safe ingress and egress to the site. The Project accessways intersect with NYS Roads and must also be approved by NYS DOT.

Circulation and Parking: The site plan provides adequate off-street parking and loading in accordance with the requirements of the Zoning Code. Internal traffic circulation has been designed to provide safe

accessibility to parking areas within the Project so that traffic can circulate with minimum conflict.

Landscaping and Screening: The site plan provides adequate screening to adjacent residential areas. Screening is accomplished by a combination of fencing, planting and maintaining a distance buffer between commercial buildings and residential property.

3. The site plan has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the site plan meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants site plan approval to the Project subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

MONRO MUFFLER

MR. PETRO: We're going to do the exact same thing for the Monro Muffler site plan. This is the one that went to the ZBA and of course, you're going to again have to have all the comments put on the plan and as properly spelled out in the condition of findings anyway so with that, any other discussion from the board members? Well, I need a motion for final approval for the Monro Muffler site plan.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Monro Muffler site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

MONRO MUFFLER SITE PLAN AMENDMENT

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (House of Apache Properties, Ltd. and Terry Scott Hughs), submitted an application to the Town of New Windsor Planning Board (the "Planning Board") to amend a previously approved site plan for MONro Muffler so as to permit construction of an access driveway within an existing access easement which will serve as a secondary access for the proposed Hannaford Food & Drug Supermarket; and
WHEREAS, the proposed site plan amendment will alter the existing access to and within Monro Muffler

as well as relocate the dumpster and several parking spaces; and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA") of the site plan amendment as part of Hannaford Food & Drug's application which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the site plan amendment as a related action of the Hannaford project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for amendment of the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The site plan amendment is a permitted use in the Design Shopping C Zoning District.
2. The site plan amendment meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The altered traffic accessway traffic continues to provide adequate and safe ingress and egress to the site.

Circulation and Parking: The amended site plan continues to provide adequate offstreet parking and loading in accordance with the requirements of the Zoning Code. Internal traffic circulation has been improved by permitting greater access around the existing building.

Landscaping and Screening: The site is not adjacent to a residential neighborhood. Nevertheless, it takes advantage of the landscaping and screening to be provided as part of the Hannaford project.

3. The site plan amendment has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the proposed amendment meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants amended site plan approval for the Monro Muffler property subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

LONG JOHN SILVER'S

MR. PETRO: Long John Silver site plan amendment. They're still in business? Again, this will be the same way again we're going to go with the final approval conditional approval for Long John Silver subject to the findings as we said earlier in Mark's comments. Any further discussion from any of the board members?

MR. LANDER: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Long John Silver site plan, that's not an amendment, is it, Mark?

MR. EDSALL: Yes, that's an existing site plan, we'll call that amendment.

MR. PETRO: Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

RESOLUTION OF SITE PLAN APPROVAL

LONG JOHN SILVER'S SITE PLAN AMENDMENT

WHEREAS, Martin's Foods of South Burlington, Inc. (the "applicant"), pursuant to authorization from the affected property owners (Fred Plus 3 LLC, Herbert Slepoy and Fred Gardner and Central Hudson Gas and Electric Corp.) submitted an application for site plan approval to the Town of New Windsor Planning Board (the "Planning Board") to permit relocation and improvement

of the property's existing driveway to create a four-way intersection with the new main signalized access to the proposed Hannaford Food & Drug Supermarket; and

WHEREAS, the Planning Board conducted a full environmental review of the Project under the State Environmental Quality Review Act (SEQRA) of the site plan amendment as part of Hannaford Food & Drug's application which culminated in the issuance of a Findings Statement and Certifications of Findings to approve the site plan amendment as a related action of the Hannaford project; and

WHEREAS, the Planning Board has thoroughly reviewed the application for amendment of the site plan approval pursuant to 48-19 of the Zoning Code of the Town of New Windsor;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby makes the following findings and determinations with respect to the site plan:

1. The site plan amendment is a permitted use in the Design Shopping C Zoning District.
2. The site plan amendment meets the objectives set forth in 48-19 A of the Zoning Code as follows:

Traffic Access: The relocation of the driveway to create a four-way intersection will improve adequate and safe ingress and egress to the site by funneling site traffic through a controlled intersection. In addition, the improvement provides an opportunity for the existing McDonald's to direct customer traffic to a controlled intersection.

Circulation and Parking: The amended site plan does nothing to alter the ability of the property to provide adequate off street parking and loading in accordance with the requirements of the Zoning Code. Nor does it adversely impact the ability for proper internal traffic circulation.

Landscaping and Screening: The site is not adjacent to a residential neighborhood. Its ultimate redevelopment will require appropriate landscaping in accordance with Town requirements.

3. The site plan amendment has been reviewed by the Planning Board's consulting civil and traffic engineers who have advised the Planning Board that the proposed amendment meets the Zoning Code's requirements for site plan approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby grants amended site plan approval for the Long John Silver's property subject to the following conditions:

1. Satisfaction of any outstanding technical review comments and subject to a final plan review by the Planning Board Engineer, prior to stamp of approval.
2. Implementation and compliance with all the mitigation measures and conditions contained in the SEQRA Statement of Findings for the Project which are incorporated by reference herein and made a part hereof.
3. Bonding of key site and off-site improvements in accordance with Chapter 19 and other pertinent sections of the Town of New Windsor Code.
4. Payment of all applicable approval and review fees.

By a vote of 5 in favor and 0 against the Planning Board Chairman declared this resolution adopted.

Dated: June 12, 2002

MR. WOLINSKY: Thank you.

HANNAFORD'S FOOD & DRUGS (00-15)

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. PETRO: This involves development of 55,200 square foot retail store on the 5.5 acre site. Application was previously reviewed at the 13 December 2000, 15 November 2000, 24 January 2001, 14 February 2001, 14 March 2001, 28 March 2001, 25 April 2001, 23 May 2001, 25 July 2001, 22 August 2001, 23 January 2002 and 13 February 2002 planning board meetings. I'd like to note that for the minutes just in case some wise guy reads it and thinks we're moving too quick. Go ahead.

MR. WOLINSKY: I can certainly tell you from the point of the applicant that you are not moving too quick. I'm Larry Wolinsky representing Hannaford. We're here this evening regarding the completion of the SEQRA process and also site plan approval. We believe we have addressed everything that could possibly be addressed. I commend the board for putting our feet to the fire which it has done very thoroughly and diligently. And we would ask the board to first consider the Findings Statement and then go on for site plan. That's all I have to say.

MR. PETRO: Mark, why don't you lead us through with the findings, give us the right momentum here to get going?

MR. EDSALL: Well, attached to my comments is a document 16 pages long, I'll save you the trouble of having me read it to you, I don't think that's necessary or appropriate. The Findings Statement basically takes all the conclusions as it may be from the SEQRA review and outlines the various areas of the evaluation and the conclusions and then it's boiled down starting on page 12 with the findings of the planning board as to the potential impacts and how the applicant has mitigated the impacts with the improvements that they're proposing. The document originated as part of a discussion between the applicant's attorney and the town, myself being the town's representative during the workshops. We have

made I believe four revisions, Larry, roughly?

MR. WOLINSKY: At least, yeah.

MR. EDSALL: So it's gone through a couple iterations. At this point, I believe it's complete and acceptable for the board to adopt. There are a number of off-site improvements that are required, they are all referenced in this Findings Statement as elements that must be included in the construction to support the findings that the impacts have been mitigated and as well as there are some other issues as to the on-site screening, lighting and so on, how that was reviewed and how it was designed and as to the board's findings that those potential impacts have been mitigated as part of the design of the actual site itself. So on-site and off-site have been evaluated and the conclusions are listed in this proposed Findings Statement. Larry, anything that maybe I didn't touch on?

MR. WOLINSKY: No, I think that's a comprehensive description.

MR. PETRO: Do any of the board members have any comments at this time about reading the Findings Statement or any other comments they'd like to make? If not, I'll accept a motion to accept the Findings Statement for the SEQRA review process of Hannaford's Food and Drug site plan.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the Findings Statement for the Hannaford's Food and Drug site plan on New York States 32 and 94 as written and also authorize any circulation or publication as required by the SEQRA regulations according with these findings. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Which brings us to the next point of the meeting. I had believed earlier that we were really pretty far along with this and was my understanding that frankly we were going to do a final approval tonight, just normal subject-to's that would normally come up. It's been brought to my attention that we need to have some other work done on surrounding properties, namely the Monro Muffler and Long John Silver applications. I understand that the Monro Muffler needs to go to the New Windsor Zoning Board for clarification or a variance, one or the other, and I guess we're going to look for a variance for an easement, is that correct?

MR. EDSALL: Yeah, I had spoke with Mike Babcock as well because ultimately, he has to make a determination as the zoning officer as to what, how that definition applies to the site and he has advised me that my understanding is his interpretation. So really what we need to do is have that either interpreted differently or just obtain an area variance for that related site plan amendment which is Monro Muffler.

MR. PETRO: I want to make it clear so everybody is under the same understanding that I am. I realize that the applicant's attorney and engineers probably don't agree with the town in the way they read our laws and what our engineers and maybe our attorney are saying, but there's one thing that is clear and one thing I feel that is definitely of precedence and that is that since we have been here that we have asked everybody to get the variance for the easements subtractions that you're talking about for the last 11, 12 years that I have been here and probably long before I got here. So what we do for others we have to ask you to do the same. In other words, there is no reason in the world we wouldn't ask you to do the same, but that's the precedence that was set, we need to ask you to go to

the zoning board and get the necessary variances or interpretation, whatever you find is easier.

MR. EDSALL: Mr. Chairman, would it be acceptable to just have the record be clear that the planning board has looked at the site plan and as well our office has and notwithstanding the fact that there is a technical reason why they need an area variance, they have, as part of their proposed amendment, will be able to provide all the necessary parking and relocated the dumpster and all the facilities that are needed to support the Monro Muffler facility are being accomplished. It's purely a numerical subtraction that the area has to come out to provide that through shared road accessway. So the site plan itself is in a form that we believe is complete and acceptable, maybe some minor corrections before it can be stamped, but they have demonstrated that the site, even with the area subtracted, supports the use. And it might be worthwhile for the zoning board to know that the board concurs with that, so that they don't believe that this area is some way a subtraction from the ability to--

MR. PETRO: I believe the board would give a positive recommendation to the zoning board. Anybody disagree with that?

MR. ARGENIO: I agree.

MR. PETRO: But I just think it's part of the procedure.

MR. EDSALL: I don't want them to think you haven't seen it yet.

MR. WOLINSKY: We certainly appreciate the fact that you will give us a positive recommendation. I don't want to, I'm not going to debate the issue here because obviously, I disagree with that interpretation but that is what the ZBA is for. The only other thing that I would ask what we'll probably do is take the time to get our, while we're going through that process, to take the time to get our plans, whatever issues remain from a technical end all wrapped up so that as soon as we get that variance, we can hopefully be in a positior

to have the plan stamped. So as long as we can move forward with whatever bond estimates or process we have to go through then and we're not totally stopped, I think we can weather the storm.

MR. PETRO: We did receive a letter, I just want to note for the minutes from New York State DOT that did agree with your forms of mitigation and frankly, I guess you did a good job and they seem to approve of your, the way that you're going to handle it. So I want to let you know that we received and filed that. Thank you.

MR. EDSALL: Jim, in the interim, as Larry said, we're going to try to make some progress, I'm going to provide the applicant with whatever final comments I have for all three applications so that at the same time when they're moving on that at the ZBA, we can get the plans all finished up and be done. We'll expedite the referral.

MR. PETRO: How about your department, anything that you can take to expedite anything, look over anything yet or you think it's moving too quickly?

MR. BABCOCK: No, if there's building plans, we can start.

MR. WOLINSKY: Can we get on the next agenda of the ZBA?

MR. BABCOCK: Actually, the way that works we'll send the referral over and then you have to contact them. Depends on, we just had one Monday, so it's two weeks, I would assume. Mark has to do a referral letter, right?

MR. EDSALL: Franny's agreed we'll expedite that.

MR. PETRO: You'll be on the next agenda here whenever you're ready.

MR. WOLINSKY: Thank you.

TECTONIC**COST ESTIMATE
WORKSHEET**WO. NO.
2586.01DATE
8/6/2002

SHEET 1 OF 3

PROJECT TITLE

HANNAFORD FOOD & DRUG

LOCATION

NYS ROUTE 32 - NEW WINDSOR

HANNAFORD SUPERMARKET

OWNER

HANNAFORD BROTHER FOODS

ESTIMATED BY

PG

APPROVED BY

JS

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE MAT. & LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	2,723	LF	\$15.00	\$40,845.00
	6' HIGH WOODEN STOCKADE FENCE	347	LF	\$50.00	\$17,350.00
	6' HIGH FENCE WITH WOODEN GUIDERAIL	705	LF	\$75.00	\$52,875.00
	HEAVY DUTY PAVEMENT				
	2" ASPHALT TOP COURSE	5,870	SY	\$5.50	\$32,285.00
	3" ASPHALT BINDER COURSE	5,870	SY	\$6.00	\$35,220.00
	8" SUBBASE COURSE	5,870	SY	\$8.00	\$46,960.00
	12" STRUCTURAL FILL	5,870	SY	\$15.00	\$88,050.00
	LIGHT DUTY PAVEMENT				
	1" ASPHALT TOP COURSE	8,778	SY	\$4.50	\$39,499.50
	2" ASPHALT BINDER COURSE	8,778	SY	\$5.00	\$43,888.33
	5" SUBBASE COURSE	8,778	SY	\$6.00	\$52,666.00
	12" STRUCTURAL FILL	8,778	SY	\$15.00	\$131,665.00
	LINE STRIPING	8,648	LF	\$0.33	\$2,853.84
	EARTHWORK	19,344	CY	\$5.00	\$96,720.00
	EXPORTED FILL	22,085	CY	\$8.00	\$176,680.00
2	DRAINAGE				
	12" HDPE PIPE	288	LF	\$25.00	\$7,200.00
	15" HDPE PIPE	101	LF	\$30.00	\$3,030.00
	18" HDPE PIPE	794	LF	\$40.00	\$31,760.00
	24" HDPE PIPE	326	LF	\$45.00	\$14,670.00
	72" HDPE PIPE	1450	LF	\$65.00	\$94,250.00
	CATCH BASINS	14	EA	\$1,500.00	\$21,000.00
	MANHOLES	2	EA	\$2,500.00	\$5,000.00
	FLARED END SECTIONS	1	EA	\$1,000.00	\$1,000.00
	RIP-RAP	5	CY	\$65.00	\$325.00
3	SANITARY SEWER				
	8" PVC SEWER MAIN	313	LF	\$65.00	\$20,345.00
	MANHOLES	3	EA	\$2,500.00	\$7,500.00
4	WATER				
	12" CLASS 52 DUCTILE IRON MAIN	948	LF	\$80.00	\$75,840.00
	6" CLASS 52 DUCTILE IRON MAIN	60	LF	\$50.00	\$3,000.00
	12" X 6" TEE	2	EA	\$1,500.00	\$3,000.00
	12" GATE VALVES	5	EA	\$1,500.00	\$7,500.00
	8" GATE VALVES	1	EA	\$1,200.00	\$1,200.00
	6" GATE VALVES	2	EA	\$1,000.00	\$2,000.00
	2" GATE VALVES	1	EA	\$400.00	\$400.00
	HYDRANTS	2	EA	\$2,500.00	\$5,000.00
5	EROSION CONTROL				
	SILT FENCE	1113	LF	\$3.00	\$3,339.00
	HAYBALE INLET PROTECTION	14	EA	\$50.00	\$700.00
	CONSTRUCTION ENTRANCE	1	LS	\$5,000.00	\$5,000.00
	TOTAL				\$1,170,616.67

TECTONIC

COST ESTIMATE WORKSHEET

WO. NO.
2586.01DATE
8/6/2002

SHEET 2 OF 3

PROJECT TITLE
HANNAFORD FOOD & DRUGLOCATION
NYS ROUTE 32 - NEW WINDSOR

MONRO MUFFLER BRAKE

OWNER
HANNAFORD BROTHER FOODSESTIMATED BY
PGAPPROVED BY
JS

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE MAT.& LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	783	LF	\$15.00	\$11,745.00
	HEAVY DUTY PAVEMENT				
	2" ASPHALT TOP COURSE	1,027	SY	\$5.50	\$5,647.28
	3" ASPHALT BINDER COURSE	1,027	SY	\$6.00	\$6,160.67
	8" SUBBASE COURSE	1,027	SY	\$8.00	\$8,214.22
	12" STRUCTURAL FILL	1,027	SY	\$15.00	\$15,401.67
	LIGHT DUTY PAVEMENT				
	1" ASPHALT TOP COURSE	552	SY	\$4.50	\$2,482.00
	2" ASPHALT BINDER COURSE	552	SY	\$5.00	\$2,757.78
	5" SUBBASE COURSE	552	SY	\$6.00	\$3,309.33
	12" STRUCTURAL FILL	552	SY	\$15.00	\$8,273.33
	6' HIGH FENCE WITH WOODEN GUIDE RAIL	184	LF	\$75.00	\$13,800.00
	LINE STRIPING	1,521	LF	\$0.33	\$501.93
	EARTHWORK	106	CY	\$5.00	\$530.00
	IMPORTED FILL	1,003	CY	\$12.50	\$12,537.50
2	DRAINAGE				
	12" HDPE PIPE	116	LF	\$25.00	\$2,900.00
	15" HDPE PIPE	232	LF	\$30.00	\$6,960.00
	18" HDPE PIPE	6	LF	\$40.00	\$240.00
	30" HDPE PIPE	1542	LF	\$50.00	\$77,100.00
	CATCH BASINS	5	EA	\$1,500.00	\$7,500.00
	MANHOLES	6	EA	\$2,500.00	\$15,000.00
	OUTLET STRUCTURE	1	EA	\$4,000.00	\$4,000.00
	STORMCEPTOR	1	EA	\$15,000.00	\$15,000.00
3	WATER				
	12" CLASS 52 DUCTILE IRON MAIN	235	LF	\$80.00	\$18,800.00
	12" GATE VALVES	1	EA	\$1,500.00	\$1,500.00
	8" GATE VALVES	1	EA	\$1,200.00	\$1,200.00
	6" GATE VALVES	1	EA	\$1,000.00	\$1,000.00
	WET TAP	2	LS	\$5,000.00	\$10,000.00
4	EROSION CONTROL				
	SILT FENCE	247	LF	\$3.00	\$741.00
	HAYBALE INLET PROTECTION	6	EA	\$50.00	\$300.00
	CONSTRUCTION ENTRANCE	1	LS	\$5,000.00	\$5,000.00
	TOTAL				\$258,601.71

TECTONIC**COST ESTIMATE
WORKSHEET**WO. NO.
2586.01DATE
8/6/2002

SHEET 3 OF 3

PROJECT TITLE
HANNAFORD FOOD & DRUGLOCATION
NYS ROUTE 32 - NEW WINDSOR

LONG JOHN SILVERS

OWNER
HANNAFORD BROTHER FOODSESTIMATED BY
PGAPPROVED BY
JS

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE MAT. & LAB.	ESTIMATED AMOUNT
1	GENERAL SITE WORK				
	CONCRETE CURB	662	LF	\$15.00	\$9,930.00
	12" GRAVEL ROADWAY	1,458	SF	\$4.00	\$5,832.00
	HEAVY DUTY PAVEMENT				
	2" ASPHALT TOP COURSE	1,107	SY	\$5.50	\$6,088.50
	3" ASPHALT BINDER COURSE	1,107	SY	\$6.00	\$6,642.00
	8" SUBBASE COURSE	1,107	SY	\$8.00	\$8,856.00
	12" STRUCTURAL FILL	1,107	SY	\$15.00	\$16,605.00
	WOODEN GUIDE RAIL	593	LF	\$50.00	\$29,650.00
	LINE STRIPING	387	LF	\$0.33	\$127.71
	EARTHWORK	26	CY	\$5.00	\$130.00
	IMPORTED FILL	2,341	CY	\$12.50	\$29,262.50
2	DRAINAGE				
	12" HDPE PIPE	68	LF	\$25.00	\$1,700.00
	CATCH BASINS	2	EA	\$1,500.00	\$3,000.00
	FLARED END SECTIONS	4	EA	\$1,000.00	\$4,000.00
	RIP-RAP	20	CY	\$65.00	\$1,300.00
3	EROSION CONTROL				
	SILT FENCE	358	LF	\$3.00	\$1,074.00
	HAYBALE INLET PROTECTION	2	EA	\$50.00	\$100.00
	CONSTRUCTION ENTRANCE	1	LS	\$5,000.00	\$5,000.00
	TOTAL				\$129,297.71

SB meeting
8-7-02

JD Oys

RECEIVE AND FILE – NOTICE OF PETITION

Hearing no objections, the Town Board of the Town of New Windsor receive and file Notice of Petition in the matter of the application of WVR Real Estate II, LLC against the Town of New Windsor Planning Board and Martin Food of South Burlington, Vermont Inc. same being referred to the Attorney for the Town.

cc: Supervisor
Attorney

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the matter of the application of
WVR REAL ESTATE II, LLC

Date Filed: 7/9/02

Petitioner,

NOTICE OF PETITION

against

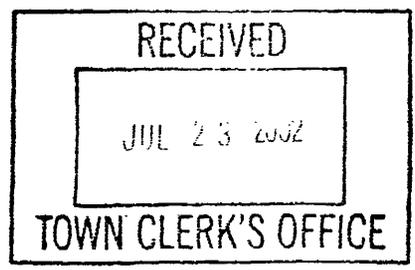
Index No. 4592/02

**THE TOWN OF NEW WINDSOR PLANNING BOARD,
and MARTIN FOOD OF SOUTH BURLINGTON VT.,
INC.,**

Assigned Judge:

Respondents,

For a judgment pursuant to CPLR Article 78 annulling a certain decision of the Respondent Planning Board made on June 12, 2002 granting site plan approval to the Respondent Martin Food of South Burlington Inc.



SIRS:

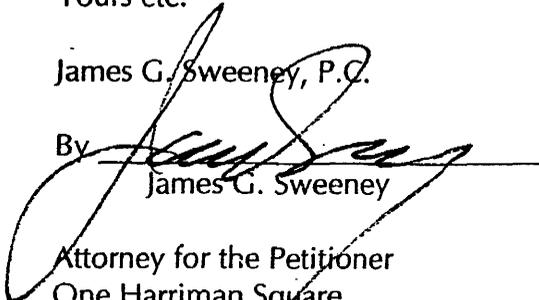
PLEASE TAKE NOTICE that the Petition of the WVR Real Estate II, LLC annexed hereto, together with the supporting affidavit of James G. Sweeney sworn to on the 9th day of July, 2002 and the Exhibits submitted in support of both will be presented to this Court at a term thereof to be held before the IAS Judge assigned hereto on the 14th day of August, 2002 at the Courthouse, 255-275 Main Street, Goshen NY, 10924 at 9:30AM thereof, or at such time and place as the said IAS Judge shall determine, said Petition seeking a Judgment pursuant to CPLR §7806 annulling a determination of the Respondent Town of New Windsor Planning Board made on July 12, 2002 granting Site Plan approval to the Respondent Martin Food of South Burlington Inc. for a proposed "Hannaford" Shopping Center and for such other further and different relief as to the court may seem just and proper under the circumstances.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §7804(e) the Respondent Planning Board is required to serve and file with the Court a certified transcript of the full record before the Planning Board with regard to the application of Respondent Martin Food for site plan approval together with its Answer to the Petition or its Objections in Point of Law.

Dated: July 9, 2002

Yours etc.

James G. Sweeney, P.C.

By 

James G. Sweeney

Attorney for the Petitioner
One Harriman Square
P.O. Box 806
Goshen, NY 10924
Tel. No. 845-291-1100

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

_____X
In the matter of the application of
WVR REAL ESTATE II, LLC

Petitioner,

against

**THE TOWN OF NEW WINDSOR PLANNING BOARD,
and MARTIN FOOD OF SOUTH BURLINGTON VT.,
INC.,**

Respondents,

For a judgment pursuant to CPLR Article 78 annulling a certain decision of the Respondent Planning Board made on June 12, 2002 granting site plan approval to the Respondent Martin Food of South Burlington Inc.

Date Filed: **7/9/02**

VERIFIED PETITION

Index No. **4592/02**

Assigned Judge:

_____X
PETITIONER FOR ITS PETITION HEREIN DOES HEREBY ALLEGE AS FOLLOWS:

NATURE OF THIS PROCEEDING

1. This is a special proceeding brought under the authority of CPLR Article 78 (CPLR §7803) challenging a certain decision of the Respondent Town of New Windsor Planning Board (hereafter only "the Planning Board") granting site plan approval for a 55,000 ± square foot "Hannaford Shopping Center" in the Town of New Windsor as proposed by the Respondent Martin's Food of South Burlington, Inc. acting on behalf of Hannaford Brothers Inc. on June 12, 2002. The Petitioner WVR Real Estate II, LLC (hereafter only "WVR") owns a large retail shopping center (the Big V Town Center) lying within 500 feet of the proposed Hannaford Shopping Center in an area of the Town of New Windsor known as Vails

Gate where three heavily traveled state highways converge at an intersection commonly known as "Five Corners." WVR alleges herein that the area of Five Corners is now, even after substantial recent improvements made thereto by the NY State Department of Transportation is so overburdened by traffic that the proposed Hannaford Shopping Center would propel the intersection into a state of impossible decline and, thereby, do great harm to the environment as meant by NY SEQRA (ECL Art. 8 read together with 6 NYCRR Part 617). WVR also alleges herein that one of the main access roads to the proposed shopping center from NY RT. 94 does not meet Town of New Windsor highway standards and that the Planning Board illegally approved the Hannaford Site Plan without regard to these highway design requirements. As such WVR alleges that the Town of New Windsor Planning Board acted arbitrarily and illegally in granting site plan approval for the said Hannaford Site Plan and the same should be annulled.

THE PARTIES

2. The Petitioner WVR is a corporation formed under the laws of New York having its principle place of business at 4 Coates Drive, Goshen, Orange County, NY, 10924. WVR owns a large retail shopping center known as the Big V Town Center located on NY Rt. 32 approximately 500 feet away from the site of the Hannaford Shopping Center the site plan approval for which is challenged hereby.

3. The Respondent Town of New Windsor Planning Board (hereafter only "the Planning Board") is the duly appointed planning board of the Town of New Windsor, Orange County, NY, having its principle place of business at 555 Union Ave. New Windsor, Orange County, NY, 12553. The Planning Board granted the site plan approval challenged hereby.

4. The Respondent Martin's Food of South Burlington, Inc. (hereinafter only "Martin") is, on information and belief, a foreign corporation licensed to do business in New York and formed under the laws of Maine having its principle place of business at Scarborough, Maine, 04074. Martin is the recipient of the Site Plan approval challenged hereby.

JURISDICTION AND VENUE

5. That by virtue of CPLR §7804(b) this Court has jurisdiction to adjudicate the issues raised herein.

6. That by virtue of CPLR §506(b) Orange County is the proper venue for this Proceeding.

THE SITE

7. This Proceeding affects a 5.5 ± acre site (hereinafter only "the site") in the Town of New Windsor located at the intersection of NY State Routes. 32, 94 and 300. The site is an amalgamation of two distinct, but adjoining, parcels shown on the Town of New Windsor tax map as parcels 70-1-16.1 and 70-1-16.2. This area of the Town of New Windsor is known as Vails Gate.

8. The site has access to NY State Rt. 94 by means of a 25' wide 250' long right of way (hereafter only "the Rt. 94 right of way") over a separate parcel of land shown on the Town of New Windsor tax map as parcel 70-1-2.1 now occupied by a Monro Muffler shop.

FACTUAL ALLEGATIONS

i. The "Hannaford" Application for Site Plan Approval

9. The site is located in the "Design Shopping" zoning district of the Town of New Windsor.

10. Shopping Centers are a use permitted in said zoning district subject to approval of a site plan.

11. The Planning Board is, by virtue of TL §274-a and 48-19 of the Code of the Town of New Windsor, vested with the power to approve site plans for retail shopping centers in the said Town.

12. That in the summer of 2000 Martin applied to the Planning Board for a site plan approval of a 55,000 ± retail shopping center on the site to be operated under the trade name of "Hannaford Shopping Center."

13. That in accordance with SEQRA Martin also filed with its application a NY SEQRA Environmental Assessment Form.

ii. The "Five Corners" Intersection at Vails Gate

14. That the proposed Hannaford Shopping Center at Vails Gate is located in the immediate vicinity on the confluence of three heavily traveled NY State highways at a three way intersection of NY Routes 32, 300 and 94 popularly known as "Five Corners."

15. That in the immediate vicinity of this confluence of State highways are two heavily traveled local streets that intersect Routes 300, 32 and 94 respectively known as Old Temple Hill Road and Jacqueline Street. A schematic diagram of the road locations in the Five Corners area is set out as Exhibit "A" in the accompanying Appendix of Exhibits.

16. The Five Corners intersection combined with nearby Old Temple Hill Road and Jacqueline Street is one of the busiest, if not the single most busy, intersections in terms of traffic volume in all of Orange County.

17. That at or very near to the Five Corners intersection are multiple retail and commercial outlets, numbering in the hundreds, all serving the driving public of the area including the Big V Town Center, and a large "Price Chopper" shopping center.

18. That within the last 10 years the NY State Department of Transportation rebuilt and improved the Five Corners intersection at Vails Gate including road widenings, new left turn lanes and new signalization in order to accommodate the huge volume of traffic that passes daily through this intersection.

19. That notwithstanding such improvements the Five Corners intersection currently operates at an "F" level of service (as per NY DOT standards) , the lowest level of service designated by the NY DOT. A level of service "F" is an completely unsatisfactory level of performance according to NY DOT criteria and nationally recognized traffic standards.

iii. The Rt. 94 Right of Way Access to the Site

20. The site is given access to NY Rt. 94 by means of a 25' wide, 230±' long right of way across lands adjacent to the site designated on the Town of New Windsor tax map as parcel 70-1-2.1 owned, on information and belief, by Apache Properties Inc. and occupied by a Monro Muffler repair shop.

21. Said right of way is described in Easement Agreement between Apache Properties Inc. and William, Andrew, and Jacqueline Slepoy dated January 11, 1995 and

recorded in the Orange County Clerk's Office on January 25, 1995 in Liber 4171 of Deeds at page 217.

22. That said Easement Agreement describes the said NY Rt. 94 right of way as being "non-exclusive" and further describes the easement as "roadway" for "vehicular ingress and egress" to the site.

23. That one of the critical aspects of the proposed Hannaford site plan was a alternate access to NY. Rt. 94.

24. That the NY Rt. 94 right of way as shown on the Hannaford site plan is intended for use by the general public to access and leave, by vehicular means, the Hannaford Shopping Center to and from NY Rt. 94.

iv. WVR as Owner of the Big V Town Center

25. The Petitioner WVR is the owner of a 30 acre, 240,000 ± square foot retail shopping center containing 21 stores and shops (including an 80,000 ± square foot food store and a 80,000 ± square foot retail dry goods store) located on NY Rt. 32 known as the Big V Town Center. The parking area for the Town Center accommodates approximately 1,700 vehicles.

26. The nearest entrance of the Town Center on NY Rt. 32 is located approximately 1,500 feet from the site.

27. That by reason of such close proximity to the site WVR has standing to maintain this Proceeding. See *Heritage Co. of Massena v. Belanger*, 191 A.D.2d 790, 594 N.Y.S.2d 388 (3d Dept., 1993).

v. WVR's Initial Objections to the Hannaford Proposal

28. Immediately after Martin filed its application for site plan approval for the Hannaford proposal, WVR, through its attorney, filed objections to that proposal by letters dated September 27, 2000 (two) and October 4, 2000, setting forth three basic objections: (1) a currently impossible traffic condition that could not be mitigated to render it satisfactory from any standpoint and which would render the environmental conditions in and around the Five Corners intersection worse than they already were, (2) the illegality of the Rt. 94 right of way as shown on the proposed site plan in failing to be designed to Town of New Windsor Road specifications, and (3) the fact that the Rt. 94 Right of Way would violate the prior site plan approval with respect to the servient site (the Monro Muffler site) across which it traversed and render the same deficient insofar as the bulk requirements of the Town of New Windsor Zoning Law was concerned.¹

29. That from the outset WVR's objection to the Hannaford proposal have been clearly known by the Planning Board.

vi. The Hannaford Proposal and SEQRA

30. In due time the Planning Board declared itself "lead agency" under SEQRA (6 NYCRR §617.6) and made a "Positive Declaration" as meant by SEQRA (6 NYCRR §617.7) and, thereupon, commenced the "scoping" process (6 NYCRR §617.8) in advance of the preparation of a Draft Environmental Impact Statement (hereafter "the Draft EIS") as required by SEQRA (6 NYCRR §617.9).

¹ These objections were registered in the name of Bila Family Partnership which wholly owns WVR.

31. WVR partook in the scoping process making known its environmental concerns by correspondence addressed to the Chairman of the Planning Board dated April 25, 2001. Those concerns were the same concerns outlined to the Planning Board in its letters dated September 27, 2000 and October 4, 2000, namely traffic and legality.

32. That on May 23, 2001 the Planning Board adopted a SEQRA scope for DEIS for the Hannaford project which included the items of concern voiced by WVR in its aforesaid correspondence.

33. That on or about June 7, 2001 Martin submitted to the Planning Board a revised Draft EIS for the proposed Hannaford project purporting to address the issues set forth in the adopted scope.

34. That on August 22, 2001, after having determined that the Hannaford DEIS was "complete" as meant by SEQRA, the Planning Board scheduled a public hearing thereon as provided for by SEQRA (6 NYCRR § 617.9(a)(4)). Said public hearing was combined with a public hearing on the proposed Hannaford Site Plan as required by the Code of the Town of New Windsor (§48-19[C](5)).

vii. Review of the Hannaford Proposal by the NY Department of Transportation

35. In accordance with the policy and regulations of the NY Department of Transportation ("NY DOT") with respect to proposals that accessed NY State highways (such as NY routes 32 and 94), the Planning Board submitted the proposed Hannaford site plan to that Department for its review and comment.

36. That in a letter dated November 27, 2000 addressed to the Town of New Windsor Engineer Mark J. Edsall a representative of the NY DOT, after a review of said site

plan and related traffic studies and proposed traffic mitigation measures prepared by Martin, stated:

"... it should be understood that the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures. Simply, there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken. If this development, including the proposed mitigation measures, is built, there will be no perceived improvement to the traffic conditions at the 'Five Corners.'"

37. That after a further review by the NY DOT at the request of Martin's traffic engineers Creighton Manning Engineering of Albany, NY, a senior representative of that Department stated in a letter dated December 29, 2000:

"We wish to emphasize that even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considerably unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development which would correct the condition."

38. True copies of the NY DOT reports of November 27, 2000 and December 29, 2000 are set out as Exhibits "C" and "D" in the accompanying Appendix.

viii. Objections by the Supervisor of the Town of New Windsor and the Planning Board of the Town of Cornwall

39. That on January 24, 2001 the Supervisor of the Town of New Windsor, George J. Meyers addressed an advisory and objections to the Hannaford proposal to the NY DOT stating in part:

"I am writing to note, for the record, our concerns that the existing inadequate conditions [at the Five Corners intersection] will be further exacerbated by approval of this project."

40. A true copy of the said Meyers advisory to the NY DOT is set out as Exhibit "E" in the accompanying Appendix.

41. That the Town of Cornwall-Town of New Windsor town line lies within very close proximity to the site.

42. That on October 3, 2000 the Chairwoman of the Town of Cornwall Planning Board Lorraine Bennet addressed objections to the Hannaford proposal based on traffic concerns along NY Rt. 94 concluding that *"The concern is that the proposed supermarket will only make things worse."*

ix. The SEQRA/Site Plan Public Hearing of August 22, 2001

43. At the August 22, 2001 public hearing WVR appeared by its attorney and a traffic expert (Richard Malec, P.E. of Lockwood, Kessler and Bartlett, Inc of Syosset NY ["LKB"]) and gave testimony both as the hopeless inadequacy of the traffic conditions at the Five Corners intersection even if the so called mitigation measures proposed by Martin were to be constructed and as to the illegality of the site plan with regard to design of the Rt. 94 Right of Way.

44. In support of his testimony at the said public hearing LKB filed with the Planning Board a letter report dated August 17, 2001. In that report Mr. Malec concurred with the NY DOT's aforementioned comments and further stated that the long range traffic impacts at the Five Corners intersection generated by the Hannaford proposal would, contrary to the projections of Martin contained in the DEIS, would result in degradation and not improvement

of the situation. A true copy of the LKB report is set out as Exhibit "F" in the accompanying Appendix.

45. That at the public hearing of August 22, 2001 WVR's attorney James G. Sweeney testified as to the illegality, under the Town of New Windsor's local law (Chapter 38 of the Code of the Town of New Windsor) with regard to road design, of the Rt. 94 Right of Way.

46. That at the public hearing of August 22, 2001 numerous members of the public including nearby residential neighbors spoke in opposition to the Hannaford proposal based on traffic concerns.

x. Post Hearing Comments

47. That on September 4, 2001 the Planning Board Chairman of the adjoining Town of Cornwall addressed a letter to the Planning Board formally objecting to the proposed Hannaford Shopping center based on traffic concerns along NY Rt. 94. A copy of this letter of objection is set out as Exhibit "G" in the Appendix submitted herewith.

48. That on September 13, 2001, in an advisory to the Planning Board the traffic consulting firm of John Collins Engineers, P.C. of Hawthorn, NY, retained by the Town of New Windsor Planning Board as a special traffic consultant regarding this project, concurred with the opinion of the NY DOT, referred to above, and opined to the Planning Board that the mitigation measures proposed by Respondent Martin would not alleviate the unacceptable "F" service level at the Five Corners Intersection; that the increase of traffic at the intersection caused by the proposed shopping center was "significant" and that the ques on NY Rt. 32 would extend beyond the access point to the Hannaford Shopping Center. This

advisory otherwise noted inaccuracies in the Creighton Manning traffic analysis in the Draft EIS. A true copy of the Collins advisory is set out as Exhibit "H" in the Appendix submitted herewith.

49. That on January 22, 2002 the NY DOT (Region 8) in response to a further inquiry by the Planning Board (made in light of the adverse comments and proofs introduced at the August 22, 2001 public hearing) advised the Planning Board (through its consulting Engineer) as follows:

"In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the 'Five Corners' should be considered only a 'bandaid'. Everyone appears to agree that the Level of Service at the 'Five Corners' will be an 'F' with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting directions of traffic, removing an approach, etc.) no real relief is available and, as the area develops, conditions will only degenerate."

A copy of this NY DOT letter is set out as Exhibit "I" in the Appendix submitted herewith.

xi. The Final EIS

50. That on or about February 13, 2002 the Respondent Martin submitted a Final EIS to the Planning Board purporting to respond to the numerous adverse comments set forth made to the Draft EIS.

51. That on multiple occasions the Final EIS agreed with the objections made by Collins, LKB and NY DOT with regard to the current and prospective inadequacy and unacceptability of the Five Corners intersection - whether or not the Hannaford Shopping Center was built as proposed.

xii. SEQRA Findings

52. On April 24, 2002, the Planning Board made SEQRA findings (6 NYCRR §617.11) with regard to the Hannaford proposal.

53. That the SEQRA findings, with respect to the traffic concerns raised by NY DOT, WVR, the Town of Cornwall and numerous residents of the Town of New Windsor, concluded, in cursory fashion, that the traffic mitigation measures proposed by Martin would avoid or minimize adverse environmental impacts to the maximum extent practicable.

54. A true copy of these SEQRA Findings are set out as Exhibit "J" in the accompany Appendix.

xiii. The Area Variance for the Monro Muffler Site

55. On or about June 10, 2002 the Town of New Windsor granted an area variance to the owners of the servient estate (the adjacent Monro Muffler facility) across which the Rt. 94 right of way runs thereby obviating one of WVR's initial objections that the granting of a site plan approval for the Hannaford proposal would destroy the integrity of the prior approved site plan for Monro Muffler by reducing the area of the site below what the Planning Board had previously approved.

xiv. Site Plan Approval for the Hannaford Proposal

56. That on June 12, 2002 the Planning Board granted site plan approval for the Hannaford proposal pursuant to TL §274-a and §48-19 of the Code of the Town of New Windsor. In so doing the Planning Board resolved that the site plan objectives set out on §48-19 of the Town Code had been met.

CHARGING ALLEGATIONS

General Charging Allegations

57. WVR charges pursuant to CPLR §7803(3) that the Planning Board abused its discretion and committed an irrational act in two respects: first, in approving a SEQRA findings statement that found that the traffic mitigation measures proposed by Martin in its DEIS-FEIS were such as to "avoids or minimizes" adverse environmental impacts to the maximum amount practicable; and, second, in approving the Hannaford site plan as meeting the objectives and standards provided in the Town of New Windsor Code for such site plan approval. Additionally, WVR alleges that the Planning Board acted illegally when it approved a site plan with an entrance street (the Rt. 94 right of way) that was not designed in accordance with the street design standards contained in Chapter 36 of the Town of New Windsor Code.

AS A FIRST CAUSE OF ACTION

PURSUANT TO CPLR §7803[3] ALLEGING THAT THE PLANNING BOARD ABUSED ITS DISCRETION IN ISSUING THE SEQRA FINDINGS IT DID WITH REGARD TO TRAFFIC IMPACTS

58. That the impact that increased traffic may have as a result of an action such as the approval of the Hannaford Site Plan is an element of the environment that must be considered in any environmental review under SEQRA.

59. That the SEQRA Findings Statement approved by the Planning Board is arbitrary and irrational in that the so called traffic mitigation measures contained therein, which are the identical traffic mitigation measures set forth in the Martin DEIS-FEIS and such measures mitigate nothing at all with respect to traffic.

60. The repeated comments of NY DOT and those of LKB and John Collins Engineers prove that the so called traffic mitigation measures offered by Martin will, if implemented, do nothing to improve an already intolerable traffic condition at the Five Corners intersection at Vails Gate. The LKB comments suggest that, if implemented, these traffic mitigation measures may even cause a deterioration of the existing intolerable traffic situation at the Five Corners intersection.

61. That the Planning Board, as lead agency, failed to take a "hard look" at realistic mitigation measures such as restricting turning movements, restricting directions of traffic, removing an approach providing for additional road widening or the construction of additional lanes of traffic and turning lanes on both NY Routes 32 and 94.

62. That by imposing traffic mitigation measures that fail to mitigate anything and which, if implemented, could, quite possibly, cause an already intolerable traffic situation at that major intersection to worsen, and by failing to take a hard look at other and alternative realistic and true traffic mitigation measures, the Planning Board acted irrationally and arbitrarily in approving the DEIS-FEIS prepared by Martin and in issuing the Findings Statement it did with respect to adverse traffic conditions at the Five Corners Intersection.

AS A SECOND CAUSE OF ACTION

PURSUANT TO CPLR §7803[3] ALLEGING THAT THE PLANNING BOARD ABUSED ITS DISCRETION IN APPROVING THE HANNAFORD SITE PLAN IN VIOLATION OF THE STANDARDS CONTAINED IN THE CODE OF THE TOWN OF NEW WINDSOR

63. That each and every allegation set forth above herein are deemed repeated hereat as if set forth in full.

64. That Section 49-19 of the Code of the Town of New Windsor, contained in the Zoning Law of the Town of New Windsor, sets forth the criteria for granting or denying an application for site plan approval.

65. That Section 49-19[A] of the Town Code directs that the Planning Board take into consideration the public health, safety and welfare as well as the comfort and convenience of the public in general as specific criteria for granting or denying an application for site plan approval.

66. That Section 49-19[A](1) of the Town Code under the heading of "Traffic Access" provides that all proposed traffic access and ways "are adequate."

67. That as demonstrated by the comments of the NY DOT and LKB the traffic ways leading to the site are not adequate and, to the contrary, are highly inadequate.

68. That as demonstrated by the comments of the NY DOT and LKB the health safety and welfare of the public as well as its comfort and convenience are jeopardized and inconvenienced by the traffic conditions that will result if the Hannaford Shopping Center is built as proposed.

69. That the Planning Board abused its discretion in granting site plan approval to the Hannaford Site Plan as said Plan did not meet the criteria set out Section 49-19 of the Town Code

AS A THIRD CAUSE OF ACTION

PURSUANT TO CPLR §7803[3] ALLEGING THAT THE PLANNING BOARD ACTED ILLEGALLY WHEN APPROVING THE HANNAFORD SITE PLAN WITH A STREET THAT DOES NOT MEET THE STREET DESIGN CRITERIA SET OUT IN THE CODE OF THE TOWN OF NEW WINDSOR

70. That each and every allegation set forth above herein are deemed repeated hereat as if set forth in full.

71. That the Rt. 94 right of way shown on the Hannaford Site Plan is 25 feet in width and approximately 230 feet long running between NY Rt. 94 and the parking lot designed to serve the Hannaford Shopping Center.

72. That the Draft EIS prepared by Martin for the Hannaford proposal indicates in a separate traffic study contained therein done by Creighton Manning Engineering, P.C. (Figure 3.3-9) that during a designated "peak hour" of usage the Rt. 94 right of way is intended to serve 95 vehicle trips per hour out of the Shopping Center onto Rt 94 and 100 vehicle trips into the Shopping Center from Rt. 94.

73. That the Rt. 94 right of way shown on the Hannaford Site Plan is intended to give ingress and egress to a large numbers of vehicles to and from NY Rt. 94, a major State highway stretching across the entire breadth of Orange County from the Hudson River in Cornwall to the New Jersey state line in Warwick.

74. That the Rt. 94 right of way is a critical element of the Hannaford Site Plan affording a second means of access to the site from NY Rt. 94 in addition to its main access on to NY Rt. 32.

75. That the Draft EIS prepared by Martin for the Hannaford proposal (page 2-8) describes the Rt. 94 right of way only as an unregulated "shared driveway."

76. Chapter 38 of the Code of the Town of New Windsor (§§38-1 through 38-14), enacted by the Town Board of the Town of New Windsor as Local Law No. 2 of 1972, establishes regulations for the construction of all streets in the Town of New Windsor.

77. Section 38-2 of said Chapter 38 entitle defines a street as: "The public right of way of existing streets and areas designated by any developer to be used as a public right of way upon any map, survey, or plans which have been or are hereafter submitted for approval to the Planning Board."

78. That the Rt. 94 right of way is a "street" as meant by Section 38-2 of the Town Code.

79. That the Rt. 94 right of way is not a point of "access" from a private parking area on to a public street as meant by Section 48-16[A](4).

80. Section 38-4 of said Chapter 38 requires any developer to submit plans of any such street to the Planning Board its approval prior to any construction.

81. Section 38-7 of said Chapter 38 requires that all such plans for proposed streets shall be "as required" by the regulations pertaining to subdivisions and as otherwise required by the Town Engineer.

82. Chapter A60 of the Code of the Town of New Windsor (§§A60-1 through A60-35), enacted as Local Law 1 of 1997, contains street specifications for proposed subdivisions.

83. Chapter A60, by its terms (§A60-3) supersedes all other enactments of the Town of New Windsor covering the same subject matter, i.e., street specifications for streets for subdivisions and commercial projects in the Town of New Windsor.

84. Section A60-8 of the Town Code classifies all streets into four categories: (1) Major, (2) Suburban, (C) Rural, and (D) Private.

85. Sections A60-9[C]and [D] and Section A60-10[A](1) limits private and rural roads to those that provide access, in certain circumstances, to single family dwellings.

86. Section A60-9[A] of the Town Code defines a "Major Street" as one that serves or is designed to be used primarily as a route for traffic between communities, large areas or commercial areas.

87. Section 60-9[B](1) defines a "Suburban Street" as one which will serve as access to abutting properties and is designed to carry traffic from adjoining local streets to the system of major streets.

88. That the Rt 94 right of way is either a Major Street or a Suburban Street as defined in the aforementioned sections of the Town Code.

89. That Section A60-9[D](2) of the Town Code, by reference to certain diagrams contained in the Code, sets forth the design criteria that must be adhered to in designing and building all streets in the Town of New Windsor.

90. That in the Town of New Windsor a Major Street must have a right of way width of at least 60 feet and a paved width of at least 30 feet and as a Suburban Street must have a right of way width of at least 50 feet and a paved width of at least 30 feet.

91. That the Rt. 94 right of way shown on the Hannaford Site Plan has an overall right of way width only 25 feet and a paved width of about 22 feet.

92. That the Rt. 94 right of way viewed as either a "Major Street" or a "Suburban Street" shown on the Hannaford site plan fails to meet the applicable street requirements set out in Chapter A60 of the Town Code.

93. That the Planning Board had no lawful authority to approve a site plan with a street shown thereon that does not comply with the design standards set out in Chapter A60 of the Town Code.

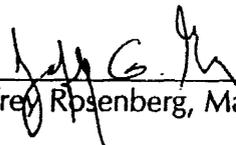
RELIEF DEMANDED

Wherefore WVR demands judgment pursuant to CPLR §7806 as follows:

1. Annuling the Planning Board's SEQRA Findings with respect to the Hannaford Site Plan insofar as traffic and traffic mitigation measures are concerned as being irrational.
2. Annuling the Site Plan Approval granted by the Planning Board as being (i) arbitrary and capricious and (ii) illegal.
3. Awarding such costs, disbursements and fees to WVR as are allowed by law.
4. For such other further and different relief as to this Court may seem just and proper under the circumstances.

Dated: July 9, 2002

WVR Family Partnership

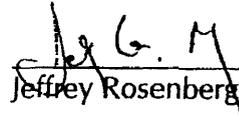
By 
Jeffrey Rosenberg, Managing Member

Verification

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

Jeffrey Rosenberg, being duly sworn, deposes and says:

I am a Managing Member of WVR Real Estate II, LLC, a New York corporation and a party in the within action; I have read the foregoing petition and know the contents thereof and the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters, I believe it to be true. This verification is made by me because the above party is a corporation and I am a Managing Member thereof. Deponent further says that the grounds of his belief as to all matters in the petition not stated to be upon knowledge are based upon records in the possession of the partnership.


Jeffrey Rosenberg

Sworn to before me this
7th day of July, 2002



Notary Public
ARLENE ANDERSON
Notary Public, State of New York
No. 01AN5038939
Qualified in Orange County *2003*
Commission Expires February 6, ~~19~~

SUPREME COURT STATE OF NEW YORK
COUNTY OF ORANGE

In the matter of the application of
WVR REAL ESTATE II, LLC

Petitioner,

against

**THE TOWN OF NEW WINDSOR PLANNING BOARD,
and MARTIN FOOD OF SOUTH BURLINGTON VT.,
INC.,**

Respondents.

For a judgment pursuant to CPLR Article 78 annulling a certain decision of the Respondent Planning Board made on June 12, 2002 granting site plan approval to the Respondent Martin Food of South Burlington Inc.

**COMBINED AFFIDAVIT OF
JAMES G. SWEENEY and
MEMORANDUM OF LAW
IN SUPPORT OF PETITION**

Index No. 4572/02

Assigned Judge:

State of New York
County of Orange: ss

1. James G. Sweeney being duly sworn deposes and says that I am the attorney representing the interests of the petitioner WVR Real Estate II, LLC (hereafter only "WVR"). I make this affidavit in support of the Petition herein. The facts recited herein are made from my personal knowledge of them.

2. Insofar as this document contains citations to legal sources and legal arguments it should be considered as a brief and memorandum of law in support of the Petition.

3. The Exhibits referred to herein are contained in a separate Appendix of Exhibits in support of the Petition submitted herewith.

BACKGROUND

4. WVR owns a 240,000 square foot shopping center known as the "Big V Town Center" located on NY Rt. 32 in the "Vails Gate" - "Five Corners" area of the Town of New Windsor. About three years ago I assisted WVR in obtaining a site plan approval from the Respondent Planning Board for the complete rebuilding of that center. The shopping center is located approximately 500 feet from the proposed Hannaford Shopping Center to be located at the intersection of NY Rt. 32, 94 and 300 known as "Five Corners."

5. As a result of that task I became very familiar with the Vails Gate-Five Corners area. The same is a highly commercial area of the Town of New Windsor with large and small stores all dependent upon the flow of vehicular traffic for their very existence. This commercial area stems from the Five Corners intersection at Vials Gate north along NY Rt. 32 about 2.0 miles and east along NY Rt 94 for about 1.5 miles and west along NY Rt. 94 for about another 2 miles and north west along NY Rt. 300 about 1 mile. In addition to the three mentioned State highways it is bisected by a very busy local road known as Old Temple Hill Road running in a northwest southeast axis approximately .75 of a mile north of the Five Corners intersection. Old Temple Hill Road is a mixed use road containing a few older nonconforming residential uses and far more newer commercial uses. All in all the Vials Gate-Five Corners area is traffic intensive to an extreme degree. I believe it to be the busiest commercial intersection in all of Orange County in terms of traffic flow through it.

6. When the Hannaford proposal was first put forth in the summer of 2000 WVR asked me to intervene on its behalf. WVR felt strongly that the Five Corners area was at a traffic saturation point and any additional traffic in the area generated by the likes of the Hannaford proposal would severely impact the commercial character of that community by impeding the flow of traffic through it and thereby hindering the livelihoods of the commercial occupants of that community, including its own recently rebuilt Big V Town Center, and indeed the very character of the community albeit a commercial character rather than the traditional residential character that usually occupies these types of environmental objections.

7. WVR instructed me to emphasize to the Planning Board that its objections were not rooted in an anti-competitive spirit (which will certainly be argued by the Respondent Martin acting on behalf of Hannaford) but, rather, is acting out of a concern for the very character of the community and the health and safety and welfare of this commercial community including the Big V Town Center. Such a concern is as much a subject of an environmental review under the rubric of preservation of the character of the neighborhood (SEQRA at 6 NYCRR §617.7(c)(v) - last clause) as is the preservation of the existing character of a residential or historical community. The environment as defined by SEQRA (6 NYCRR §617.2(l)) does not limit one of its components to residential or historical or rural communities. Commercial owners - even competitors - have every right to voice environmental concerns based on deterioration of the commercial community around them by reason of increase traffic, etc. See *Duke & Benedict Inc. v. Town of Southeast*, 253 A.D.2d 877, 678 N.Y.S.2d 343 (2nd Dept., 1998). It was, and is, in that vein that WVR puts forth its objections to the Hannaford proposal. Insofar as the basic site plan was concerned WVR and its Big V

Town Center was certainly a member of the community designed to be protected and considered in any site plan review under the Town's Zoning Law wholly apart from any environmental review under NY SEQRA (ECL Art. 8 read together with 6 NYCRR Part 617).

THE LOCATION OF THE BIG V TOWN CENTER AND WVR'S STANDING

8. Of initial import in this Proceeding is the standing of WVR to maintain this Proceeding. WVR owns in fee a 30± acre parcel of land located on NY Rt. 32 upon which is located the 240,000± square foot Big V Town Center, a multipurpose shopping center. The parcel is designated on the Town of New Windsor tax map as parcel 65-2-12. In that Town Center are two main "anchors", a ShopRite retail food store and a K-Mart dry goods retail store each occupying about 80,000 square feet in area. There are 19 other retail units in the Town Center selling products or providing services of all types and varieties.

9. The most southerly entrance to the Big V Town Center on NY Rt. 32 is approximately 500 feet (measured in a straight line) from the NY Rt. 94 entrance to the proposed Hannaford Shopping Center. That same southerly entrance is about 1,500 feet (measured by road distance along NY Rt. 32) from the NY Rt. 32 entrance to the proposed Hannaford Shopping Center. The southerly entrance to WVR's Big V Town Center is about 600 feet from the center point of the Five Corners Intersection.

10. By virtue of the very close proximity of the Big V Town Center to the proposed Hannaford Shopping Center and the critical Five Corners intersection WVR has standing to maintain this Proceeding. See *Sun-Bright v. Bd. of Zoning Appeals*, 69 N.Y.2d 406, 515 N.Y.S. 2d 418 (1987); *Heritage Co. of Massena v. Belanger*, 191 A.D.2d 790, 594 N.Y.S.2d 388 (3d Dept., 1993) and *Duke & Benedict Inc. v. Town of Southeast*, 253 A.D.2d

877, 678 N.Y.S.2d 343 (2nd Dept., 1998). This is so even if there might be what appears to be an economic motive to the petitioner's motives in bringing the proceeding. See *Duke & Benedict, Inc. v. Town of Southeast*, id.

11. A diagram of the relationship of the Town Center, the Hannaford Shopping Center and the Five Corners intersection is set out as Exhibit "A" in the accompanying Appendix.

THE BASICS OF THE HANNAFORD PROPOSAL

12. The proposal put forth by Respondent Martin on behalf of Hannaford in the Summer of 2000 called for a 55,000 ± "big box" retail food store to be located on a 5.5 ± acre site located almost in the apex of the south east quadrant of the Five Corners intersection. The structure would be surrounded by a 304 space parking lot occupying about 3 acres of land on the site.

13. The Hannaford Site Plan taken from Respondent Martin's Draft Environmental Impact Study is set out as Exhibit "B" in the accompanying Appendix.

14. The proposed Hannaford Shopping Center has its main point of access on to NY Rt. 32 about 750 feet due south of the Five Corners intersection.

15. The Center would have another means of ingress and egress by means of a 25 foot wide 250 foot long right of way over the adjoining (to the north) Monro Muffler Shop site. The mouth of that right of way on NY Rt. 94 is about 150 feet easterly of the Five Corners intersection. That right of way was specifically created by means of an instrument entitled "Easement Agreement" between Apache Properties Inc., the owners of the Monro Muffler Shop site and William, Andrew, and Jacqueline Slepoy, the owners of the Hannaford site,

dated January 11, 1995 and recorded in the Orange County Clerk's Office on January 25, 1995 in Liber 4171 of Deeds at page 217.¹ That instrument describes the right of way as "non exclusive" and as a "roadway."

16. This second means of access is designed to be improved with a 24 ± foot wide road way for its entire 250 foot length between NY Rt. 94 and the main parking lot for the Hannaford proposal. It would also serve the Monro Muffler site as its primary means of access to Rt. 94.

17. The traffic study prepared by Creighton Manning Engineering LLP on behalf of Respondent Martin, and included in the Hannaford Draft Environmental Impact Study, indicates that 100 vehicles will enter the Shopping Center during the "peak hour" via this right of way and that 95 will leave the Shopping Center during the same peak hour for a total of 195 vehicle trips during that peak hour (or 3.25 per minute) alone. Clearly, the Rt. 94 right of way would be open to the general public and accommodate a very sizeable amount of generalized traffic entering and leaving the Shopping Center.

WVR'S INITIAL OBJECTIONS

18. In the beginning of the planning process for the Hannaford proposal I authored three pieces of correspondence to the Planning Board outlining WVR's objections.² On September 27, 2000 (by two separate letters) and again on October 4, 2000, I advised the Planning Board that the Hannaford plan was overly traffic intensive with perceived disastrous results for the Vails Gate commercial community including the Big V Town Center, and

¹ The Respondent Martin is a contract vendee of the Hannaford site and not the record owner.

² In these letters I referred to my client as the Bila Family Partnership. WVR is wholly controlled by Bila.

seemed to fail the Town's own road specifications with regard to the design of the second means of access to the shopping center via the right of way to NY Rt. 94 in terms of overall width and the improved width of the road itself. I also advised that the incorporation of the Rt. 94 access would reduce the area devoted to the adjacent Monro Muffler Shop, the site plan for which the Planning Board had only recently approved, well below the approved area for that use as shown on its site plan. I advised that the SEQRA and site plan review should examine these factors carefully.

19. WVR's initial objections were noted and in due time the Planning Board declared itself "lead agency" under SEQRA and made a positive declaration as to possible environmental impacts resulting from the Hannaford proposal, thereby requiring the preparation of an Environmental Impact Study ("EIS"). See 6 NYCRR §§6 NYCRR 617.6 and 617.7.

THE NY DEPARTMENT OF TRANSPORTATION OBJECTIONS

20. The Hannaford submission contained a traffic impact study done by Creighton Manning Engineering LLP of Albany, NY, a well recognized engineering firm with traffic expertise. That traffic impact study noted the severe current deficiencies at the Five Corners intersection and recommended certain minor mitigation measures revolving around a revised signalization program for the existing traffic signal at the intersection and some traffic lane reorientation within the existing traveled way of NY Rt. 32 in the vicinity of the entrance of the Shopping Center. The study and recommendations did not propose any road widening or the construction of any additional lanes of traffic at the intersection.

21. Because the Hannaford proposal was at the confluence of three major NY State highways the Planning Board sent the plans thereof to the Region 8 office of NY Department of Transportation ("NY DOT") for its review and comment. Region 8 is the NY DOT region with jurisdiction over the Five Corners area.

22. In a letter dated November 27, 2000 addressed to the Town of New Windsor Engineer Mark J. Edsall a representative of the NY DOT, after a review of said site plan and related traffic studies and proposed traffic mitigation measures prepared by Martin, stated:

"... it should be understood that the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures. Simply, there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken. If this development, including the proposed mitigation measures, is built, there will be no perceived improvement to the traffic conditions at the 'Five Corners'."

23. After that commentary Creighton Manning Engineering revised the traffic mitigation plan slightly by proposing a further reorientation of the existing traffic lanes along NY Rt. 32 to include a southbound left turn lane into the Hannaford parking lot. Again no additional lanes of traffic or signals were proposed.

24. After a further review by the NY DOT at the request of Creighton Manning Engineering, a senior representative of the NY DOT in a letter dated December 29, 2000 to Creighton Manning discounted the revisions and stated as follows:

"We wish to emphasize that even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considerably unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development which would correct the condition."

Copies of these two letters are set out as Exhibits "C" and "D" in the accompanying Appendix.

THE TOWN BOARD'S CONCERNS

25. By letter to the Regional Director of the NY DOT for Region 8 dated January 24, 2001, the Supervisor of the Town of New Windsor, with the concurrence of the elected Town Board, expressed the Town's concerns that the Hannaford proposal would only make matters worse at the Five Corners intersection and urged the NY DOT to take appropriate action. A copy of that letter is set out as Exhibit "E" in the accompanying Appendix.

26. A copy of the Supervisor's letter was sent to the Planning Board.

SCOPING AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

27. On April 25, 2001 the Planning Board held a public input scoping session in advance of accepting a scope for the Draft EIS. At that hearing WVR repeated its objections and concerns and asked that they be specifically addressed in the EIS. In support of its traffic objections WVR submitted a letter report of Lockwood Kessler and Bartlett ("LKB") of Syosett, Long Island, NY, another well recognized engineering firm with extensive traffic expertise, dated April 24, 2001 documenting and underscoring the deficiencies in the Five Corners intersection and pointing out that the mitigation measures proposed by Creighton Manning Engineering on behalf of Respondent Martin would do absolutely nothing to improve those severe conditions.

28. The Planning Board agreed to include the WVR objections into the scope of the Draft EIS. In due time the scope for the EIS was accepted by the Planning Board and Respondent Martin caused to be prepared a Draft EIS by Tim Miller Associates of Cold Spring, NY.

29. A Draft EIS was filed with the Planning Board by Respondent Martin in June of 2001. In July of 2001 the Planning Board determined that the Draft EIS was "complete" as meant by SEQRA (i.e., its contents conformed with the adopted scope) and circulated the document for public comment.

30. The Draft EIS, dated June 7, 2001, contained a traffic study done by Creighton Manning Engineering that was essentially the same study with the same proposed mitigation measures as was reviewed by the NY DOT in December of 2000. It proposed no new traffic mitigation measures.

31. The Draft EIS did not address the WVR objections and concerns about traffic impacts expressed in the LKB letter of April 24th and simply relied on the traffic mitigation measures already proposed by Creighton Manning Engineering.

32. Insofar as WVR's objections regarding the legality of the Rt. 94 right of way the Draft EIS simply stated that it was a "shared driveway" that was not regulated under the applicable provisions of the Town of New Windsor Code, i.e. Chapter 38 ("Street Construction") and Chapter A60 ("Street Specifications") and, accordingly, the Draft EIS dismissed WVR's initial objections in this respect.

33. Insofar as WVR's objections about the degradation to the Monro Muffler Site Plan caused by the use of the Rt. 94 right of way as a second access to the Shopping Center the Draft EIS did recognize that such would be the result of an approval of the use of the right of way and recommended that the applicant obtain an area variance from the Town of New Windsor ZBA to allow the existence of the resulting substandard lot and that the

Planning Board amend its site plan approval for the Monro Muffler shop at the same time as it approved the site plan for the Shopping Center.

THE AUGUST 22, 2001 PUBLIC HEARING

34. On August 22, 2001 the Planning Board held a dual purpose public hearing on the Draft EIS (see 6 NYCRR §617.9(a)(iv) and on the proposed Hannaford Site Plan (see Town of New Windsor Code §48-19[C](5)). At that hearing WVR appeared through its attorney James G. Sweeney, Richard Malec of LKB and Jeffrey Rosenberg a partner in WVR. Mr. Sweeney reiterated the objections over the legality of the Rt. 94 right of way as designed on the Site Plan; Mr. Malec submitted another letter report criticizing the Draft EIS's traffic analysis dated August 17, 2001 and through the use of diagrams and exhibits demonstrated that the proposed traffic mitigation measures not only would do nothing to improve the situation at Five Corners but might actually cause a further deterioration of that critical intersection especially in the area of excessive queuing along NY Rt. 32 which could very well block off the Rt. 32 entrance to the Shopping Center. A true copy of the LKB critique of August 17, 2001 is set out as Exhibit "F" in the accompanying Appendix.

35. At the public hearing several members of the public spoke in strong opposition to the proposal based on traffic concerns. Except for the representatives of the Respondent Martin no one spoke in favor of the Site Plan as proposed.

POST COMMENT COMMENTARY BY NY DOT AND THE PLANNING BOARD'S TRAFFIC EXPERT

36. On September 13, 2001 the Planning Board's own traffic consultant John Collins Engineers, P.C. in response to an inquiry made by the Planning Board's consulting

engineer advised that the Hannaford proposal would do nothing to alleviate the unacceptable "F" service level at the Five Corners Intersection and, validating the LKB statement, there would be a extensive ques along NY Rt. 32 that could very possibly block off the Hannaford access on to NY Rt. 32. A copy of that advisory is set out as Exhibit "H" in the Appendix submitted herewith.

37. On September 4, 2001 the Town of Cornwall Planning Board went on record by letter of that date objecting to the Hannaford proposal based on traffic concerns along NY Rt. 94. A copy of those formal objections are set out as Exhibit "G" in the Appendix submitted herewith.

38. On September 7, 2001 in response to the strong adverse criticism received by the Planning Board at the August 22, 2001 public hearing the Planning Board's Engineer, at the request of the Board, once again asked for the opinion of NY DOT with respect to the traffic mitigation measures proposed by Respondent Martin. In response to that inquiry a senior representative of the NY DOT advised the Board's Engineer by letter dated January 22, 2002 as follows:

"In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the 'Five Corners' should be considered only a 'bandaid'. Everyone appears to agree that the Level of Service at the 'Five Corners' will be and 'F' with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting directions of traffic, removing an approach etc.) no real relief is available and, as the area develops, conditions will only degenerate."

A copy of that letter is set out as Exhibit "I" in the accompanying Appendix.

46. The Findings Statement, incredibly, concluded in "boilerplate" fashion mimicking the certification language in 6 NYCRR §617.11(d)(5) that the mitigation measures, if implemented would "minimize or avoid" adverse environmental effects "to the maximum extent practicable" and did so without discussing demonstrated queing deficiencies along NY Rt. 32, an increase in overall traffic volume from the site from 1,000 vehicles on a busy Saturday to an astonishing 10,000 vehicles and without discussing the possibility of lane widening that might bring the Five Corners well above an unacceptable "F".

THE AREA VARIANCE

47. On June 10, 2002 the Town of New Windsor Zoning Board of Appeals, upon application of the owner of the Monro Muffler Shop site, Apache Properties Inc. (lot 70-1-1,2), granted an area variance for the Monro Muffler site to allow that facility to exist on a lot of lesser dimension than required by the Town of New Windsor Zoning Law the same being diminished by the use of the Rt. 94 right of way across that lot by Hannaford for a second means of access to the Shopping Center. This Proceeding does not challenge the grant of that area variance. It concentrates, instead, on the illegality of the overall Hannaford Site Plan because of the inadequate design of the same as an improved road under the road and highway specifications of the Town of New Windsor.

THE APPROVAL OF THE SITE PLAN

48. On June 12, 2002, a mere two days after the ZBA had granted the aforementioned area variance, the Planning Board granted site plan approval to Respondent Martin for the Hannaford Site Plan. In granting that approval it determined, at the same time,

43. The Findings statement asserts that the so called traffic mitigation measures Hannaford project would reduce the overall degree of the level of service within level "F" by reducing the time lag to proceed through the intersection by two minutes - but leave the intersection hopelessly deficient by over one-and-a-half minutes of lag time at the intersection deteriorating at the rate of 5% per year because of generalized increases in projected "background" traffic.

44. However, the Findings Statement did not discuss or address the significant "queing deficiency" pointed out in the aforementioned August 17, 2001 LKB critique of the Draft EIS which shows that there is a strong possibility that the back up from the traffic light at the Five Corners intersection could be as long a 750 feet and thereby block the access from the Hannaford Shopping Center along NY Rt. 32. Furthermore, the Findings statement did not discuss or address the fact that the increase in vehicle movements from the site presently, at 1,000 ± on a typical Saturday, would increase to about 10,000 ± on a typical Saturday. Aside from levels of service at the Five Corners intersection and related intersections this volume of increase is huge and its impacts were not addressed at all although they were brought to the attention of the Planning Board in the aforementioned LKB critique.

45. Lastly, the Findings Statement did not explore or probe in any way the possibility of any means of reducing the level "F" to some higher level such a "E" or "D" or even "B" by what may or may not be the need to acquire additional right of way space and construct additional lanes of traffic for turning purposes at the Five Corners intersection. It did not even discuss that possibility and simply assumed that the intersection would forever operate at a deteriorating level "F".

THE FINAL EIS

39. That on February 13, 2002 the Respondent Martin submitted a Final EIS (6 NYCRR §617.9(b)(8)) to the Planning Board purporting to respond to the traffic criticisms of LKB, NY DOT and John Collins Engineering. Almost universally throughout the Final EIS the Respondent Martin agreed with all these critics that nothing it proposed to do would alleviate the unacceptable "F" service level at the Five Corners intersection. Martin suggested only that the measures it proposed would make a terrible condition somewhat less terrible - but still terrible.

40. That with regard to the legal criticism of James G. Sweeney with regard to the Rt. 94 right of way Respondent Martin responded, citing to Town of New Windsor Code §48-16[A](4), only that it was an "Access" to a parking lot that needed to be only 20 feet wide. In the Final EIS the Respondent Martin abandoned its position set out in the Draft EIS that the right of way was a "shared drive" that was not regulated under any Town of New Windsor code provision.

THE PLANNING BOARD'S SEQRA FINDINGS

41. On April 24, 2002 the Planning Board adopted a SEQRA Findings Statement (6 NYCRR §617.11). A copy of this Findings Statement is set out as Exhibit "J" in the accompanying Appendix.

42. The said Findings Statement, with regard to traffic, recognized that the Five Corners intersection is now operating an unacceptable level "F" and would remain at an unacceptable level "F" even after the construction of the Hannaford Shopping Center and the implementation of the proposed mitigation measures.

to modify its prior site plan approval for the Monro Muffler site to accommodate the use of the Rt. 94 right of way across it as a means of access to the Hannaford Shopping Center.

49. In granting site plan approval for the Hannaford Shopping Center the Planning Board determined in its resolution of approval that the proposal would not jeopardize the comfort and convenience of the public in general and of the immediate neighborhood and to the maximum extent possible the proposal furthered the objectives and goals set out in Town Code §48-19.

WVR'S ARGUMENTS FOR ANNULMENT SUMMARIZED

i. A Failure Under SEQRA

50. Insofar as SEQRA is concerned WVR's arguments are twofold. First it argues that under these circumstances the Planning Board's SEQRA Findings and its approval of the Final EIS is irrational and should be set aside. Secondly it argues and that the Planning Board failed to take the necessary "hard look" at the proposal required by SEQRA.

51. The Findings Statement of April 24, 2002 is irrational because it accepts as mitigation measures items of work that mitigate nothing insofar as traffic impacts are concerned and may even, if implemented, make matters worse. It makes no sense at all and is completely irrational to adopt so called mitigation measures, defined in SEQRA as "a way to avoid or minimize adverse environmental impacts" (6 NYCRR §617.2(x)), that don't mitigate anything at all. It is double speak to approve a measure, conveniently termed mitigative by the applicant, as mitigative when upon examination it is mitigative of nothing and merely maintains the conditions at the intersection termed by the NY DOT as "considerably unacceptable". It is the height of irrationality, and reminds one of the rose

colored glasses in Louis Carol's *Alice in Wonderland*, to accept something as mitigative merely because the proponent has called it mitigative. Simply to call something mitigative doesn't mean that it is. The Planning Board cannot, by *ipse dixit*, create something that is not. Here the very agency that has jurisdiction over these roads has said, **not once but three times**, that the so called mitigation measures proposed by Respondent Martin do nothing to relieve an already and seriously unacceptable traffic condition. The Town Board itself and the Planning Board of the adjoining Town of Cornwall are on record as being very concerned about these conditions feeling that the measures proposed would worsen the situation. Additionally, a well recognized traffic expert (LKB) has validated the NY DOT's conclusions and added that the so called mitigative measures might actually make matters worse (Rt. 32 access blockage along NY Rt. 32 by excessive queuing!)

52. Under the most generous view the adoption of these mitigation measures by the Planning Board as mitigative of an unacceptable traffic condition at the Five Corners intersection, termed by NY DOT as "a bandaid", can only be called irrational or not governed by or predicated upon reason. On a review such as this "the rule of reason" should prevail. See Gerrard, Ruzow and Weinberg, *Environmental Review in New York*, §6.03[5]. The rule of reason did not prevail here. On this ground alone the adoption of the SEQRA Findings Statement should be set aside and with it the approval of the Hannaford Site Plan.

53. When one reads the Planning Board's Findings Statement with regard to traffic the Board simply concluded, without any deep analysis into better ways to deal with the increased traffic at the Five Corners intersection, that there was nothing else the applicant could do about traffic and the Planning Board had no choice but to approve an unacceptable

proposal. In short the Planning Board's view that the "bandaid" mitigation measures, which everyone agrees do nothing to bring the service level of this horrendous intersection above level "F", rendered an awful situation a little bit less awful. That is the height of irresponsibility and arbitrariness.

54. WVR's second SEQRA argument is that the Planning Board failed miserably in performing its SEQRA duty to take a "hard look" at the proposed EIS (see *Aldrich v. Pattison*, 107 A.D.2d 258, 486 N.Y.S.2d 23 (2nd Dept., 1985). Surely there are reasonable mitigative measure such as those set out in the NY DOT's letter of January 22, 2002 that would act as a true mitigative measure (" . . . providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting directions of traffic, removing an approach etc. . . ").

55. However, the Planning Board did not explore any of these options at all. It acted "in ignorance" of those options. (See *Marino v. Platt*, 104 Misc.2d 386, 428 N.Y.S.2d 433 (Sup. Ct. Onondaga Co., 1980). The degree of availability of the State's rights of way for road or lane widening purposes was not explored at all. The possibility of acquiring additional right of way area was not explored at all. The suggestions set out in the January 22, 2002 letter were not explored. Nothing in the way of real, meaningful and reasonable mitigative measures that would bring the Five Corners intersection above an unacceptable Level "F" were explored. In that sense the Planning Board failed its fundamental duty to take the so called "hard look" at what might really work to alleviate the impossible traffic conditions at Five Corners. That failure is fatal to the Planning Board's SEQRA findings and, in turn, that fatality causes the Site Plan approval to fall with it.

ii. A Failure under the Town's Site Plan Approval Standards

56. Independent of the SEQRA environmental review issues is the abuse of discretion by the Planning Board in approving the Hannaford Site Plan using the criteria for such approvals set out in Section 48-19 of the Town's Zoning Law.³

57. The one of the critical objectives of site plan approval as set forth in Section 48-19 is the consideration of the health, safety, welfare and, additionally, the convenience of "the immediate neighborhood" by the impositions of such "conditions and safeguards" as will accomplish adequate points of traffic access to the site.

58. That under the circumstances the horrendous traffic conditions generated by the Hannaford proposal, which are unmitigable, would not promote the health safety and welfare of the community and the points of traffic access (the NY Rt. 32 and NY Rt. 94 accesses) to the site as approved would cause severe inconvenience to the immediate neighborhood and, thus, the objectives of site plan approval as mandated by Section 48-19 are violated by the Hannaford proposal.

59. That by virtue of a failure of the Hannaford site plan to meet the objectives of site plan approval as mandated by Section 48-19 of the Town Code as clearly demonstrated by the proofs offered by LKB, the NY DOT and the Planning Board's own traffic engineer, the grant of such approval by the Planning Board was arbitrary and capricious and should be annulled as such. See *Holy Family Ukrainian Church v. O'Connell*, 270 A.D.2d 265, 704

³ A copy of that section of the Town of New Windsor Code is annexed hereto as Exhibit "M".

N.Y.S.2d 852 (2nd Dept., 2000) and *Gilchrist v. Town of Lake George*, 255 A.D.2d 791, 680 N.Y.S.2d 320 (3d Dept., 1998).

iii. The Illegality of the Hannaford Plan

60. It is clear that the Rt. 94 right of way as shown on the Hannaford Site Plan is a 25 foot wide and 230 foot long way over the lands of a third party (Apache Properties Inc.) intended to be a very heavily used "public right of way" to be used by thousands of vehicles each day seeking to enter or leave the adjoining Hannaford Shopping Center by way of NY Rt. 94. As such it is a "street" as that term is defined in Section 38-2 of the Code of the Town of New Windsor.⁴ Section 39-7 of the Town Code is just as clear that a proposed street is to be developed in the manner set out in the Town's regulations governing subdivisions.

61. In turn, Chapter A60 of the Town Code sets forth a comprehensive set of street design specifications to be used by the Planning Board in approving for streets in any subdivision in the Town. Section A60-9 of the Town Code sets forth the criteria for the various types of streets in the Town (designated therein as "Major", "Suburban", "Rural", and "Private") by reference to various schematic diagrams contained at the end of Chapter A60.⁵ As set forth in those diagrams a "Major Street" must have a right of way width of 60 feet and a paved

⁴ A true copy of Chapter 38 containing Section 38-2 is set out as Exhibit "K" in the accompanying Appendix.

⁵ A true copy of Section A60-9 and the referenced diagrams are set out as Exhibit "L" in the accompanying Appendix.

width of 30 feet and a "Suburban Street" needs a right of way width of 50 feet and a paved width of 30 feet.⁶

62. That the Rt. 94 right of way as shown on the approved Hannaford Site Plan has a right of way width of only 25 feet and a paved width of only 24 ± feet.⁷

63. The Rt. 94 right of way as shown on the approved Hannaford Site Plan fails the design specifications set out in Chapter A60 of the Town Code whether considered as a "Major Street" or a "Suburban Street".

64. As such the Planning Board approved a street on the Hannaford Site Plan, intended to be used by the general public, that fails to meet the design specifications set out in the Town's Code and, accordingly, acted illegally in approving the Site Plan.

65. Any reliance on Section 48-16[A](4), as suggested in the Final EIS, is misguided and false. That section of the Town's Zoning Law refers to "Access" from a large parking lot on to a public street.⁸ It applies to the mouth or point of intersection of the entrance to the parking lot with a public highway and not the traveled way of a 230 ± foot long roadway leading from that mouth or point of intersection to that lot. Would this section apply to a 2,300 foot long drive way to a commercial parking lot? Such is not likely. Such an example, whether the drive way is 230 feet long, or 2,300 feet long, or 2.3 miles long, particularly one that serves another use (the Monro Muffler site) points out the misguided

⁶ "Rural" and "Private" streets are, by definition set out in Section A60-9, associated only with residential development and the design criteria for them have no application to this commercial project.

⁷ The Rt. 94 right of way can never meet these design specifications as the instrument creating the way limited its width to only 25 feet.

⁸ Set forth in full as Exhibit "M" in the Appendix submitted herewith.

attempt to use this section of the Zoning Law to convert a road or street into a point of access or intersection of that road or street with a public highway. What the Rt. 94 right of way, termed as a "non exclusive" and as a "roadway" by its very creators, is a road or street as meant by Section 38-2 of the Town Code. It is a public right of way intended to be used by thousands of vehicles a day traveling between NY Rt. 94 and the Hannaford parking lot. (Should not the intent of the parties who created this right of way designating it as a "roadway" be given validity here?) This "roadway" is not a point of "access" or a point of entrance into to that parking lot from Rt. 94. There is 230 feet of "roadway" between Rt. 94 before that private but non exclusive roadway enters the parking lot. There is a world of difference between what is proposed for the Rt, 94 right of way and a traditional - and immediate - entrance from a street to a parking lot. This view is validated by the last sentence of Section 48-16[A](4) restricting any "entrance or exit" to a parking lot within 75 feet of a street intersection. Surely this entire section of law is speaking to the point of entrance or exit to or from parking lots onto public streets and not roads and ways that lead to that of point of entrance or exit.

66. The Planning Board has no power to approve a site plan that does not conform with the applicable design specifications set out in the Town's codes, laws and regulations See TL §274-a[2](a) - first sentence [*" . . . site plans prepared to specifications set forth in the ordinance or local law and/or in the regulations of such authorized board."*]

iv. Conclusion

67. The June 12, 2002 Resolution of the Planning Board approving the Hannaford Site Plan should be annulled as prayed for in the Petition.

Supreme Court
State of New York
County of Orange

RECEIVED
JUL 23 2002
TOWN CLERK'S OFFICE

WVR REAL ESTATE II, LLC

Petitioner,
against

**THE TOWN OF NEW WINDSOR PLANNING BOARD,
AND MARTIN FOOD OF SOUTH BURLINGTON VT, INC.,**

Respondents,

For a judgment pursuant to CPLR Article 78 annulling a certain decision of the Respondent Planning Board made on June 12, 2002 granting site plan approval to the Respondent Martin Food of South Burlington Inc.

Assigned Judge:

**APPENDIX
EXHIBITS IN SUPPORT OF PETITION**

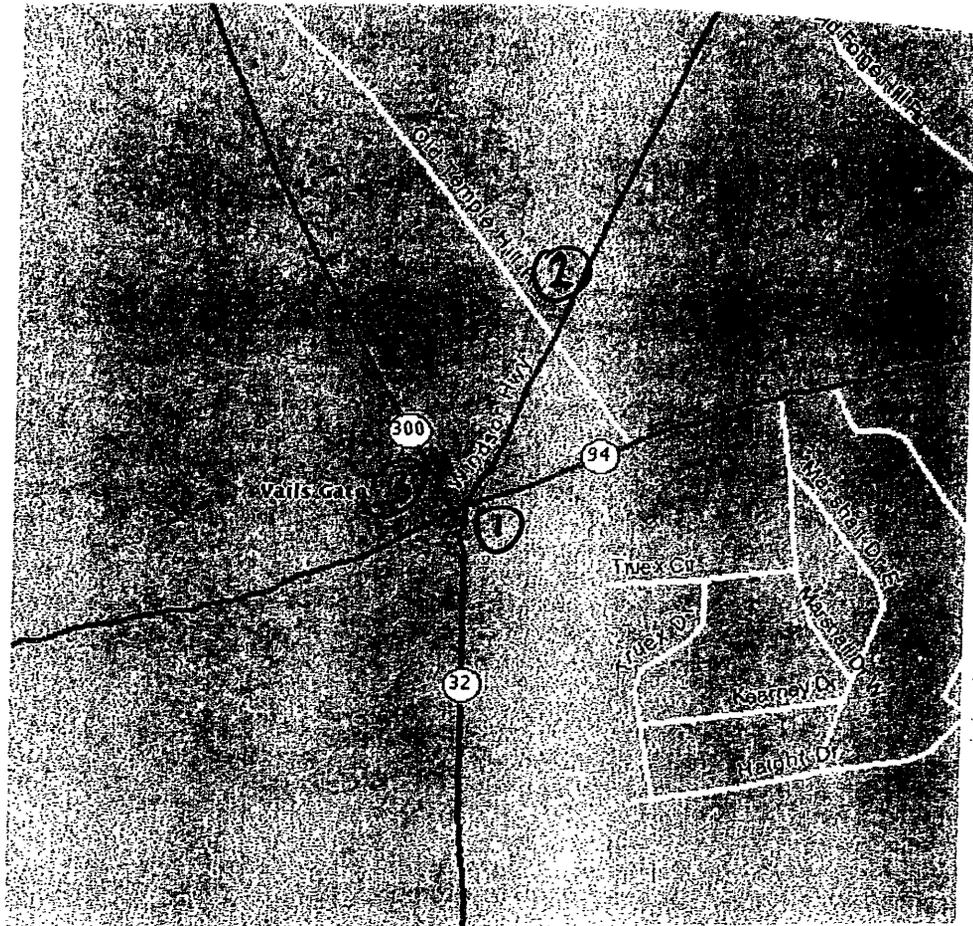
JAMES G. SWEENEY, P.C.
Attorney for Petitioner
One Harriman Square
P.O. Box 806
Goshen, NY 10924
(845) 291-1100

JAMES G. SWEENEY
Of Counsel
July 9, 2002

INDEX OF EXHIBITS

Exhibit

- A. SCHEMATIC DIAGRAM OF THE ROADS
IN THE FIVE CORNERS AREA
- B. HANNAFORD PROJECT PROPOSED SITE PLAN
- C. REPORT BY NY DOT dated November 27, 2000
- D. REPORT BY NY DOT dated December 29, 2000
- E. LETTER from the Supervisor of the Town of New Windsor,
George J. Meyers, to the NY DOT dated January 24, 2001
- F. REPORT BY LOCKWOOD, KESSLER & BARTLETT,
INC. (LKB), dated August 17, 2001
- G. LETTER from Town of Cornwall Planning Board to the
Town of New Windsor Planning Board dated September 4,
2001
- H. REPORT BY JOHN COLLINS ENGINEERS, PC, dated
September 13, 2001
- I. REPORT BY NY DOT dated January 22, 2002
- J. STATE ENVIRONMENTAL QUALITY REVIEW ACT
(SEQRA) FINDINGS dated April 24, 2002
- K. TOWN OF NEW WINDSOR CODE Chapter 38
- L. TOWN OF NEW WINDSOR CODE Section A60-9 with
referenced diagrams
- M. TOWN OF NEW WINDSOR CODE Section 48-16[A](4)



**VAILS GATE, NEW WINDSOR
"Five Corners"**

- 1. Proposed Hannaford Shopping Center**
- 2. Big V Town Center**
- 3. Price Chopper Shopping Center**

cc: Meyer
cc: M.E.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN
COMMISSIONER

November 27, 2000

Mr. Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

**Re: Full Environmental Assessment Form
Hannaford Food & Drug Site
Town of New Windsor
Orange County**

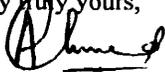
Dear Mr. Edsall:

We have completed our review of the traffic and transportation impacts contained in the Environmental Assessment Form for the referenced project and have the following comments to offer:

- 1) The methodology utilized in the traffic impact study including the existing traffic volumes, trip generation rates, trip distribution rates, no-build traffic volumes and resulting build traffic volumes is acceptable. The analysis of traffic conditions, identification of impacts and conclusions contained in the Traffic Impact Study were reviewed by the Regional Traffic and Safety group. The Department concurs with the findings of the report and of the future operational forecast without and with mitigation measures. However, it should be understood that the Level of Service at the Vails Gate "Five Corners" intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures. Simply, there is not sufficient or available traffic capacity at this intersection, nor are there "reasonable" improvements which can be undertaken. If this development, including the proposed mitigation measures, is built, there will be no perceived improvement to the traffic conditions at the "Five Corners". However, since the Town is responsible for land use control, the status of this application is strictly a local issue.
- 2) Improvements proposed as part of this project (modifications to the lane geometry, signal phasing changes, construction of turning lanes and installation of new traffic signal), safety related issues and the proposed location of driveways would be reviewed in detail by our Traffic Engineering and Safety Group as part of highway work permit process.
- 3) We would like to remind you that a State Highway Work Permit will be required for any curb cuts and/or work within the Routes 300, 94 and 32 right-of-way. An application and final site plans should be forwarded to this Department's local residency office, as soon as possible to initiate the review process.

If you have any questions or need additional information, we can be reached at (845)431-5793.

Very truly yours,


Akhter A. Shareef
Civil Engineer I

cc: Hon. William J. Larkin, Jr., Senator, 39th District



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

JOSEPH H. BOARDMAN
COMMISSIONER

December 29, 2000

John M. Tozzi, P.E.
Creighton Manning Engineering, LLP
4 Automation Lane
Albany, NY 12205-1683

Re: Access Request, Route 32 (SH 42)
Hannaford Supermarkets
Town of New Windsor
Orange County

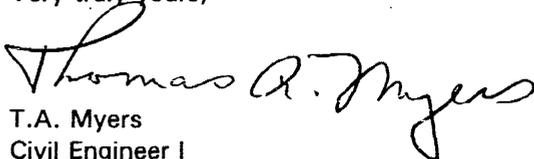
Dear Mr. Tozzi:

This is an acknowledgment of your December 6, 2000 letter to Mr. Akhter Shareef, concerning his comments regarding the Traffic Impact Study for the subject development. Mr. Shareef has referred your letter to the Regional Traffic Engineering and Safety Group for reply.

The Highway Capacity Manual defines the various Levels of Service for Signalized Intersections as is quoted in your report. A designation of L.O.S. "F" is used to describe an intersection operating with delays in excess of 80 seconds per vehicle. This level, considered to be unacceptable to most drivers, often occurs with oversaturation. That is, when arrival flow rates exceed the capacity of the intersection. The average delay for the "Five Corners" intersection is shown to be 98.7 seconds, with individual movements as high as 180.2 seconds, with improvements. So, with the existing L.O.S. being "F" and the L.O.S. with improvements being "F", it may be difficult for the motorist to see the improvements as he observes the traffic signal cycling from his vantage point in a queue of vehicles on one of the intersection approaches. It will remain the Town's responsibility to determine if the measures proposed are satisfactory. We wish to emphasize that, even with improvements, the forecast operational Level of Service at the "Five Corners" will remain "F", with delays during the peak periods which are considered unacceptable and there are no "reasonable" improvements, which can be undertaken as part of the development, which would correct this condition.

We trust that the foregoing clarifies our position in this matter.

Very truly yours,


T.A. Myers
Civil Engineer I

TAM/lml

cc: Town of New Windsor Planning Board ✓
A. Shareef, Planning, Reg. 8
T. Tobin, R.E., Res. 8-4

cc: Supervisor Meyers
M. Edsall



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4610
Fax: (845) 563-4693

OFFICE OF THE SUPERVISOR
George J. Meyers
Town Supervisor

January 24, 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603

SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94- T/ NEW WINDSOR

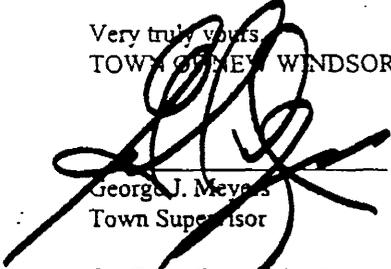
Dear Mr. Dennison;

Hannaford Food & Drug has made application to the Town Planning Board for a site plan approval of a 55,200 s.f. retail store on a 5.4 - acre parcel located off NYS Routes 32 and 94 within the Town of New Windsor. I have received copies of correspondence from Akhter A Shareef and T.A. Myers of your Department in connection with this application.

I am writing to express the Town Board's significant concern regarding traffic congestion in the "Five Corners" area of the town. Existing traffic conditions in that area are already extremely congested and significant backups and delays are encountered in several directions during morning and afternoon peak periods. This poses not only a level of service concern to our residents and the general public but also a safety concern in this congested area. Access to adjoining commercial establishments and town roadways, is severely compromised during these periods. Access for emergency vehicles is also a major concern.

I am writing to note, for the record, our concern that the existing inadequate conditions will be further exacerbated by approval of this project. We ask that the NYSDOT ensure that a complete and proper review be made in cooperation with our Planning Board, and that any and all possible off-site improvements be required before your agency considers the issuance of any permits for this project.

Very truly yours
TOWN OF NEW WINDSOR


George J. Meyers
Town Supervisor

Cc: Town Board Members
James Petro, Planning Board Chairman
Mark J. Edsall, P.E., Planning Board Engineer
Chief Koury, N.W.P.D.



LOCKWOOD,
KESSLER &
BARTLETT, INC.

ONE AERIAL WAY, SYOSSET, NEW YORK 11791 (516) 938-0600

CONSULTING ENGINEERS SINCE 1889

TELEFAX (516) 931-6344

August 17, 2001
LKB #0620-01

James G. Sweeney, P.C.
One Harriman Square
P.O. Box 806
Goshen, NY 10924

Re: Hannaford Food Store
Town of New Windsor
Orange County, NY

Dear Mr. Sweeney:

Pursuant to your request, we have reviewed the DEIS documents relating to traffic issues. The following is a summary of our review.

Some of the issues raised previously, such as AADT, accident history analysis and signal warrant analysis have been included in the DEIS. However, the traffic analysis presented in the DEIS did not provide different results from the initial Traffic Impact Study dated June 26, 2000 or the subsequent sensitivity analysis dated December 26, 2000. The DEIS restates the Level of Service for the 'Five Corners' intersection for existing, No-Build, Build without improvements, Build with improvements, and a Build sensitivity analysis. Therefore, the results for the overall intersection LOS remain at LOS F (98.4 sec.) for Build w/ improvements (PM Peak Hour) and F (108.5 sec.) under the Build sensitivity analysis.

As stated in prior correspondence, this confirms the statement by NYSDOT (letter of November 27, 2000 to Town of New Windsor Planning Board Engineer) that *"the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures."* This analysis also corroborates the NYSDOT statement that *"there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken"*. The NYSDOT further emphasizes their position (letter of December 29, 2000 to CME, LLP) stating that *"even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considered unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development, which would correct the condition"*.

Furthermore, the traffic analysis as presented in the DEIS still indicates Level of Service F at the following intersections:

- under the "2002 (PM Peak) Build Sensitivity Analysis" scenario:

- 'Five Corners' Intersection (7 out of 11 lane groups - 64%)
 - Rt. 94 EB left turn movement
 - Rt. 94 EB through/right turn movement
 - Rt. 94 WB through/right turn movement
 - Rt. 32 NB (to Rt. 300) left turn movement
 - Rt. 32 SB through movement
 - Rt. 32 SB right turn movement
 - Rt. 300 SB through/right turn movement

- under the "2002 (PM Peak) Build" scenario:

- Rt. 300 / Old Temple Hill Rd.
 - WB left/right turn movement
- Rt. 94 / Old Temple Hill Rd.
 - SB left turn movement
- Rt. 32 / Jacqueline Street
 - WB left turn movement

In addition, the DEIS restates that the project impacts are mitigated -- however, the 'Five Corners' intersection will nevertheless operate at LOS F. The mitigative measures proposed at this intersection do not improve the above noted 'lane group' LOS.

As a result of this project, the unsignalized intersections at Rt. 300 / Old Temple Hill Rd., Rt. 94 / Old Temple Hill Rd. and Rt. 32 / Jacqueline St. will experience increases in delay for the above noted movements. Also, the introduction of a new signal at Rt. 32 / Site Driveway. intersection will increase delays along Rt. 32.

Vehicular Queuing

Another issue that has not been adequately addressed is the effect of vehicle queue or spillback from the 'Five Corners' intersection. The DEIS presented vehicle queue lengths at the approaches of the 'Five Corners' intersection under the existing, no-build, build, and build with improvement scenarios. These values were generated from a macroscopic analysis of the intersection. Traffic queue length for Route 32 Northbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 32 NB left movement to Rte. 300 ----- 23 vehicles (575')
Rte. 32 NB through / right movement to Rte. 32 / Rte. 94 - 24 vehicles (600')

These maximum queue lengths can be expected to occur during 5% of the signal cycles within the peak hour. Queue lengths during the remainder of the peak hour will be shorter but can still be comparable in magnitude.

Projecting the queue lengths over the next 10 years (Build + 10 yr.) yields queue lengths of 28 vehicles and 30 vehicles respectively. A queue of 30 vehicles would extend 750' from the 'Five Corners' intersection, thus blocking the proposed Rte. 32 / Site Driveway signalized intersection which itself is located 750' from the 'Five Corners' intersection. When considering a potentially critical – and possibly unsafe – scenario of intersection blockage and interference, it is well to note that traffic projections and simulations are not infallible. Actual real life conditions may be better or worse than those predicted. Should they be worse, it would only require a slight increase to result in serious and possibly intractable problems in the operation of the driveway intersection. It must also be borne in mind that the 10-year projection assumes a slow but steady rate of growth in background traffic. If a major new development were to be sited to the south, it is possible that the results projected for a 10-year horizon could be experienced within a much shorter time frame.

The traffic queue length for Route 94 Westbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 94 WB left movement to Rte. 32 SB ----- 10 vehicles (250')
Rte. 94 WB through / right movement to Rte. 94 / Rte. 300-- 21 vehicles (525')

The existing queues extend past the Rte. 94 / Old Temple Hill Rd. intersection as would the projected queues under the Build with improvement scenario. The proposed Rte. 94 / site driveway, located approximately 150 feet from the 'Five Corners' intersection, would also be affected. WB Rt. 94 left turn movements into the site driveway and left turn movements out of the site driveway to WB Rte. 94 would be difficult maneuvers. The intersection would most likely function under restricted conditions of right turn maneuvers only. This intersection and the 'Five Corners' intersection should therefore be re-analyzed to reflect a redistribution of traffic volume.

Other traffic issues include:

Long Range Traffic Impacts

The long range traffic impacts (Build + 10yr horizon) are presented for the 'Five Corners' intersection. The statement "*future delays at the 'Five Corners' intersection will be less than today with overall delays under three minutes*" is misleading. Although the overall delay is less than existing delay, approximately 50% (5 out of 11) of the approach movement operations will degrade (increase in delay) under the long range conditions when compared to existing conditions. See attached table.

Build Traffic Volumes

The DEIS presented a project site trip summary table which indicates approximately 10,000 daily trips are generated by this site for a typical Saturday. This is 10 times as many trips than the 1,000 (approximately) daily trips currently generated by the Friendly's restaurant. The impact of this significant increase in daily trips to this location was not addressed.

This summarizes the major outstanding issues. Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.



Richard Malec, P.E.
Project Manager

RM/rjm
Attachment

TABLE 1
Intersection Delay at "Five Corners" Intersection

Intersection	Approach - Movement	PM Peak Hour			Delay Increase (Long Range Condition vs. 2000 Existing)
		2000 Existing	2002 Build Sensitivity Analysis	Long Range Condition (Build + 10Yr)	
Route 94	EB-L	126.6	160.5	263.4	136.8
	EB-TR	100.2	80.5	99.6	
	WB-L	82.4	59.3	97.7	15.3
	WB-TR	180.9	118	148.3	
Route 32 (To Rt. 94) (To Rt. 300)	NB-L	>300	-	-	
	NB-L2	-	56.5	178.4	
	NB-L1	-	96.2	110.9	
	NB-TR	45.3	34.2	38.1	
	SB-T	132.5	161.8	250.3	117.8
Route 300	SB-R	194.3	180.4	123.7	
	SB-L	55.9	57	195.1	139.2
	SB-TR	120.2	152	178.4	58.2
	Overall	220.4	108.5	143.9	

Delay = sec/veh.

EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound

R = right, L = left, T = through

Source: Hanaford Food & Drug DEIS, June 2001

.....

Town of Cornwall

September 4, 2001

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Dear Board Members:

The Cornwall Planning Board would like to go on record as opposing the construction of the Hannaford Supermarket at Vails Gate.

We have previously voiced concerns about the effect the increased traffic would have on a heavily populated neighborhood. Both Ardmore and Jacqueline Sts. intersect with Rt. 32 less than ¼ mile from the proposed entrance to the project. Although Hannaford included Jacqueline St. in its traffic study, the count was not done during the peak hours of 4 - 6 p.m., Monday - Friday.

The proposed solution to the problem, another traffic light, would only exacerbate the problem at these intersections. The net result would be extending the traffic tie up which frequently extends at least a mile south of the present light at least a few hundred feet further. It would also create an unmanageable snarl between the present and the new light.

There have been frequent accidents at the Jacqueline St/Rt. 32 intersection because of the dangers created in trying for entrance or exit. A recently approved sub-division of 30 houses off of these streets will add to the present problem.

When decisions are being made that effect both the lives and welfare of our residents, we would hope that our concerns would carry some weight with our neighbors.

Sincerely,



Lorraine Bennett, Chairwoman
For: Town of Cornwall Planning Board

Planning Board

RECEIVED

SEP - 5 2001

**JOHN COLLINS
ENGINEERS, P.C.** TRAFFIC-TRANSPORTATION ENGINEERS

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7255

September 13, 2001

Mr. Mark Edsall, P.E.
McGoey, Hauser and Edsall Consulting Engineers P.C.
33 Airport Center Drive - Suite 202
New Windsor, New York 12553

Re: Review of DEIS Traffic and Transportation Section
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

The following is our technical review of the DEIS Traffic and Transportation Section (Traffic Study) dated July 25, 2001 for the proposed Hannaford Food & Drug prepared by Creighton Manning Engineering (CME).

1. In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.
2. Accident history is provided in the Traffic Study and includes a accident summary Table for the "Five Corners" and Jacqueline Street intersections as well as for the section of Route 32 south from the "Five Corners" intersection. Based on a review of this summary Table, during the three-year period of 1996-1998 there were 3 reported accidents at the Jacqueline Street intersection, 15 reported accidents at the "Five Corners"

intersection and some 52 reported accidents of which many appear to be a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition accident frequency (accident rates) were calculated for these two intersections as well as for the section of Route 32 south from the "Five Corners" intersection. The calculated accident rates were then compared to State averages. While it is noted that the accident rate for the "Five Corners" intersection is less than the State average, as indicated above many of the accidents along Route 32 south of the "Five Corners" intersection are in effect a result of their proximity to the "Five Corners" intersection.

The calculated accident rate for the section of Route 32 from the "Five Corners" intersection to Jacqueline street is significantly higher (6.09 accidents per MVE) than the State average of 3.94 accidents per MVE. Again, this is in effect a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition, the above accident data was not provided for the other area intersections or roadway segments including the section of Route 94 from the "Five Corners" intersection to Old Temple Hill Road. This is important due to the potential conflicts that will be caused by the proposed driveway to this section of Route 94. (See also Comment 5).

Also, more recent accident data (1999 and 2000 data if available) would be helpful.

3. It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of service "F") and will continue to operate at a Levels of Service "F". As shown in the Level of Service Summary Table (Table 3.3-15), with the additional supermarket traffic, the intersection overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements).

Furthermore, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F"). It should also be noted that the NYSDOT has expressed concern regarding the existing and future operation of this intersection in their review letter dated November 27, 2000.

Since the restriping and signal improvements recommended could be completed under existing and no-build conditions, an analysis of No-Build Condition with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements.

We have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the Weekday Peak PM Hour all movements will remain the same from No-Build to Build Conditions however the overall intersection delay would increase from a 86.6 second delay to a 98.4 second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E" and the Route 32 southbound through will drop from a LOS "E" to a LOS "F" with the overall intersection delay increasing from 83.2 seconds to a 98.7 second delay. While it is noted that the intersection overall delay will be improved,

a review of the Table 3.3-15 indicates that even with the recommended restriping and signal phasing improvements, there are many movements operating with delays between 2 and 3 minutes.

Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the Weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7% which is considered significant.

4. While sight distances at the proposed site driveways are shown on Table 3.3-11, sight distances should graphically be shown on a plan to determine the point where sight distance is controlled.

5. The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and as shown on the Table 3.3-16 - Vehicle Queuing Summary, the Route 94 westbound queue would be some 10 cars (a queue of approximately 250') during the Weekday Peak PM Hour and some 13 cars (a queue of approximately 325') during the Saturday Peak Hour and would extend beyond the location of the proposed site driveway under Build Conditions (even with the recommended CME improvements). Based on this it is recommended that left turns out of the site be prohibited. In addition because of the potential conflicts with left turn movements to Route 32, from a safety standpoint it is also recommended that entering left turns be prohibited. This is recommended even though this would increase the left turns at the critical "Five Corners" intersections and left turns at the Route 32 driveway.

Based on this and the conditions at the "Five Corners" intersection, we believe that the Applicant should examine the possibility of developing this access driveway further to the east possibly opposite Old Temple Hill Road of the Firehouse.

6. It is indicated in the Traffic Study, the proposed driveway to Route 32 would not operate adequately under stop sign control (this analysis should be provided). Therefore the proposed site driveway was analyzed assuming a traffic signal. While it is shown that traffic signal warrants will be met, the NYS DOT position on the installation of a traffic signal should be determined.

Based on the queues shown in Table 3.3-16, it appears that the Route 32 northbound queues would extend beyond the proposed Route 32 driveway. In addition, the adequacy of the length of the proposed southbound left turn lane for traffic into the site should also be determined.

Furthermore, it is important that a plan showing the proposed left turn lane, right-of-way and other preliminary design details be provided to determine if the improvements are feasible.

7. The Traffic Study (Table 3.3-15) indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection this intersection will be improved. However as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" even with the recommended improvements. (See also Comment 3).

Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the Weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus, the proposed supermarket would increase traffic at this intersection by approximately 7%-8% which is considered significant.

8. The Traffic Study (Table 3.3-15) indicates that the unsignalized intersections of Route 300/Old Temple Hill Road and Route 94/Jacqueline Street will operate at capacity (LOS F) under future conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32/Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.



Philip J. Grealy, Ph.D., P.E.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

JOSEPH H. BOARDMAN
COMMISSIONER

January 22, 2002

Mr. Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553-6196

Re: Access Request, Route 32 (SH 42)
Hannaford Supermarket
Town of New Windsor
Orange County

Dear Mr. Edsall:

This is in reply to your letter of September 7, 2001, to Mr. Robert Dennison, Regional Director, asking for a formal response to the Town Planning Board's request for our comments concerning the Traffic Impact Study portion of the DEIS for the subject development and our determination regarding the suitability of the proposed mitigation measures.

As we have previously stated in our December 29, 2001 letter to Creighton Manning Engineers, (with copy to the Planning Board), the existing highway system, which includes the "Five Corners" intersection and Routes 32 and 94 in the proposed development area, operates at a Level of Service 'F' during peak traffic periods and is considered to be unacceptable to most drivers. The traffic study prepared by Creighton Manning does identify the existing conditions properly, as well as the proposed mitigation measures, which we will address on a location basis.

The improvements proposed at the 'Five Corners' intersection, which would modify the lane use arrangements for Route 32, northbound, and modify the traffic signal operation, does appear to mitigate the impacts created by the construction of the new food market. However, the Level of Service would remain 'F', as identified in the analysis, and the queuing problems will remain.

The installation of a new traffic control signal at the proposed site access drive to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate the traffic impacts acceptably, while providing better access to the property opposite the site on Route 32. It also reduces the number of uncontrolled access drives.

The access to Route 94 proposes to convert an existing access for Midas Muffler to a joint access to serve Hannaford and Midas. We concur with the proposed Level of Service, based upon the analysis. Due to this driveway's proximity to the 'Five Corners' intersection and the problem of traffic queues extending past this driveway, we will not allow full vehicle movements and will require the prohibition of left turns out of this joint access.

Other adjacent intersections which will be impacted by the increase of traffic associated with this development are:

-Route 32 at Jacqueline Street - delays will increase for traffic exiting this street, with no

M. Edsall
January 22, 2002
Page 2

mitigation measures proposed.

-Route 94 at Old Temple Hill Road - The study properly forecast an increase in delays and queuing on the approach to this intersection, which may compromise emergency vehicle response time to some areas of Vail's Gate. Because of this increase in emergency response time, we would pursue a review of signalization of this intersection by the applicant, for the purpose of coordination and emergency preemption, if the project were approved by the Planning Board.

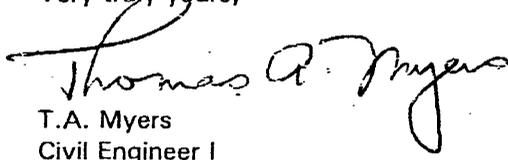
-Route 300 at Old Temple Hill Road - delays will increase, with no mitigation proposed.

In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the 'Five Corners' should be considered only a 'bandaid'. Everyone appears to agree that the Level of Service at the 'Five Corners' will be an 'F', with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting the direction of traffic, removing an approach, etc.), no real relief is available and, as the area develops, conditions will only degenerate.

The control over land use remains with the Town, along with the responsibility to determine if the mitigation measures proposed are satisfactory. We concur with the mitigation measures proposed and with their forecast that adjacent intersection Levels of Service will degrade, due to increase in traffic. A problem may develop with motorists trying to avoid the 'Five Corners' intersection by cutting through the new Hannaford parking lot if it is constructed. If the Town accepts the project with the measures proposed, we are prepared to work with Hannaford in order to achieve the best possible access with the least amount of interference with the existing traffic flow. It should be understood that the Department currently has no projects scheduled for improvement along these affected routes.

We trust the foregoing clarifies our position in this matter.

Very truly yours,


T.A. Myers
Civil Engineer I

TAM/lml

cc: J. Petro, Chairman, T/New Windsor Planning Board
A. G. Bautista, Planning, Region 8
P. Grealy, John Collins Engineers
M. Sargent, Creighton Manning

FAXED

Fred Wells - 1/28/02

FINDINGS STATEMENT
State Environmental Quality Review Act

Pursuant to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of New Windsor Planning Board, as lead agency makes the following findings.

- Name of Action:** Hannaford Food & Drug
- Description of Action:** Construction of a 55,200 SF food and drug store and related parking facilities; proposed parking and site access improvements at Monroe Muffler and proposed site access improvements at the former Long John Silver's
- Location:** Near and around New York State Routes 32 and 94, Town of New Windsor, Orange County, New York
- Agency Jurisdiction:** Town of New Windsor Planning Board
- Date Final EIS Filed:** February 25, 2002

On May 23, 2001, this Planning Board, after having conducted a public scoping process, adopted a final scoping document and directed the applicant to prepare a draft EIS in accordance with that document. Specifically, the scoping document required the applicant to consider and address all EIS elements required under 6 NYCRR Part 617 as well as the following identified areas of environmental concern: impact on water resources; impact on transportation and traffic; impact on utilities; impact on wetlands; impact on geology and soils; noise impacts and visual impacts. A draft EIS was submitted and then deemed complete on July 25, 2001. A public hearing was conducted on August 22, 2001. A final EIS was submitted and then deemed complete on February 13, 2002. Having thoroughly considered and reviewed the draft and final EIS, the submitted plans and all information derived at the public hearing and during the public comment period from involved and interested agencies, members of the public and the Board's own consultants, the Board hereby relies on the following facts, conclusions and specific findings in rendering its SEQRA determination in this matter:

A. Detailed Project Description:

Primary Action

Martin's Foods of South Burlington, Inc. (the applicant), a wholly owned subsidiary of Hannaford Bros. Co., proposes to construct a 55,200 square foot state of the art supermarket with associated parking and utilities on a 5.443-acre site located at NYS Routes 32 and 94 in the

Town of New Windsor, Orange County, New York. The front building facade will face north where the majority of parking will be provided. Truck receiving areas for the supermarket will be located at the southern side of the structure, accessed via a two-way driveway at the rear of the building.

The applicant has an agreement with the property owner for a long term land lease. The proposed Hannaford Food & Drug Supermarket will include a bakery, delicatessen, general merchandise area and a full-service pharmacy with separate health and beauty aids section. The facility would be similar to the store located in the Town of Wallkill on Tower Drive. The proposed supermarket and related ancillary improvements are permitted uses under the current Design Shopping C zoning designation for the site. Building coverage (floor area ratio) for the proposed project is just over 23% (i.e., 55,200 square feet of floor area / 237,097 square feet of lot area). Up to 50% building coverage is allowed in the C zone.

The existing Friendly's Restaurant on the site would discontinue operations. This building, pavement and two existing curb cuts would be removed as part of the proposed activities.

Related Actions

Associated with the primary action are two applications to amend previously approved site plans on adjoining properties. These amendments and their subsequent implementation as part of this project will improve access conditions to the supermarket site and surrounding area. They are:

- 1) **Monro Muffler site on Route 94:** the amendment proposed is to construct a secondary access driveway within an access easement extending from the Hannaford site north to Route 94.

- 2) **Former Long John Silver's site on Route 32:** the amendment proposed is to relocate and improve the existing driveway on the property to create a four-way intersection with the new main signalized access to the Hannaford supermarket.

Site Access

Primary vehicular access to the property is proposed from NYS Route 32 at a new signalized intersection, approximately 800 feet south of the Five Corners. A secondary access is proposed via a limited access driveway to NYS Route 94. Demolition of a vacant, small commercial building and reconfiguration of the Monro Muffler site would be necessary to provide this secondary access. Means of access to the site are depicted on the site plan for the proposed project.

Parking and Loading

A total of 304 off-street accessory parking spaces are provided. This number includes eight handicapped parking spaces. The majority of the spaces will be located in five double-loaded rows in front of the proposed building. Parking spaces will also line the perimeter of the parking lot. The parking field will also include areas for cart corrals. Loading areas, building mechanical equipment, and refuse dumpsters will be located to the rear of the proposed structure. The loading areas will be accessed via a 30-foot wide, two way drive. Parking and loading spaces and means of internal circulation are depicted on site plan for the proposed project.

Drainage

Stormwater runoff from all new impervious surfaces will be collected via a series of pipes and catch basins, treated, detained and released at a slower rate than pre-developed conditions. Stormwater treatment will be accomplished via a stormwater treatment system (Stormceptor) in order to remove pollutants by sedimentation and floatation. Reduction in stormwater discharge rates will be accomplished by on-site detention through two separate systems of underground storage pipes and by controlled release of the outlet structures.

The majority of the on-site detention system will be located beneath the parking lot in front of the supermarket. A portion of the system will also be located beneath the secondary access driveway and landscaped areas on the Monro Muffler site plan. All drainage improvements are illustrated on the site plan for the proposed project.

Landscaping

Extensive landscaping will be installed along the perimeter of the site, including along its eastern and southern property lines, within the setback area from Route 32 and along the secondary access driveway to Route 94. Additional landscaping will also be included in the parking areas, at the driveway entrance at Route 32 and along the northerly property line. All proposed landscaping is illustrated on the site plan for the proposed project.

Lighting

The project site will be illuminated at night to provide pedestrian and vehicle safety throughout the project site and along circulation drives. The site lighting will consist of pole-mounted fixtures with enclosed light sources. The lighting is designed to generally provide between three and four foot-candles of illumination, on average, on pavement surfaces. A hierarchy of lighting will be utilized, including double-mounted fixtures within the parking area and building-mounted lighting on the building's western facade. The parking areas will be illuminated to provide light levels sufficient for pedestrian safety, parked car security and clarity of vehicular circulation, while meeting local code requirements. All lighting is oriented and shielded so that off-site light spillage is minimized. All proposed lighting and lighting details are

depicted on the site plan for the proposed project.

Signage

There will be a combination of signage on the project site. There will be signage affixed to the building facade similar to other Hannaford supermarkets. There will also be two freestanding signs. One freestanding sign will be located on the east side of the Route 94 secondary access driveway, The second will be located on site approximately 160 feet north of the main access driveway at Route 32. All signage is depicted on the site plan for the proposed project.

B. Site and Site Area Characteristics:

The site is located just south of the “Five Corners” intersection of New York State Routes 94, 32 and 300 in the Vails Gate section of the Town of New Windsor. The municipal boundary between New Windsor and the Town of Cornwall is located approximately 500 feet south of the property. The project site is bordered by Route 32 on the west, and has approximately 581 feet of road frontage on that road.

The site of the proposed supermarket is situated on New Windsor tax parcels 70-1-16.1 and 70-1-16.2. Together these two tax lots comprise 5.443 acres. The supermarket and its parking facilities will be built on these two existing tax lots which will be merged as a condition of approval.

A Friendly’s restaurant and parking lot are situated on the northwestern corner of the site of the primary action, covering approximately 1.173 acres of the site. The balance of the project site is currently undeveloped and wooded. Topography is varied, with the site generally draining from a high point at the south end to the north (i.e., toward Route 94) Approximately 75% of the site has slopes of less than 10%, 19% of the site has slopes between 10 and 15% and 6% of the site has slopes in excess of 15%.

Soils on the site have been disturbed over the years and consist mostly of Mardin gravelly silt loam, a moderately well drained soil. The site was occupied by a residence in the distant past and was likely used for agricultural purposes.

The project site is zoned C, Design Shopping. Land Use in the vicinity of the site includes commercial/retail businesses, single-family residential housing and vacant wooded land. Land along Routes 32, 94 and 300 in the Five Corners area is predominantly commercially developed.

The site is currently served by public water, sewer, telephone, gas and electric service.

The proposed use of the site as a supermarket is permitted in the C, Design Shopping zoning district subject to site plan approval by the Planning Board. The project, as proposed,

complies with all zoning requirements and requires no variances from the Town's zoning code.

C. Impacts, Mitigation Measures and Specific Findings

Water Resources

a) Stormwater:

A comprehensive stormwater management study dated July, 2000 and revised January, 2001 was prepared by Tectonic Engineering Consultants and is included as Appendix D in the EIS. The study has been thoroughly reviewed by the Town Engineer who has determined that it was prepared in accordance with proper engineering practices and sets forth reasoned and supported conclusions.

Storm flows in and around the project site are currently controlled by the existing stormwater drainage systems in Route 94 and Route 32. The proposed development will change the site drainage characteristics by increasing the amount of impervious area on the property. Impervious surfaces will increase from 0.90 acres in the existing condition to 4.53 acres with the proposed supermarket and parking lot areas. This will result in an increase in the volume and rate of runoff from the site which has the potential to adversely impact the site and surrounding area unless mitigated.

The project's stormwater system design, as set forth in the site plan and supported by the drainage study, mitigates the potential for adverse stormwater impacts. The stormwater design incorporates the use of subsurface stormwater detention structures which will capture the stormwater runoff and release it at a slower rate than existing, undeveloped conditions. The stormwater system is also designed to treat the stormwater to remove pollutants. This treatment will be accomplished by the use of Stormceptor units which will remove approximately 70% of total solids and 95% of oils contained in the runoff.

Based on the design of the stormwater system as reflected on the site plan and analyzed in the drainage study, the Board hereby finds that there will be no significant adverse impacts from surface water runoff from the proposed project. As a condition of approval, this Board will further require the applicant to comply with the New York State General Permit for Stormwater Discharges as applicable to this project.

b) Erosion and Sedimentation:

The movement of soils during project construction may adversely impact nearby surface waters. However, the project has been designed to minimize sedimentation impacts to these waters during construction. The plans for the project incorporate the use of the following erosion and sedimentation control measures: erosion control barriers (i.e. silt fences and hay bale filters), stabilization of exposed areas and stockpiled materials, tracking pads and dust control. Based on

the use of these measures, the Board finds there will be no significant adverse impacts from erosion and sedimentation to nearby water resources. As a condition of approval, this Board will require that sedimentation and erosion controls are in place prior to commencement of construction and continue in place as necessary throughout the construction process and until permanent stabilization has been established. Further, the applicant must comply with the sedimentation and control measures required by the New York State General Permit for Stormwater Discharges as applicable to this project.

Wetlands

There are no regulated wetlands on the property. There is however an isolated 0.04 wet area at the northern end of the property which will be filled as part of the proposed project. Although not required to, the applicant has committed to filling this wet area in accordance with the conditions of US Army Corps of Engineers (ACOE) Nationwide Permit #39, which authorizes the filling of up to 0.50 acre of wetland without pre construction notice to ACOE. The Board finds filling of this small, isolated wet area in accordance with Nationwide Permit #39 is sufficiently protective of the environment and concludes it will not result in a significant adverse impact to wetlands. The Board further notes that this wet area contributes to an off-site drainage problem for the adjoining residential neighborhood. The applicants filling of this wet area and redirecting of drainage to the applicant's system will ameliorate this problem and thereby constitutes a beneficial impact of the project.

Geology and Soils

The project documents indicate no impact on geologic resources. No blasting of bedrock is required for this project. The potential for soil loss is greatest during construction. As already detailed, the project incorporates erosion control measures that minimize the potential for soil loss. For these reasons, the Board finds that the project will not result in any significant adverse impacts to geology and soils.

Cultural Resources

Stage 1 and Stage 2 historical and archaeological investigations were conducted for the project. These studies found no significant historical or archaeological resources exist at or near the site. The studies, which were prepared by cultural resource experts and reviewed by the Planning Board and its consultants, conclude that no further investigations are required. The Planning Board concurs with this conclusion and finds that the project will have no adverse impact on cultural resources.

Utilities

a) Water Supply:

The Board's engineer has thoroughly reviewed the water service plans for the project and has advised the Board that no significant adverse impacts are anticipated.

The applicant has demonstrated, based on similar sized stores, that the operation of a 55,200 square foot food and drug store on the project site requires 3,800 gallons of water per day.

The project is located in an existing water district and will be serviced by that district. The district is able to service the proposed project. The Board finds that the project's minimal water demand will not significantly impact the water district's water supply.

The project will connect to the existing main in Route 94. In addition, a 12 inch cross connection between the existing eight-inch water main on the north side of Route 94 and the dead ended eight- inch water main on the south side of Route 94 will be provided. The proposed 12-inch main will also connect to a six inch main in Truex Circle to provide a new loop connection with the six inch water main located at Truex Circle. The 12" water main will be extended to the southwestern portion of the site. The Board finds that looping the water system in this manner will result in a beneficial impact to the existing water district.

All new water mains and appurtenances to connect this project to the water system will be installed at no cost to the water district. Therefore the Board finds that there will be no significant fiscal impact from this project on the water district or its existing users. As a condition of approval the Board will further require that all work involving water connections must be done in accordance with applicable standards of the Town of New Windsor and Orange County Department of Health.

b) Sewer Service

The Board's engineer has thoroughly reviewed the sewer service plans for the project and has advised the Board that no significant adverse impacts are anticipated.

The site is located in Sewer District#14. An existing 10-inch sanitary sewer is located in NYS Route 32 adjacent to the site. The existing sewer line in Route 32 connects to an existing 10-inch line in Route 94 just north of the project site, which conveys effluent to the New Windsor sewage treatment plant located to the east on the banks of the Hudson River.

The project is anticipated to generate approximately 3,800 gallons per day of sewage. Friendly's is already generating approximately 2,210 gallons per day from the project site. The net increase of approximately 1,590 gallons per day from the proposed project is not significant and the Board finds there will be no significant adverse impact on the Town's ability to collect and treat sewage. As a condition of approval the Board will further require that all work involving sewer connections must be done in accordance with applicable standards of the Town of New Windsor, Orange County Department of Health and New York State Department of Environmental Conservation as applicable.

Finally, the Town is considering improving sewer service in the immediate vicinity of the project site by installing a force main in Route 94. The applicant has agreed to help offset the cost of this improvement by contributing an amount not to exceed \$50,000 to the Town. The precise amount of this contribution shall be determined prior to the grant of site plan approval.

Noise

A Sound Impact Assessment was prepared by Cavanaugh Tocci Associates, Inc. for the proposed project and is contained in Appendix "E" of the EIS. The study has been thoroughly reviewed by the Town Engineer who has determined that it was prepared in accordance with proper engineering practices and sets forth reasoned and supported conclusions.

Sound monitoring was conducted at the project site to measure the level of background existing sound. Sound in this area is dominated by traffic noise from Route 94 and Route 32. Noise during daytime hours (6:00 AM to 10:00 PM) result in background sound levels which range between 45 and 55 dba. During the early morning hours, when traffic is light, background sound levels drop to as low as 43 dba.

Section 48-17.5 of the New Windsor Code defines acceptable limits for environmental sound produced by development such as the proposed supermarket in residential zoning districts in the Town. These limits are:

- | | |
|------------------------------|-------|
| (1) From 8:00 AM to 9:00 PM: | 65dba |
| (2) From 9:00 PM to 8:00 AM | 56dba |

Principal sources of noise from the proposed project include store mechanical equipment for refrigeration and ventilation, which will operate continuously throughout the day and night, and truck unloading activities. The following measures have been incorporated into the design and operation of the project site to mitigate noise impacts and to keep those impacts at or under the levels required by the Town of New Windsor Code.

- use of acoustical louvers for the compressor room ventilation opening located at the rear of the store
- use of low speed fans and variable speed drives for roof top air-cooled condensers
- addition of a parapet wall extending four feet above the top of the roof on the east side of the building
- placement of air handling units a minimum of 30 feet from the edge of the roof
- limiting use of the trash compactor to between the hours of 8:00 AM to 9:00PM

and trash pickup to between 6:00AM and 5:00PM

- enclosure of the loading dock at the south side of the building and equipping it with hydraulic dock levelers for tractor-trailer unloading
- Limiting tractor-trailer deliveries to daytime hours (8:00AM to 9:00PM).
- Requiring all truck engines and refrigeration equipment to be shut off while trucks are unloading

With the institution of the above measures, all of which will be made conditions of site plan approval, the Board finds that noise emissions from the project will meet or exceed minimum standards required by the New Windsor Code and no adverse noise impacts will occur. Further, the Board requires the applicant to conduct a post construction noise evaluation study to ensure that the above measures are effective in the actual operating state. The post construction noise survey will be performed at the south and east property lines (i.e. nearest to residential areas). The test will measure sound levels with design and operation measures in place to ensure conformance with Town Code requirements. Adjustments to noise measures will be made if necessary to bring the facility into compliance.

Visual Resources

The project site partially adjoins a residential neighborhood. Construction of the project will remove existing wooded area (i.e. approximately 4.64 acres) which presently buffers the residential neighborhood from the Five Corners area. Following construction of the project, views of the site from adjacent residential properties will change. The project site will have a commercial/retail appearance similar to other developed properties in the Five Corners area.

Various measures have been undertaken to minimize the visual impacts of the project to the nearby residential neighborhood. These measures utilize a combination of grading, landscaping and fencing to minimize visual impacts. Specifically, grading of the site would lower it at its south end lessening the height appearance of the building at that location. A minimum building setback of 50 feet from the easterly property line and 59.5 feet from the southerly property line has been maintained to provide distance buffer. Approximately 20 feet along the easterly side and 30 feet along the southerly side of the building will be landscaped to serve as screening. Along the east and south property boundaries, a solid wood fence, six feet in height would sit atop tiered retaining walls to provide solid screening. It is important to emphasize that these measures were developed in consultation with adjoining residential property owners who were all consulted about the type and extent of screening required. The results of this effort are depicted on the site plan and landscaping plan for the project. Moreover, the EIS contains graphic demonstration of the effectiveness of these measures. The Board finds that implementation of these measures will mitigate the visual impacts of this project to the maximum extent practicable.

A potential visual impact associated with operation of the supermarket facility is light spillage onto adjoining properties. As described above, a lighting plan has been prepared which minimizes spillage through the use of shielding and orienting fixtures away from adjoining properties. This lighting plan is part of the site plan to be approved by the Planning Board. The Board finds this lighting plan adequate and determines that there will be no significant adverse impact from project lighting onto adjoining properties.

Traffic

Traffic is the single most important environmental concern associated with the proposed project. Toward that end, traffic analyses have been conducted to assess the traffic impacts of the project on surrounding roadways. These analyses are embodied in a Traffic Study and supplementary traffic reports prepared by Creighton Manning Engineering. These analyses have been the subject of thorough review by this Board, its consulting engineer, its consulting traffic engineer and the New York State Department of Transportation ("NYSDOT"). All parties have concluded that the traffic analyses have been prepared according to accepted methodologies for assessing traffic impacts.

The traffic analyses studied five intersections which were determined by the Board and NYSDOT to be potentially impacted by the proposed project. These intersections are: "Five Corners," Route 94/Old Temple Hill Road, Route 32/Old Temple Hill Road, Route 300/Old Temple Hill Road, and Route 32/Jacqueline Street. Proposed primary and secondary driveway accesses to the site were also studied.

(a) Five Corners - The Five Corners intersection currently operates at a Level of Service F with existing delays during the peak hours of approximately 220 seconds per vehicle. This delay will increase even if the supermarket is not built, as a result of background growth, to about 240 seconds per vehicle by 2002. If the supermarket is built and no improvements to Five Corners are undertaken, the delay would further increase to approximately 300 seconds per vehicle. Consequently, the supermarket's impacts without improvements are in the order of 60+/- seconds. The applicant has proposed a modified lane arrangement and signal phasing improvements at the Five Corners intersection. With these improvements, delays will be decreased at the Five Corners intersection by over two minutes resulting in overall delay dropping to 98+/- seconds per vehicle. These improvements not only mitigate the supermarket's impact of 60+/- seconds but also fully mitigate background growth and reduce existing delays by 122+/- seconds.

(b) Route 94/Old Temple Hill Road - This unsignalized intersection currently operates at a level of service E. Without the proposed project, the intersection will operate at a level of service F by the end of 2002 due to the completion of other approved projects in the area. With the proposed project, the intersection will

continue to be F. The applicant has proposed installation of a traffic signal at this intersection at its sole cost and expense before opening of the supermarket provided NYSDOT approves its installation. In the event that NYSDOT does not approve a signal at that time, the applicant has further proposed to monitor the intersection after opening of the supermarket. Specifically, the applicant will prepare a traffic study one year from opening to further assess the need for a signal at this location. If based on that study, NYSDOT authorizes the installation of a signal, the applicant at its sole cost and expense will cause it to be installed. Once a signal is installed at this intersection, it will operate at a level of service B.

(c) Route 32 /Old Temple Hill Road - This is a signalized intersection. It currently operates at an overall level of service C and will continue to operate at that same level of service after the supermarket is built.

(d) Route 300/Old Temple Hill Road - This is an unsignalized intersection that operates at an overall level of service E. By 2002, without the proposed supermarket, the intersection will deteriorate to a level of service F with maximum delays of 73.4+/- seconds during the Saturday peak hour for the westbound left and right turn movements. After construction of the supermarket the intersection will remain at level of service F with delays of 100.6 seconds for the westbound left and right turn movements. The applicant has proposed monitoring this intersection. Such monitoring will entail the preparation of a traffic study one year from opening of the supermarket to assess the need for a traffic signal at this location. If based on this study NYSDOT authorizes the installation of a signal, the applicant will, at its sole cost and expense, cause it to be installed. Once a signal is installed at this intersection, it is expected to operate at a level of service B. It should be further noted that strict enforcement of the existing left hand turn prohibition at this intersection would significantly improve its level of service even without monitoring and subsequent signalization.

(e) Route 32/Jacqueline Street - This unsignalized intersection currently operates at a level of service E. Without the proposed project, this intersection will operate at a level of service F by 2002. With the proposed supermarket, the intersection will continue to operate at a level of service F. The applicant has proposed monitoring this intersection. Such monitoring will entail the preparation of a traffic study one year from opening of the supermarket to assess the need for a traffic signal at this location. If based on this study NYSDOT authorized the installation of a signal, the applicant will, at its sole cost and expense, cause it to be installed. Once a signal is installed at this intersection, it is expected to operate at a level of service B.

(f) Primary Driveway Access - The applicant will construct a signalized intersection at Route 32 that will serve as the main access drive. This will

eliminate the two existing Friendly's Restaurant driveways. As part of this improvement, the applicant is also constructing left turn lanes on Route 32 and a new road across the street. The new road will enable future businesses at that location to utilize the signalized intersection for ingress/egress. Upon completion of these improvements, the intersection will operate at a level of service B/C.

(g) Secondary Driveway Access - The secondary access driveway will be located at Route 94 and will encompass the full service access drive at Monro Muffler. The applicant will widen and improve this access drive so that it is suitable to serve both Monro and the proposed supermarket. The NYSDOT has indicated that left turn exiting movements that are presently allowed will be prohibited at this location. The NYSDOT has recommended that left turns into the driveway be permitted but it will continue to monitor that movement. With these improvements and the left turn prohibition, this driveway access will operate at a level of service A/B.

The Board hereby finds that, with the implementation of the improvements identified above, the impacts of the proposed project on surrounding roadways will be mitigated to the maximum extent practicable. In making this finding the Board notes the following:

- With implementation of the improvements at Five Corners, the intersection will operate better than it does currently although it will still operate at a level of service F. NYSDOT has stated that there are no reasonable further improvements that can be undertaken to improve the level of service at this intersection.
- Improvements have been identified which offset impacts to unsignalized intersections although installation of these improvements will ultimately be evaluated by NYSDOT based on their functionality within and benefit to the overall highway network. Level of Service at Route 300 and Old Temple Hill Road will be significantly improved with greater enforcement of the left turn prohibitions from Old Temple Hill Road onto Route 300.
- The project's access driveways will operate adequately. NYSDOT will continue to monitor the left turn movement into the secondary access drive from Route 94.
- Access improvements will result in beneficial impacts in the Route 32 corridor. Three unsignalized full access driveways will be eliminated along Route 32 and a fourth will have left turning movements restricted. The elimination and restriction of these intersections will significantly decrease the merging, diverging and crossing conflicts in this area.

The Board further finds that in order to ensure the efficacy of the improvements and their timely implementation the following shall be imposed as conditions of approval:

- No building permit shall be issued until a Highway Work Permit is issued by the NYSDOT. All conditions of the Highway Work Permit shall constitute conditions of site plan approval.
- No certificate of occupancy shall be issued until the following traffic mitigation measures are completely installed: modified lane arrangement and signal phasing adjustments at the Five Corners intersection; signalization of the main access driveway along with construction of left turn lanes on Route 32; new road alignment on Fish and Chips property; secondary access driveway with left turn out prohibition; signalization at Route 94 and Old Temple Hill Road if authorized by NYSDOT.
- Traffic monitoring shall be conducted one year after opening of the supermarket at the following intersections: Route 94 and Old Temple Hill Road (if no signal is already installed); Route 300 and Old Temple Road and Route 32 and Jacqueline Street. In the event monitoring at any of these intersections discloses the need for a traffic signal, the applicant shall, at its sole cost and expense, cause such signal to be installed provided NYSDOT authorizes its installation.
- To ensure that there is no emergency equipment related impediment on surrounding roadways, all signal improvements installed by the applicant shall contain signal override equipment compatible with equipment on existing signals.
- If feasible, a northbound right turn lane shall be provided at the main access drive. Insufficient right of way and/or the proximity of Central Hudson Gas and Electric's high pressure gas main may render this infeasible.
- Prior to issuance of a building permit the applicant shall post a bond with the NYSDOT for all required off-site highway.
- In the event the Town undertakes future local highway improvements at the Five Corners intersection, the applicant agrees to pay its fair share to help fund those improvements provided the Town enacts a legal mechanism requiring other commercial traffic generators to also pay their fair share.
- In addition to standard signal improvements, a queue detector shall be installed in the Route 32 southbound left turn lane provided its installation is authorized by NYSDOT.

Finally, in rendering these findings, the Board recognizes that the proposed project primarily impacts NYS highways and NYSDOT is the agency principally responsible for authorizing improvements to these roadways. NYSDOT will render its own SEQR findings as to the impacts of the project on State roads and will impose whatever additional conditions it sees fit as part of

its Highway Work permit process. As already stated, the approval to be granted by this Board will recognize the important and predominant role of NYSDOT by expressly conditioning such approval on NYSDOT's issuance of a Highway Work Permit.

Alternatives

The Board has considered three alternatives to the proposed action. These are (1) No Action (2) Alternative Sites (3) Alternative Uses.

The No Action Alternative is represented by existing conditions on the site. Under this alternative the site would remain underutilized and partially developed. It would not meet the development objectives of the property owner or the applicant. It would however, continue to provide natural visual and noise buffer to the adjoining residential neighborhood. The design for the proposed project will replace visual buffer with appropriate grading, fencing and landscaping. Noise impacts will be mitigated through the incorporation of substantial noise reducing measures. Thus, there will be no significant loss of existing environmental benefits by pursuing the proposed action. Moreover, the proposed action will provide greater benefits to the Town through improvement of local roadways and increased ratables. On balance, the Board finds the proposed action more beneficial than the No Action alternative.

Three Alternative Sites were examined. Site #1 is the site of a proposed shopping center located at the southwest quadrant of the intersection of Union Avenue and Route 32. Site#2 is an existing retail center across from Big V Plaza between Route 32 and Route 94. Site #3 is a site located between Temple Hill Road and Old Temple Road currently occupied by existing businesses. None of these sites meet the applicants business objectives and all provide significant constraints to development. Site #1 falls outside the requisite trade area necessary to generate sufficient business to ensure viability of the supermarket. Site #2 would require a zone change to permit the supermarket and has significant environmental constraints including a stream running through it. Further, there is significant existing development on this site that would have to be relocated at great expense and inconvenience of the current business owners. Site #3 is physically too narrow to properly locate a supermarket also requires relocation of existing businesses. In sum, where suitable vacant property exists, it is outside the trade area of the supermarket or, if in the trade area, is already extensively developed with active businesses which would be difficult and costly to relocate. The Board therefore finds that there are no alternative sites which meet the applicant's objective.

The zoning code contains a variety of uses permitted by right and special permit in the C zoning district. However, alternative uses of the site must be considered in light of the applicant's ability and desire to pursue those uses. This applicant is not a developer seeking to create approved space for potential retail tenants. This applicant is strictly in the business of building and operating supermarkets. The applicant does not have the experience or business objective to pursue other permitted uses such as personal service establishments, office buildings, mini-warehouses, new and used car sales establishments, hotels/motels, dry cleaning

establishments, gasoline stations, printing plants, manufacturing facilities, wholesale sales and storage, lumber yards and related building material sales establishments or senior citizen housing. Moreover, many, if not all of these uses would result in equal or greater environmental impacts to the surrounding community than the proposed use. For these reasons, the Board finds that it would be unreasonable to expect the applicant to pursue any use of this property other than its use as a supermarket.

D. Certification of Findings to Approve

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6NYCRR 617. This Statement of Findings Certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Dated : April ___, 2002

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

By: _____
Hon. James Petro, Chairman

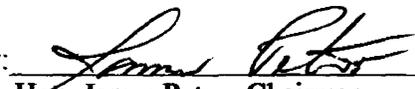
D. Certification of Findings to Approve

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6NYCRR 617. This Statement of Findings Certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Dated : April 24, 2002

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

By: 
Hon. James Petro, Chairman

STREET CONSTRUCTION

Chapter 38

STREET CONSTRUCTION

Local Law

No. 2

1972

A LOCAL LAW REGULATING THE CONSTRUCTION OF STREETS, THE INSTALLATION OF UTILITY LINES AND FACILITIES WITHIN STREETS, AND EXCAVATION OF STREETS FOR INSTALLING, EXTENDING AND MAINTAINING UTILITY LINES AND FACILITIES

- § 38-1. Purpose.
- § 38-2. Definitions.
- § 38-3. Installation of utility lines and facilities.
- § 38-4. Submission of proposed plans.
- § 38-5. Offer of dedication.
- § 38-6. As-built plans.
- § 38-7. Type of plans.
- § 38-8. Subsequent excavations.
- § 38-9. Bond.
- § 38-10. Maintenance and repair of utilities.
- § 38-11. Violations and penalties.
- § 38-12. Severability.
- § 38-13. Repealer.
- § 38-14. When effective.

[HISTORY: Adopted New Windsor Town Board 6-7-72 as Local Law No. 2—1972. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 48.

Street specifications for subdivisions and proposed town roads — See Ch. 60.

Subdivisions — See Ch. 61.

Be it enacted by the Town Board of the Town of New Windsor as follows:

§ 38-1. Purpose.

The purpose of this law is to regulate the construction of streets and installation of underground utility lines and facilities within existing and proposed streets within the Town of New Windsor, Orange County, New York; and to minimize additions and changes to utility lines and facilities within streets and to minimize damage to streets and to minimize inconvenience to the public resulting from such additions, changes and damage.

§ 38-2. Definitions.

For the purpose of this local law, the terms used herein are defined as follows:

DEVELOPER — Persons, partnership, association or corporation submitting plans to the Town Board, Town Engineer, Planning Board, Permit Officer, Building Inspector or any combination thereof for the improvement of real estate.

LATERAL UTILITY LINES — Utility lines connecting trunk utility lines with individual parcels of land.

STREETS — The public right-of-way of existing "streets," whether or not accepted by the town, and areas designated by any developer to be used as a public right-of-way upon any map, survey or plans which have been or which are hereafter submitted for approval to the Planning Board or to the Town Board or which have been or are hereafter recorded with the County Clerk.

TRUNK UTILITY LINES — Main utility lines conducting water, sewage, drainage or electricity into or out of the subdivision, district or other general area.

UTILITIES, UTILITY LINES, UTILITY FACILITIES — Water, sewer storm drainage, electric transmission pipes, wires, lines and any and all other conduits, together with all related facilities located underground within the street (but not including poles imbedded in the portion of the street right-of-way outside of the paved portion of the street and/or outside of the curbs of the street).

§ 38-3. Installation of utility lines and facilities.

Prior to the construction of either curbs or of the subbase of a street, all utility lines and facilities, to the extent that they will be within the street, shall be constructed in their entirety, for all utility trunklines to be located within the street and for all laterals for each parcel fronting on the street and for any other parcel not fronting on the street, but which will be serviced by laterals running from the street.

§ 38-4. Submission of proposed plans.

Prior to any construction, the developer or utility company shall submit to the Town Engineer and Planning Board for approval plans for the construction of all streets to be constructed or in which utilities are to be installed showing the proposed location of all improvements.

§ 38-5. Offer of dedication.

- A. At the time of submission of proposed plans, the developer shall offer for dedication to the town, along with any petition or papers required to form special districts, all water lines, sewer lines, storm and drainage systems which will be installed in any road owned by the town or intended to be dedicated to said town. This offer shall be for all

manholes and any other parts of said system, along with any rights-of-way or easements necessary to operate and maintain these systems, as required by the Town Board. This is in keeping with § 6 of the Subdivision Regulations.¹

- B. This section shall not be construed to include electric, telephone, telegraph and television lines.
- C. Prior to the time of said work on above installations, and not excluding § 38-11B of this local law, bonds for performance and maintenance must be received and approved by the Town Board.

§ 38-6. As-built plans.

After construction, the developer shall submit to the Town Engineer or Town Clerk as-built plans showing the actual existing location of all improvements, together with a written explanation for any variances from the proposed plans for which prior approval was not obtained from the Town Planning Board or Town Engineer.

§ 38-7. Type of plans.

The proposed and as-built plans shall be of the detail, type and nature as is required by the Subdivision Regulations, and in addition as may be further required by the Town Engineer or Planning Board.

§ 38-8. Subsequent excavations.

No subsequent excavations shall be made within the paved portion of the street, nor between the curbs, except by permit signed by the Town Engineer or the Town Highway Superintendent, except that persons maintaining utility lines, in case of an emergency precluding obtaining such prior authorization, may make such limited excavation in such areas as required by the

¹ Editor's Note: See Ch. 61.

emergency; and shall apply for a permit to complete any work so required. Except for the fact that either the Town Engineer or the Town Highway Superintendent may issue such permits to the extent applicable; nevertheless, persons maintaining any utility line may at any time make excavations outside the paved portions and not within the curbs for maintenance purposes, provided such excavations do not damage or undermine the paving, curbs and other utility lines and facilities; and, persons holding a building permit, their agents, contractors and subcontractors, may excavate outside the paved portion of the street and not within the curbs to the extent necessary to extend utility laterals to the premises for which the building permit has been issued.

§ 38-9. Bond.

The developer shall post a bond with the Town Clerk to provide for maintenance and repair for one (1) year after the completion of all improvements within a given street or for one (1) year after its acceptance by the town, whichever period expires later. Said bond shall run to the Town of New Windsor and shall be in the amount of ten percent (10%) of the total original construction cost, as such cost shall be determined by the Town Engineer. In lieu of posting a bond, the developer may assign cash to the town or deposit cash with the town.

§ 38-10. Maintenance and repair of utilities.

All firms, corporations or individuals installing or owning utilities in the Town of New Windsor shall, within thirty (30) days' notice upon order of the Town Board, be required to remove or relocate any lines, poles or other equipment belonging to the utility companies not dedicated to the town or owned by the town when the public interest of the town demands or requires said removal or relocation for the installation of water, sewer, drainage or other public installations to be made by the Town of New Windsor.

§ 38-11. Violations and penalties.

- A. Any person who shall violate the provisions of this law shall be guilty of an offense against this law and shall be liable for such violation.
- B. Any person, persons, firm or corporation violating any of the provisions of this local law shall be subject to a fine not exceeding one hundred dollars (\$100.) for each offense, and shall be subject to the further penalty for the continuance of any such violation in a sum not to exceed twenty-five dollars (\$25.) for each day any violation is permitted or allowed to continue after an order directing the discontinuance thereof has been made by the court having jurisdiction of the proceeding. In addition, any such person, firm or corporation shall be liable for the cost of repairing any damage done by them, their agents or employees to any improvements within the streets.

§ 38-12. Severability.

If any provisions, sentence, clause, section or part of this law or the application thereof to any person or circumstances shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this law or the application thereof to other persons or circumstances, but shall be confined in its operation to the provision, sentence, clause, section, paragraph or part of this law and the persons and circumstances directly involved in the controversy in which such judgment was rendered. It is hereby declared to be the intent of the Town Board of the Town of New Windsor that this law would have been adopted had such unconstitutional or invalid provision, sentence, clause, section, part, paragraph or application not been included herein.

§ 38-13. Repealer.

All laws, ordinances, resolutions, actions or other proceedings by the Town Board of New Windsor heretofore adopted which are

§ 38-13

STREET CONSTRUCTION

§ 38-14

in conflict or inconsistent with any provision or provisions of this law are hereby repealed.

§ 38-14. When effective.

This law shall take effect immediately upon its adoption, its publication and posting as prescribed by Section 133 of the Town Law and the filing of one (1) certified copy thereof with the Town Clerk and the filing of one (1) certified copy in the office of the State Comptroller and three (3) certified copies in the office of the Secretary of State.

STREET SPECIFICATIONS, ETC.

Chapter A60

**STREET SPECIFICATIONS FOR SUBDIVISIONS'
PROPOSED TOWN ROADS**

- § A60-1. Certification by engineer.
- § A60-2. Preparation and submission of street plans.
- § A60-3. Supersede all prior requirements.
- § A60-4. Water and sewer lines.
- § A60-5. General provisions.
- § A60-6. Alteration of approved plans.
- § A60-7. Bonds.
- § A60-8. Classification of streets.
- § A60-9. Determining criteria.
- § A60-10. Private roads.
- § A60-11. Development of right-of-way and monuments.
- § A60-12. Easements.
- § A60-13. Clearing or grubbing.
- § A60-14. Excavation, filling and rough grading.
- § A60-14.1. Fine grading and stabilization.
- § A60-15. Foundation course and granular material.
- § A60-16. Drainage, catch basins and curb inlets.
- § A60-17. Street names and signs.
- § A60-18. Headwalls.
- § A60-19. Guide rails.
- § A60-20. Groundwater and house drains.

catch basins and other work of similar routine nature, provided that such work has in no way been caused by the developer's operations.

- (2) The amount of the maintenance bond shall be at least equal to 10% of the original amount of the performance bond. Subsequent to the dedication of the street and after receipt of the maintenance bond, the Town Board shall release the performance bond.

§ A60-8. Classification of streets.

The Town Planning Board and Planning Board Engineer shall determine and designate into which of the four following classifications each proposed subdivision street falls on the basis of the criteria hereinafter set forth:

- A. Major street.
- B. Suburban street.
- C. Rural street.
- D. Private road.

§ A60-9. Determining criteria.

- A. Major street. A street which serves or is designed to be used primarily as a route for traffic between communities, large areas or large commercial areas.
- B. Suburban street.
 - (1) The proposed street will serve as access to abutting properties and is designed to carry traffic from adjoining local streets to the system of major streets.
 - (2) The proposed street may be a dead-end street, a loop (through street) or a street connecting two existing town, county or state highways.

(3) The proposed street may be used for residential, commercial or industrial purposes.

C. Rural streets. A street intended to serve primarily as access to abutting residential properties.

D. Private roads. A private road shall be defined as a road privately owned and maintained as an accessway from more than one residential lot or driveway, up to four residential lots or driveways, to a public road or street. Up to two additional lots or driveways may use the private road, if a private agreement so allows, provided that those two additional lots have the minimum required frontage on a public road.

(1) For purposes of determining use of a private road under this local law, no distinction shall be made between developed or nondeveloped residential lots; lots in either condition shall be counted as a user of the private road.

(2) The pages immediately following (Figures 1 through 7)⁴ show the cross sections of each of the classifications for town (nonprivate) streets, including the alternate for rural streets. These give the required design, dimensions and construction details which are applicable to each classification. The general and more detailed specifications for design and construction which are applicable to both classifications of streets follow. The developer shall design and construct streets which shall conform to both the general and specific specifications.

§ A60-10. Private roads.

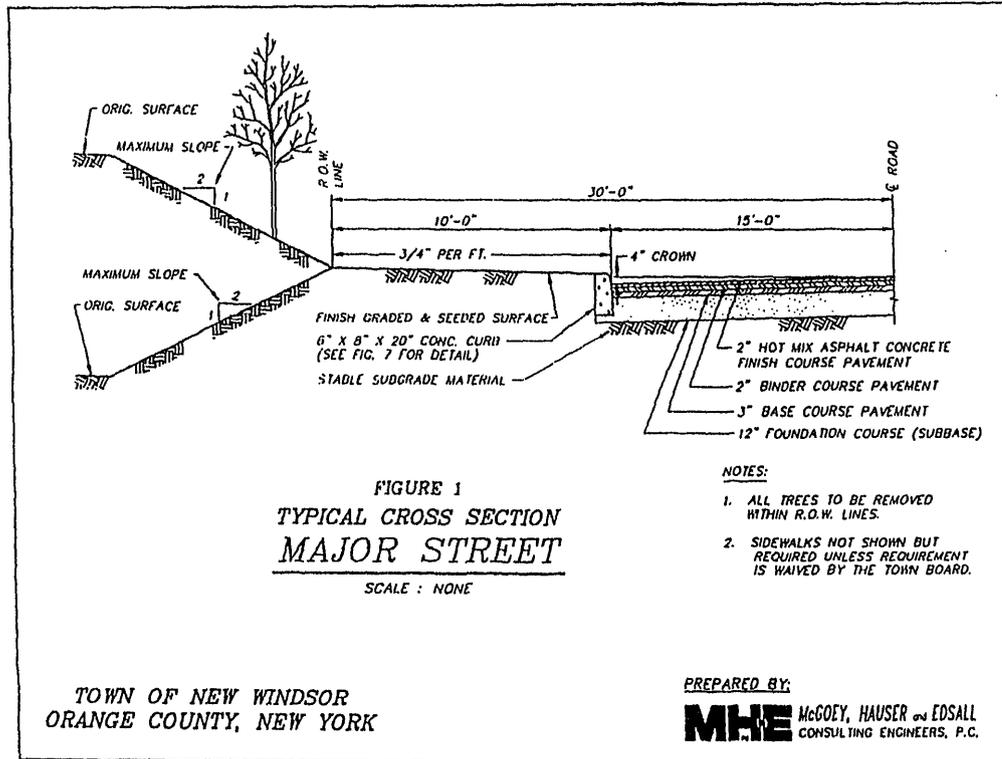
A. General requirements.

(1) Private roads shall only be utilized or proposed for approval to serve lots for single-family use.

⁴ Editor's Note: Figures 1 through 7 are located at the end of this chapter.

A6045

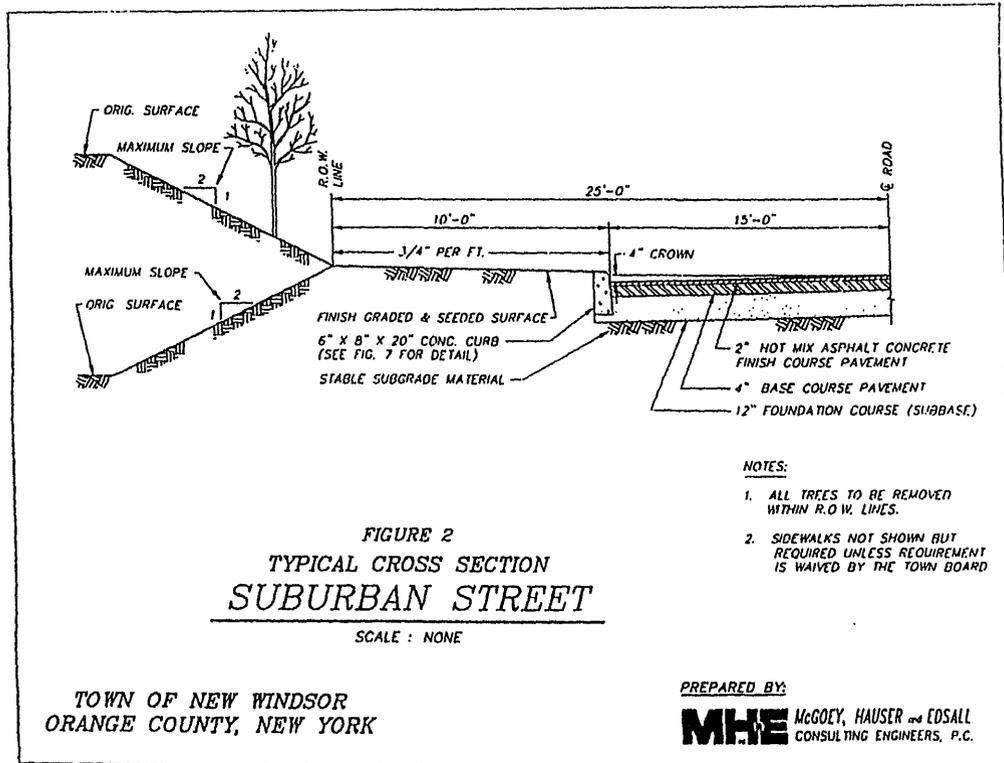
3-25-97



STREET SPECIFICATIONS, ETC.

A6047

3-25-97



STREET SPECIFICATIONS, ETC.

- (4) Access. Unobstructed access to and from a street with an internal turnaround area shall be provided. Such access shall consist of at least two ten-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area of five or more spaces shall be located within 75 feet of any street intersection.
- (5) Drainage and surfacing. All open parking areas shall be properly drained and all such areas shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.
- (6) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.
- (7) Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use to the least requirement.
- (8) Location and ownership. [Amended 6-7-2000 by L.L. No. 3-2000]
- (a) Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use or uses to which they are accessory or may be provided elsewhere, provided that all spaces are located within 500 feet walking distance of such lot. The Planning Board may

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

December 27, 2001

Town of New Windsor Planning Board
Attn: Mr. Mark Edsall, PE
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Food & Drug Site Plan Application

Dear Mr. Edsall:

We have reviewed the Town's transcript of the August 22, 2001, public hearing for the Hannaford application. We compared our FEIS comment summaries with the Town transcript and marked numbers in the page margins that correspond to the FEIS comment numbers. The FEIS transcript and the Town's transcript appear to be essentially the same.

As noted in the FEIS introduction, a comment summary, in some cases, may incorporate more than one individual comment on the same subject. In some cases the actual comments are summarized or paraphrased to clarify their meaning or context. However, in accordance with SEQRA, the FEIS provides responses to substantive and relevant comments on the DEIS received by the lead agency during the public review period.

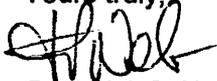
We did not find any substantive comment relevant to the content of the DEIS in the Town's hearing transcript that is not addressed in the submitted FEIS.

We agree that the hearing transcript in the FEIS should be replaced by the Town's transcript, with comment numbers marked. A copy is enclosed for your information.

To date we have not received any comments from the Town on the submitted FEIS and therefore we expect there are none that would preclude a completeness decision at the next Planning Board meeting. Any preferences by the Board of wording or spelling in the submitted FEIS can be reviewed and corrected at a workshop prior to the meeting. We will incorporate these changes into the document that will be reproduced for public distribution as a condition of acceptance of the FEIS submitted.

Please advise if you require anything further.

Yours truly,



Frederick P. Wells
Senior Planner
TIM MILLER ASSOCIATES, INC.

cc: D. Boyce w/o enclosure, L. Wolinski w/ enclosure

August 22, 2001

1

TOWN OF NEW WINDSOR

PLANNING BOARD

AUGUST 22, 2001

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

HENRY KROLL
HIGHWAY SUPERINTENDENT

REGULAR MEETING

MR. PETRO: I'd like to call the August 22, 2000 Town of New Windsor Planning Board meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: JUNE 13, 2001

MR. PETRO: Motion to approve the minutes dated June 13, 2001, I'll entertain a motion.

MR. ARGENIO: Make a motion we approve those minutes.

August 22, 2001

2

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the minutes dated June 13, 2001. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE



Town of New Windsor

Engineer for the Town

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

FAXED
12/28/01
10:30

MEMORANDUM

(via fax)

28 December 2001

TO: LARRY WOLINSKY, ESQ., APPLICANT'S ATTORNEY

FROM: MARK J. EDSALL, P.E., ENGINEER FOR THE TOWN

SUBJECT: HANNAFORD NEW WINDSOR

This is a follow-up to my memo to you dated December 20th. At that time, I advised that the FEIS must be revised to reflect the public comment as recorded in the "official" record, the Town minutes. To assist in this regard, I had faxed them to your office the prior day. I advised that the project planner should integrate them into the document and make a resubmittal as soon as possible.

On this date I received the attached letter with attached copy of the Town Planning Board minutes with markings in the margin referencing comment numbers.

Please be advised that this is NOT an acceptable response to my direction of December 19th and 20th. The reason I requested the corrected FEIS, is such that I could finish my "completeness" review. This is now not possible since I have not received the corrected document.

I disagree that the comments are "essentially the same". As Lead Agency, the Planning Board has the right to request an accurate document. There was no desire to "paraphrase" comments made by the public.

In line with the above, I have discussed this matter with the Planning Board Chairman. He concurs with my position as noted above. Also, he has advised that the Board will have no option but to determine that the document is not complete at their first January meeting. As an alternative, you can request by letter that the Board defer this determination until the corrected FEIS is received and reviewed. Contact me at our New Windsor office if you have any questions regarding the above.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: _____

WORK SESSION DATE: 2 JAN 2002 PROJECT: NEW _____ OLD _____

REAPPEARANCE AT W/S REQUESTED: _____ RESUB. REQ'D: _____

PROJECT NAME: Hann, to - d

REPRESENTATIVES PRESENT: Larry W / Fred W

MUNICIPAL REPS PRESENT:

BLDG INSP.	_____	FIRE INSP.	_____
ENGINEER	<u>X</u>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

ITEMS DISCUSSED:

will modify PETS

Wife call Phil Grealey
re Tom Meyer

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____
(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

likely 1/23/02
mtg



Partners

Charles W. Manning, P.E.
John M. Tozzi, P.E.
Edward V. Woods, P.E.
Donald G. Sovey, P.L.S.

Associates

Shelly A. Johnston, P.E.
Mark A. Sargent
Jeffrey W. Pangburn, P.E.

MEMORANDUM

To: New Windsor Planning Board
cc: Hannaford Project Team
From: Mark A. Sargent – Creighton Manning Engineering, L.L.P. ^{was}
Date: November 6, 2001
RE: **Hannaford Food and Drug Application**
Response to DEIS Comments of John Collins Engineers
dated September 13, 2001,
CME Project No. 00-002

Introduction/Background

This memo addresses technical comments recently received by the applicant regarding the Hannaford DEIS, as contained in a letter dated September 13, 2001, from Mr. Philip J. Grealy, Ph.D., P.E., of John Collins Engineers. There are several comments contained in this letter that are substantially the same as previous comments contained in a letter from Mr. Grealy dated July 2, 2001. These are Mr. Grealy's comment numbers 1, 3, 4, 5, 7 and 8, which are addressed in FEIS response numbers 3-45, 3-46, 3-51, 3-50, 3-48 and 3-49, respectively. All of the July 2nd comments are addressed in the FEIS. This memo includes responses only to the new comments from Mr. Grealy.

Comment No. 2 – Accident history is provided in the Traffic Study and includes a accident summary Table for the "Five Corners" and Jacqueline Street intersections as well as for the section of Route 32 south from the "Five Corners" intersection. Based on a review of this summary Table, during the three-year period of 1996-1998 there were 3 reported accidents at the Jacqueline Street intersection, 15 reported accidents at the "Five Corners" intersection and some 52 reported accidents of which many appear to be a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition accident frequency (accident rates) were calculated for these two intersections as well as for the section of Route 32 south from the "Five Corners" intersection. The calculated accident rates were then compared to State averages. While it is noted that the accident rate for the "Five Corners" intersection is less than the State average, as indicated above many of the accidents along Route 32 south of the "Five Corners" intersection are in effect a result of their proximity to the "Five Corners" intersection.

Engineers, Planners and Surveyors

The calculated accident rate for the section of Route 32 from the "Five Corners" intersection to Jacqueline Street is significantly higher (6.09 accidents per MVE) than the State average of 3.94 accidents per MVE. Again, this is in effect a result of uncontrolled intersections (driveways) to Route 32 and their proximity to the "Five Corners" intersection.

In addition, the above accident data was not provided for the other area intersections or roadway segments including the section of Route 94 from the "Five Corners" intersection to Old Temple Hill Road. This is important due to the potential conflicts that will be caused by the proposed driveway to this section of Route 94. (See also Comment 5).

Also, more recent accident data (1999 and 2000 data if available) would be helpful.

Response to Comment No. 2 – An updated accident table is provided under Appendix E.3-1 of the FEIS for the most recent three-year period available and for all study area intersections. Updated accident rates were also calculated and are summarized in the response Nos. 3-12 and 3-20 of the FEIS. This new data confirms the trends identified in the above comment and in the DEIS. Accident rates on the section of Route 32 south of the "five-corners" are higher than statewide averages for similar facilities. The access management improvements proposed as part of the project should reduce the number of right angle accidents in this area, because four uncontrolled full-access driveways will be eliminated, and channelized access will be provided to a new traffic signal.

Comment No. 6 - It is indicated in the Traffic Study, the proposed driveway to Route 32 would not operate adequately under stop sign control (this analysis should be provided). Therefore the proposed site driveway was analyzed assuming a traffic signal. While it is shown that traffic signal warrants will be met, the NYSDOT position on the installation of a traffic signal should be determined.

Based on the queues shown in Table 3.3-16, it appears that the Route 32 northbound queues would extend beyond the proposed Route 32 driveway. In addition, the adequacy of the length of the proposed southbound left turn lane for traffic into the site should also be determined.

Furthermore, it is important that a plan showing the proposed left turn lane, right-of-way and other preliminary design details be provided to determine if the improvements are feasible.

Response to Comment No. 6 – The unsignalized level of service analysis for the Route 32/site driveway intersection is contained in Table 3.3.9 of the DEIS, and shows LOS F for the side street left turn maneuver with the completion of the project. Based on this LOS result and a preliminary signal warrants analysis, traffic signal control is recommended to provide adequate access to and from the site. The traffic control plan has been discussed with, and reviewed by the Department and conceptually approved in their letter dated November 27, 2000, and no objection has been indicated. In fact, the NYSDOT has acknowledged the potential access management benefits that will be realized by the proposed traffic signal.

Based on Table 3.3-16 of the DEIS, the design queue length northbound on Route 32 will be 600 feet and will not extend back into the Route 32/site driveway intersection.

The plan showing the proposed widening and preliminary design details is contained in Appendix C, Attachment 4 of the DEIS.

Please feel free to contact me if you have any questions on this project. Thank you.

F:\Projects\00-002\FEIS supplemental responses.doc

JACOBOWITZ AND GUBITS, LLP

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PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
*LL.M. IN TAXATION

October 5, 2001

Mark J. Edsall, P.E., P.P.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553-6196

Re: Hannaford Food & Drug
Our File: 3922-1

Dear Mark:

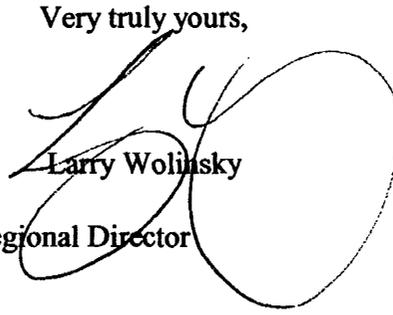
I recently received a copy of your September 7th letter to the Regional Director of DOT regarding Hannaford. I thought it unusual that the applicant or its consultants were not copied on the letter. I am also surprised that DOT was encouraged to limit communication with the applicants consultants during the SEQRA process. As I know you are aware, SEQRA is a full disclosure statute which contemplates and encourages the sharing of information among the applicant, lead agency and involved agencies. It is this full disclosure that prevents the confusion that you quite rightly wish to avoid. I therefore see no valid reason why communication among us should be limited. We have endeavored to provide you and the Planning Board with all communications we have made with DOT. I know DOT has copied all of us with communications it has made. We intend to continue to proceed in this manner and hope the Town will do the same.

Further, I am acutely aware how important traffic impact is in connection with the Planning Board's review of this project. I am also aware of the tremendous pressure that has been exerted on the Town and DOT in connection with these traffic issues. However, I think we all need to remind ourselves that "pressure," whether it be opposition from the public, a competitor or local politics is not the legal standard upon which a decision can be made. Rather, both the Town and DOT are legally bound to consider the substantial evidence in the record and make determinations based on that evidence. In this regard, I believe the substantial evidence clearly indicates that the applicant will fully mitigate its impacts on the surrounding roadways. At the Five Corner's intersection, the applicant's proposed improvements will not only mitigate the impacts but will significantly improve operating conditions in the area.

Forgive me if this letter sounds overly pedantic, but I am concerned with what I perceive to be a

project review beginning to head in an inappropriate direction.

Very truly yours,



Larry Wolinsky

cc: Robert A. Dennison III, P. E., Regional Director
Thomas Myers, NYSDOT
New Windsor Planning Board
Phil Grealy
Andrew Couch
Melinda Schain
Douglas Boyce
Mark Sargent
Tim Miller
Ross Winglovitz

HANNAFORD

MR. PETRO: We'll welcome Jerry Argenio back to the board. Before we close up, there's one thing I have, we have the EIS from Hannaford Food and Drugs were delivered to us, make sure everybody picks one up tonight, read it over and we'll make a motion at the next meeting to accept it or disapprove it as written.

MR. EDSALL: Keep in mind you do have I believe look at the table a maximum of 30 days to deal with its adequacy, so we do need to deal with it at the December meeting. If anybody sees an issue that they don't believe has been addressed, don't wait till the night of the meeting, send me a note or fax me a note just saying that you're not satisfied with a certain portion, I will create a list for everyone. If everyone's happy, fine.

MR. PETRO: Otherwise, it's 28 days and it will be too tight to do any homework.

MR. EDSALL: Since traffic is the hot button issue, I will forward it to Phil Greely who's working with us on the traffic issues.

MR. KARNAVEZOS: Mark, has this thing been addressed as far as what Jimmy had asked at the last meeting?

MR. EDSALL: The FEIS?

MR. KARNAVEZOS: No, about the approval from DOT.

MR. PETRO: We've heard nothing.

MR. EDSALL: On Hannaford, no, I mean, one of the difficulties is that you as the lead agency need to hear from all the other involved agencies, one being DOT, so I'm going to have to push Phil Greely to push DOT to get a response back to us.

MR. KARNAVEZOS: So we're not going to see Hannaford until we get that?

MR. EDSALL: Well, we've got the issue of you having a

statutory requirement to take action by a certain period of time and what happens if DOT doesn't respond within that period of time.

MR. LANDER: We have to ask them to waive.

MR. EDSALL: You have to ask them to waive the deadline such that you can get your response from DOT, but over the next 30 days, I'm going to be doing some pushing and trying to get things moving.

MR. PETRO: Here's what we need to do, gentlemen, and this is the way I see it going and someone disagrees with me, say it now, is that we're going to ask them to waive that right within the 30 days. If they refuse and want us to take action, I'm prepared to vote no on the Hannaford's application until we have an approval from New York State DOT. So does anybody disagree with that? Speak now.

MR. BRESNAN: No.

MR. LANDER: No, that makes sense.

MR. PETRO: I want the DOT to say this application is approved and not in something that we have to look at and decipher, has to be said that way.

MR. BRESNAN: I think we discussed the fact that they have taken ownership before they threw it back at us anyway early on.

MR. PETRO: So everybody understands how the course of action is, I don't think it's going to come to that because they'll probably tell us that they're going to waive. Correct, Mark?

MR. EDSALL: The bottom line is you want to hear from DOT.

MR. PETRO: Correct.

MR. EDSALL: If you don't hear from DOT, you believe you have not had all the issues under SEQRA fully addressed and that causes a problem for you when it

November 14, 2001

54

comes time to vote.

MR. PETRO: Correct, okay, anything else? Motion to adjourn.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

ROLL CALL

MR. BRESNAN	AYE
MR. ARGENIO	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth
Stenographer



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 23 JANUARY 2002
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000, 15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001, 14 MARCH 2001, 28 MARCH 2001, 25 APRIL 2001, 23 MAY 2001, 25 JULY 2001, AND 22 AUGUST 2001 PLANNING BOARD MEETINGS. THE PUBLIC HEARING WAS HELD AT THE LATTER MEETING.

1. The Board has been presented with an FEIS for the project. At this time, the issue at hand is a review of the document for “completeness”, such that it can be circulated for review. It is not appropriate for the Board to consider decisions of any other type at this time; that is done after circulation of an accepted (complete) document.
2. I have reviewed the document and have the following comments:
 - a. It is my opinion that the applicant’s consultants have identified and responded to all comments of the Public Hearing, and letters submitted to the Board. If the Board members or the Planning Board Secretary are aware of any additional correspondence to the Board, which has not been included, it should be brought to the attention of the applicant at this time.
 - b. We have received (yesterday) a response from the NYSDOT. This should be included in the FEIS, and responses provided by the applicant.
 - c. It is my opinion that the FEIS is intended to address comments on the DEIS and from the public; it is not intended to make other conclusion commentary or otherwise presume opinions or conclusions of the Planning Board. As such, I have noted some problems with the document under my comment #3 (below), which should be revised before the document is accepted.

3. It is my recommendation that the following corrections/changes be made to the document:

- a. **Response 2-2:** Conclusions on behalf of the Board should be deleted. I would suggest the response be revised to read:

“The Planning Board will take into consideration the “comfort and convenience of the public in general”, consistent with the objectives outlined in Section 48-19A of the Zoning Code, as well as compliance with all applicable provisions of the Town Zoning Law. The Planning Board has spent considerable time reviewing and assessing traffic and access considerations of the application and coordinating its review with the NYSDOT, and soliciting input from its own experts, the public and NYSDOT.”
- b. **Response 2-5:** Conclusion type references must be deleted. I would suggest the response be revised to read:

“Quality of life, as embodied in the visual resources, ambient noise, cultural resources, and traffic conditions of the area, has been addressed in the SEQRA review. Where impacts have been identified, the applicant has proposed mitigation measures to address the potential impacts. For the traffic conditions in particular, which would most likely be most noticeable to most people, the applicant has proposed mitigation measures which are proposed to be incorporated into the project proposal, and have submitted those proposed improvements to the NYSDOT, who has jurisdiction over the involved public roadways”.
- c. **Response 3-2:** Delete the last sentence in this response.
- d. **Response 3-5:** Change the last sentence to read:

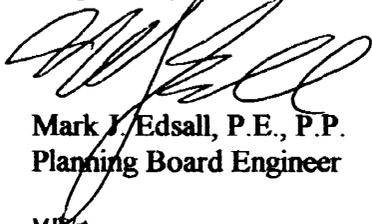
“Based on the analysis, the implementation of the turn prohibition will not effect the conclusion of the previous studies that the proposed mitigation fully mitigates the project impacts.”
- e. **Response 3-18:** Change the third sentence to read:

“The proposed improvements are intended to mitigate the impacts of both the proposed development and from “other development” such that delays will be less upon project completion than they are today”.
- f. **Comment 3-30:** Please correct typo; revise “Bilo” to “Bila”.
- g. **Response 3-30:** Please correct identification of nearby project from “New Windsor Town Center” to “Big V Town Center”. (two locations within response)
- h. **Response 3-30:** Please change the word “expansion” in the first sentence to read “modifications”, since the Big V Town Center Site Plan approved by the Planning Board reduced total square footage of the project.
- i. **Response 3-40:** Change first two sentences to read:

“The project as proposed includes mitigation intended to fully mitigate project impacts. The traffic studies indicate that motorists will experience shorter delays with the project and with the improvements, than they currently experience today.”

- j. **Response 3-41:** Since we have now received further response from DOT, delete last sentence in this response.
- k. **Response 3-46:** Revise beginning of last sentence to read”
“The studies indicate that this improvement project will...”
- l. **Comments 3-52, 3-53, 3-54, 3-55, 3-56, 3-57, 3-58 and 3-59.** Reference is made to John Collins Engineers Letter #10. This is not included in Appendix B – Correspondence. Please add.
- m. **Response 4-1:** The noise measurement should be noted to be measured at the property line. As well, some method of demonstrating compliance should be noted in the document and on the final site plan. As well, with regard to hour limitations and standard procedures for deliveries, these should be included on the final site plan as a restriction/site plan condition.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-23Jan02.doc

JOHN COLLINS ENGINEERS, P.C.

TRAFFIC • TRANSPORTATION ENGINEERS

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266

January 22, 2002

Mr. Mark Edsall, P.E.

McGoey, Hauser and Edsall Consulting Engineers P.C.

33 Airport Center Drive - Suite 202

New Windsor, New York 12553

Re: Review of FEIS - Revised January 8, 2002
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

We have reviewed the FEIS (revised January 8, 2002) specifically with respect to our previous comments which were outlined in our review letters dated July 2, 2001 and September 13, 2001 and note the following:

1. As we previously noted, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F"). The NYSDOT has also expressed concern regarding the existing and future operation of this intersection in their review letters dated November 27, and December 29, 2000.
2. Based on conversations with the NYSDOT, it appears that they will allow a traffic signal to be installed at the proposed Route 32 site driveway. If this traffic signal is allowed, this new traffic signal will have to be coordinated with the associated signal timing/phasing modification proposed at the "Five-Corners" intersection. In addition, the adequacy of the conceptual left turn lane located at this intersection will have to be reviewed by the NYSDOT.

Page 2

3. We are still concerned with the expected future queues along Route 94 specifically with respect to the location of the proposed site driveway as well as with the driveway to the Firehouse.
4. As we previously noted, the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. Based on this, a traffic signal should be considered at this location and will need to be addressed with the NYSDOT.
5. While the FEIS indicates that the unsignalized intersection of Route 94/Jacqueline Street will operate at the same Level of Service under the No-Build and Build Conditions (Level of Service "F"), the left turn delay will increase by some 28.0 seconds during the Weekday Peak Hour and by some 24.0 seconds during the Saturday Peak Hour. With this intersection operating at a Level of Service "F", we question the wording of the statement in the FEIS that "adequate capacity will continue to exist" at this intersection.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.



Philip J. Grealy, Ph.D., P.E.

CC: Mark Sargent, Creighton Manning Engineering



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

□ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(845) 562-8640
e-mail: mheny@att.net

□ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 13 FEBRUARY 2002
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000, 15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001, 14 MARCH 2001, 28 MARCH 2001, 25 APRIL 2001, 23 MAY 2001, 25 JULY 2001, 22 AUGUST 2001 AND 23 JANUARY 2002 PLANNING BOARD MEETINGS. THE PUBLIC HEARING WAS HELD AT THE LATTER MEETING.

1. The Board has been presented with a revised FEIS for the project. The applicant's consultants have addressed our previous comments.

At this time, it is our recommendation that the Board determine the FEIS “Complete and acceptable for public review”. Following this action, if taken by the Board, a “Notice of Completion of Final EIS” will be circulated to all involved and interested agencies, and will be published.

Unless otherwise agreed to with the applicant, the Board will need to consider preparation of “Findings” within 30 days of this meeting.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

RESULTS OF P.B. MEETING OF: February 13, 2002

PROJECT: Hanford Food & Drug P.B.# 00-15

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y__ N__

M) __ S) __ VOTE: A__ N__

2. TAKE LEAD AGENCY: Y__ N__

CARRIED: YES__ NO__

M) __ S) __ VOTE: A__ N__

CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M) __ S) __ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M) __ S) __ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M) __ S) __ VOTE: A__ N__ APPROVED: _____

M) __ S) __ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<i>Motion to accept final FEIS</i>
<i>PLN DB 4 Cops</i>
<i>0 Rays</i>



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

JOSEPH H. BOARDMAN
COMMISSIONER

January 22, 2002

Mr. Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553-6196

Re: Access Request, Route 32 (SH 42)
Hannaford Superrmarket
Town of New Wndsor
Orange County

Dear Mr. Edsall:

This is in reply to your letter of September 7, 2001, to Mr. Robert Dennison, Regional Director, asking for a formal response to the Town Planning Board's request for our comments concerning the Traffic Impact Study portion of the DEIS for the subject development and our determination regarding the suitability of the proposed mitigation measures.

As we have previously stated in our December 29, 2001 letter to Creighton Manning Engineers, (with copy to the Planning Board), the existing highway system, which includes the "Five Corners" intersection and Routes 32 and 94 in the proposed development area, operates at a Level of Service 'F' during peak traffic periods and is considered to be unacceptable to most drivers. The traffic study prepared by Creighton Manning does identify the existing conditions properly, as well as the proposed mitigation measures, which we will address on a location basis.

The improvements proposed at the 'Five Corners' intersection, which would modify the lane use arrangements for Route 32, northbound, and modify the traffic signal operation, does appear to mitigate the impacts created by the construction of the new food market. However, the Level of Service would remain 'F', as identified in the analysis, and the queuing problems will remain.

The installation of a new traffic control signal at the proposed site access drive to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate the traffic impacts acceptably, while providing better access to the property opposite the site on Route 32. It also reduces the number of uncontrolled access drives.

The access to Route 94 proposes to convert an existing access for Midas Muffler to a joint access to serve Hannaford and Midas. We concur with the proposed Level of Service, based upon the analysis. Due to this driveway's proximity to the 'Five Corners' intersection and the problem of traffic queues extending past this driveway, we will not allow full vehicle movements and will require the prohibition of left turns out of this joint access.

Other adjacent intersections which will be impacted by the increase of traffic associated with this development are:

-Route 32 at Jacqueline Street - delays will increase for traffic exiting this street, with no

M. Edsall
January 22, 2002
Page 2

mitigation measures proposed.

-Route 94 at Old Temple Hill Road - The study properly forecast an increase in delays and queuing on the approach to this intersection, which may compromise emergency vehicle response time to some areas of Vail's Gate. Because of this increase in emergency response time, we would pursue a review of signalization of this intersection by the applicant, for the purpose of coordination and emergency preemption, if the project were approved by the Planning Board.

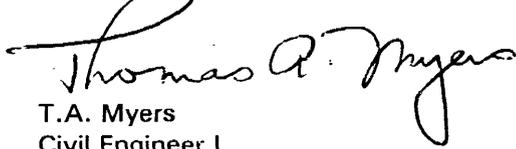
-Route 300 at Old Temple Hill Road - delays will increase, with no mitigation proposed.

In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the 'Five Corners' should be considered only a 'bandaid'. Everyone appears to agree that the Level of Service at the 'Five Corners' will be an 'F', with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting the direction of traffic, removing an approach, etc.), no real relief is available and, as the area develops, conditions will only degenerate.

The control over land use remains with the Town, along with the responsibility to determine if the mitigation measures proposed are satisfactory. We concur with the mitigation measures proposed and with their forecast that adjacent intersection Levels of Service will degrade, due to increase in traffic. A problem may develop with motorists trying to avoid the 'Five Corners' intersection by cutting through the new Hannaford parking lot if it is constructed. If the Town accepts the project with the measures proposed, we are prepared to work with Hannaford in order to achieve the best possible access with the least amount of interference with the existing traffic flow. It should be understood that the Department currently has no projects scheduled for improvement along these affected routes.

We trust the foregoing clarifies our position in this matter.

Very truly yours,



Thomas A. Myers

T.A. Myers
Civil Engineer I

TAM/lml

cc: J. Petro, Chairman, T/New Windsor Planning Board
A. G. Bautista, Planning, Region 8
P. Grealy, John Collins Engineers
M. Sargent, Creighton Manning

FAXED

Fred Wells - 1/28/02

Traffic and Transportation

January 29, 2002

Future Conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above-noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32 / Jacqueline Street intersection. Possible improvements to this intersection should be addressed.

Response 3-59: See response to comment 3-49.

Comment 3-60 (NYSDOT, Letter #11): As we have previously stated in our December 28, 2001 letter to Creighton Manning Engineers, (with copy to the Planning Board), the existing highway system, which includes the "Five Corners" intersection and Routes 32 and 94 in the proposed development area, operates at a Level of Service 'F' during peak traffic periods and is considered to be unacceptable to most drivers. The traffic study prepared by Creighton Manning does identify the existing conditions properly, as well as the proposed mitigation measures, which we will address on a location basis.

Response 3-60: We concur. It is noted that the "Five Corners" intersection currently operates at LOS F, and that the traffic study properly represents this condition. (See DEIS Figure 2.8)

Comment 3-61 (NYSDOT, Letter #11): The improvements proposed as the "Five Corners" intersection, which would modify the lane use arrangements for Route 32, northbound, and modify the traffic signal operation, does appear to mitigate the impacts created by the construction of the new food market. However, the Level of Service would remain 'F', as identified in the analysis, and the queuing problems will remain.

Response 3-61: Comment noted. The improvements proposed at the "Five Corners" intersection will reduce the overall vehicular delay significantly, thereby mitigating the project's traffic impacts. The proposed improvements will also significantly reduce the queue lengths at the "Five Corners" intersections (see also Response Nos. 3-1, 3-2, 3-3, 3-4, 3-5, 3-15, 3-18, 3-21, and 3-40).

Comment 3-62 (NYSDOT, Letter # 11): The installation of a new traffic control signal at the proposed site access drive to Route 32 will provide for an acceptable overall Level of Service for the new intersection and appears to mitigate the traffic impacts acceptably, while providing better access to the property opposite the site on Route 32. It also reduces the number of uncontrolled access drives.

Response 3-62: Comment noted. The proposed traffic signal will mitigate traffic impacts at the site driveway. In addition, access management improvements are proposed along Route 32 that will improve access and reduce the number vehicular conflicts in the area (see also response Nos. 3-11, 3-32, and 3-53).

Comment 3-63 (NYSDOT, Letter #11): The access to Route 94 proposes to convert an existing access for Midas Muffler to a joint access to serve Hannaford and [Monro]. We concur with the proposed Level of Service, based upon the analysis. Due to this driveway's proximity to the "Five Corners" intersection and the problem of traffic queues extending past this driveway, we will not allow full vehicle movements and will require the prohibition of left turns out of this joint access.

Traffic and Transportation

January 29, 2002

Response 3-63: Comment noted. The turn prohibition will result in an acceptable driveway configuration and acceptable traffic operations. This driveway configuration was analyzed and is contained in Appendix E.1 of this FEIS. See also Response Nos. 3-5, 3-42, and 3-50.

Comment 3-64 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- Route 32 at Jacqueline Street - delays will increase for traffic exiting this street, with no mitigation measures proposed.

Response 3-64: No mitigation is proposed because no mitigation is necessary. No level of service degradations will occur and adequate capacity will exist to accommodate all side street traffic (see also Response Nos. 3-10, 3-12, 3-19, and 3-49).

Comment 3-65 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- Route 94 at Old Temple Hill Road - The study properly forecast an increase in delays and queuing on the approach to this intersection, which may compromise emergency vehicle response time to some areas of Vail's Gate. Because of this increase in emergency response time, we would pursue a review of signalization of this intersection by the applicant, for the purpose of coordination and emergency preemption, if the project were approved by the Planning Board.

Response 3-65: The data and analysis in the DEIS does not support the assertion that emergency response times will be impacted. The increased queuing cited in the NYSDOT comment is only one vehicle. Also, the firehouse is located on the north side of Route 94 east of the Old Temple Hill Road. Tables 3.3-15 and 3.3-16 shows that the vehicular queue lengths and delays on Route 94 westbound will be less with the project than they are today. This analysis demonstrates that emergency response times from the firehouse, through the "Five-Corners" intersection will not be impacted if the intersection were to remain unsignalized. In fact they will be improved. Nevertheless, the applicant will install a traffic signal with emergency preemption at the Route 94/Old Temple Hill Road intersection, if so directed by the Department. The supplemental level of service calculations contained in Appendix E.6 of this FEIS show that this intersection will operate at LOS B under traffic signal control. Installation of a traffic signal would mitigate the unspecified potential increased emergency response time cited by the NYSDOT (see also Response Nos. 3-38 and 3-48).

Comment 3-66 (NYSDOT, Letter #11): Another adjacent intersection which will be impacted by the increase of traffic associated with this development is:

- Route 300 at Old Temple Road - delays will increase, with no mitigation proposed.

Response 3-66: No capacity improvements are proposed because the impact from the project is not significant and no mitigation is necessary. No level of service degradations will occur and adequate capacity will exist to accommodate all side street traffic. Trimming and clearing of vegetation is recommended within the sight distance triangle to maximize the available sight distance (see DEIS page 3.3-11, and FEIS Response No. 3-49).

Traffic and Transportation

January 29, 2002

Comment 3-67 (NYSDOT, Letter #11): In summary, the mitigation measures proposed for this project will address some of the impacts identified in the Traffic Study for the forecast period, although the improvements proposed for the "Five Corners" should be considered only a "bandaid".

Response 3-67: The mitigation measure proposed for this project will address all significant impacts identified in the Traffic Study for the forecast period, as measured by the capacity and level of service analysis. The DEIS analyzed more than 50 individual peak hour and lane group levels of service. Of the 50+ locations analyzed, only a single lane group was projected to degrade as a result of the project. This lane group was the unsignalized southbound left turn from Old Temple Hill Road onto Route 94 during the Saturday peak hour. As per Comment and Response No. 3-65, the traffic signal will be included as mitigation, if so directed by the NYSDOT.

The proposed improvement at the "Five-Corners" intersection is not considered a "bandaid". On the contrary, it represents a real long term capacity improvement for the area. Transportation agencies including local, state and federal governments recognize the benefits of signal improvement projects as a means to maximize the capacity and efficiency of the existing highway network. As an example, based on the Volume to Capacity ratios contained in Appendix C.2 of the DEIS, the capacity at the "Five-Corners" intersection will be increased by nearly 50 percent. That is, the intersection is currently capable of processing approximately 2100 vehicles per hour. This capacity will be increased to approximately 3100 vehicles per hour with the completion of the project.

Comment 3-68 (NYSDOT, Letter # 11): Everyone appears to agree that the Level of Service at the "Five Corners" will be an 'F', with or without the Hannaford project, and is unacceptable. However, without providing a bypass route for this area, and/or changing how traffic is allowed to move through this intersection (by restricting turning movements, restricting the direction of traffic, removing an approach, etc.), no real relief is available and, as the area develops, conditions will only degenerate.

Response 3-68: It is agreed that the peak hour Level-of-Service at the "Five-Corners" intersection will be LOS F with or without the Hannaford project. However, as a point of clarification, the proposed mitigation greatly improves the LOS F condition. See Figure 2.8 of the DEIS which shows that the average delays at the "Five-Corners" intersection will be reduced by approximately three minutes per vehicle. While this reduction in delay is considered "real relief", it is agreed that a significant change involving a bypass, turn restrictions, reconstruction, etc., would be necessary to improve the operations substantially better than LOS F.

Comment 3-69 (NYSDOT, Letter #11): The control over land use remains with the Town, along with the responsibility to determine if the mitigation measures proposed are satisfactory. We concur with the mitigation measures proposed and with their forecast that adjacent intersection Levels of Service will degrade, due to increase in traffic.

Response 3-69: The comment suggests that levels of service will degrade for multiple lane groups at adjacent intersections, which is not true. In fact, only a single unsignalized lane group is projected to degrade during a single peak hour as a result of the project. The DEIS and FEIS have analyzed more than 50 individual peak hour and

Traffic and Transportation

January 29, 2002

lane group levels of service, and if the NYSDOT requires a traffic signal at the Route 94/Old Temple Hill Road intersection, then none zero of the 50+ lane groups will be degraded by the project. The improvements include one new traffic signal, one modified traffic signal, roadway construction to provide left turn lanes on Route 32, access management improvements in the area, and a commitment to provide an additional traffic signal if required by the Department.

Comment 3-70 (NYSDOT Letter #11): A problem may develop with motorists trying to avoid the "Five Corners" intersection by cutting through a new Hannaford parking lot if it is constructed.

Response 3-70: See Response No. 3-14.

Comment 3-71 (NYSDOT Letter # 11): If the Town accepts the project with the measures proposed, we are prepared to work with Hannaford in order to achieve the best possible access with the least amount of interference with the existing traffic flow. It should be understood that the Department currently has no projects scheduled for improvement along these affected routes.

Response 3-71: The DEIS and the additional analysis conducted as part of this FEIS has shown that if the Town accepts the project with the measures proposed, then there will be no significant interference with existing traffic. If the Town accepts the project with the measures proposed, then the applicant will apply for a Highway Work Permit with the Department. As part of the Highway Work Permit process, the design details of the improvements will be developed.

TOWN OF NEW WINDSOR PLANNING BOARD

MEMO FOR FILE

FILE NAME: HANNAFORD'S FOOD & DRUGS – 00-15
FROM: MYRA MASON, SECRETARY
DATE: JUNE 14, 2002

On this date I received a call from Arlene of Jim Sweeney's office asking if Hannaford's would be on the meeting for June 26th. I told Arlene they were on the last meeting which was June 12th and received final approval. She said Ok and hung up.

Arlene then called back and asked for a copy of the P.B. Agenda for June 12th, 2002 and a copy of the resolution of approval for Hannaford's. I faxed her a copy of the agenda with a note stating the resolution would not be available until the Minutes of the meeting were complete. She then called back and asked for the phone number of Fran, the stenographer to see if she could get an advanced copy of the resolution. I told her I would have Fran call her. I then checked with Jim Petro if that was OK and was told no – the minutes have not been submitted to the Planning Board yet for their review and acceptance.

I then called the stenographer to inform her of the above. I left a message on her recorder.

I was then told by Supervisor Meyers that any further questions from Mr. Sweeney's office are to be referred to Phil Crotty's office.

mlm



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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33 Airport Center Drive
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New Windsor, New York 12553

(845) 567-3100

fax: (845) 567-3232

e-mail: mheny@mhepc.com

Writer's e-mail address:

mje@mhepc.com

MEMORANDUM

(via fax)

9 December 2003

TO: MICHAEL BABCOCK, TOWN BUILDING INSPECTOR

FROM: MARK J. EDSALL, P.E., TOWN ENGINEER

**SUBJECT: SITE COMPLETION REVIEW
HANNIFORDS SITE PLAN
NEW WINDSOR P.B. APP. NO. 00-15**

We recently performed a joint site review of the subject site to review the completion status of the site work relative to the approved plans. Subsequently, they are now preparing for a request for a Certificate of Occupancy and, due to the recent heavy snowfall, it is difficult to determine which items have been completed. In line with same, the representatives have requested a full bond amount for all work not verified as complete. My notes indicate the following items:

1. Restripe all handicapped parking spaces to blue paint and current configuration.
2. Flow test and paint all hydrants.
3. Stripe parking lot on Rt.32 side of site (primarily employee parking)
4. Eliminate retaining wall drain pipe discharge on Rt. 94 side of site, near Mans
5. Extend fence along east side in areas discussed in field, and install fenced obstructions for unauthorized pedestrian movement.

REGIONAL OFFICES

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

6. Clean entire area behind wood fence on Truex side of site (full length from Rt.94 to south)
7. Regrade in areas of wood stockade fence to eliminate significant opening below fence (primarily area near Rt.94)
8. Topsoil and seed (properly) all disturbed areas not to receive other ground cover.
9. Regrade and refinish area behind Monroe Muffler and Hannifords.
10. Complete and/or replant landscaping as required per Spring review.
11. Complete striping near Monroe Muffler site, including stop bars and arrows.
12. Add gates to Monroe Muffler new dumpster enclosure.
13. CME Traffic studies

At this time we will understand that, prior to issuance of the Certificate of Occupancy, your office will have received a writeoff from the sewer and water departments, as well as a writeoff (or other authorization) from DOT for the project to open.

The bond must also include the traffic studies to be performed over the next three years at the three locations referenced in the FEIS. We have received a copy of a quotation from CME Engineers (copy attached). This cost will be included in my bond amount.

Based on all of the above, it is my recommendation that the Town require a bond in the amount of \$20,000 from Hannifords at the time of the issuance of the C of O.

Contact me if you have any questions.

2056311 0040379
TOWN OF NEW WINDSOR
555 UNION ST
NEW WINDSOR

NY 12553

INVOICE NO	DATE	VOUCHER	GROSS AMOUNT	DISCOUNT	NET AMOUNT
031209	120903	V00841	20,000.00		20,000.00
CHECK NO	DATE	VENDOR NO.	VENDOR NAME	TOTAL AMOUNT	
2056311	120903	0040379	TOWN OF NEW WINDSOR	20,000.00	

HANNAFORD BROS. CO. P.O. BOX 1000 PORTLAND, MAINE 04104

REMITTANCE ADVICE

DETACH ALONG THIS PERFORATION



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

JOSEPH H. BOARDMAN
COMMISSIONER

December 10, 2003

Mr. Michael Babcock
Building and Zoning Inspector
555 Union Avenue
New Windsor, NY 12553

RE: HANNAFORDS SUPERMARKET
HWP # 08-02-0835

Dear Mr. Babcock:

Please be advised that the work performed under the subject Highway Work Permit is substantially complete and that we have no objections to a Certificate of Occupancy being issued for this site.

If you require further assistance, please contact me at (845) 575-6040.

Very truly yours,

Richard Dillmann

Richard E. Dillmann, P. E.
Assistant Regional Traffic Engineer

RED:pm

cc: M. Edsall, P.E., McGoey, Hauser & Edsall Consulting Engineers
D. Boyce, P.E., Hannaford

RECEIVED

DEC 11 2003

www.nysdot.gov

Att
Mike & Myra
[Signature]

RECEIVED

DEC 11 2003

www.nysdot.gov

RECEIVED

DEC 11 2003

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/15/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES
SITE PLAN BOND

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG- PA2000-1021
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	---BAL-DUE
12/10/2003	SITE PLAN BOND	CHG	20000.00		
12/10/2003	REC CK# 2056311	PAID		20000.00	
		TOTAL:	20000.00	20000.00	0.00

J.R.
12/16/03

P.B. Copy.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

William Slepoy, Andrew
Slepoy + Jacqueline Slepoy
TO
H Acres, L.L.C.

SECTION 70 BLOCK 1 LOT 16.2

RECORD AND RETURN TO:

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

Robert H. Schenfeld, ESQ.
Old Country Rd.
Rt 460
Circ 4 Place, NY 11514

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- ___ 2089 BLOOMING GROVE (TN)
- ___ 2001 WASHINGTONVILLE (VLG)
- ___ 2289 CHESTER (TN)
- ___ 2201 CHESTER (VLG)
- ___ 2488 CORNWALL (TN)
- ___ 2401 CORNWALL (VLG)
- ___ 2800 CRAWFORD (TN)
- ___ 2800 DEER PARK (TN)
- ___ 3088 GOSHEN (TN)
- ___ 3201 GOSHEN (VLG)
- ___ 3000 FLORIDA (VLG)
- ___ 3008 CHESTER (VLG)
- ___ 3200 GREENVILLE (TN)
- ___ 3489 HANPTONBURGH (TN)
- ___ 3401 WAYBROOK (TN)
- ___ 3688 HIGHLANDS (TN)
- ___ 3801 HIGHLAND FALLS (VLG)
- ___ 3888 MANSINK (TN)
- ___ 3801 UNIONVILLE (VLG)
- ___ 4088 MONROE (TN)
- ___ 4001 MONROE (VLG)
- ___ 4000 HARRIMAN (VLG)
- ___ 4005 IRRYAS JOEL (VLG)
- ___ 4288 MONTGOMERY (TN)
- ___ 4201 WAYBROOK (VLG)
- ___ 4203 MONTGOMERY (VLG)
- ___ 4205 WILDEN (VLG)
- ___ 4489 MCINTOSH HOPE (TN)
- ___ 4401 MONTICELLO (VLG)
- ___ 4600 NEWBROUGH (TN)
- ___ 4800 NEWLANDSOR (TN)
- ___ 5088 TUNNICK (TN)
- ___ 5001 WINDY PARK (VLG)
- ___ 5200 WASHINGTON (TN)
- ___ 5488 WAYBROOK (TN)
- ___ 5401 FREDRICK (VLG)
- ___ 5403 GREENWOOD LAKE (VLG)
- ___ 5406 WARRICK (VLG)
- ___ 5600 WALKERLANDA (TN)
- ___ 5888 WOODBURY (TN)
- ___ 5801 HARRISMAN (VLG)

NO PAGES 3 CROSS REF _____
CERT. COPY _____ AFFI. FILED _____

PAYMENT TYPE CHECK
CASH _____
CHANGE _____
NO FEE _____

CONSIDERATION \$ _____
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:

- ___ (A) COMMERCIAL
- ___ (B) 1 OR 2 FAMILY
- ___ (C) UNDER \$10,000
- ___ (E) EXEMPT
- ___ (F) 3 TO 6 UNITS
- ___ (G) NAT. PERSONS FLATION
- ___ (H) NAT. PER-COLLUM OR 2
- ___ (Q) CONDO

CITIES:

- ___ 0900 MIDDLEBURY
- ___ 1100 NEWBROUGH
- ___ 1300 PORT JEFFERSON
- ___ 0988 MOUNTAIN

John A. Macchi
JOHN A. MACCHI
Orange County Clerk

RECEIVED FROM *Big Apple*

UN1434 PAGE 25

ORANGE COUNTY CLERK'S OFFICE 02/22/96 11:55:24 AM
RECORDED/FILED
FEE \$4.00 EDUCATION FUND \$5.00
SERIAL NUMBER: 005103
DEED CTRL NO 51643 RE TAX .00

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 2nd day of September 19 06 before me personally came

William Stegny, Andrew Stegny +
to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

[Signature]

STUART H. SCHOENFELD
Notary Public, State of New York
No. 10-0000130
Qualified in Nassau County, New York
Commission Expires April 11, 2010

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporation's seal, that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by the order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at

that he knows to be the individual

described in and who executed the foregoing instrument; that his said subscribing witness, was present and saw

execute the same, and that he, said witness, at the same time subscribed his name as witness thereto.

BARGAIN AND SALE DEED

WITH COVENANT AGAINST SHERMANTON'S ACTS

Title No. 2535

SECTION 70
BLOCK 1
LOT 16.2
CITY OR TOWN Orange
STREET ADDRESS

Recorded at Request of
**COMMONWEALTH LAND
TITLE INSURANCE COMPANY**

RETURN BY MAIL TO

BIG APPLE ABSTRACT CORP.



42-40 Bell Boulevard
Bayside, New York 11361
(718) 428-6100 • (718) 428-3225
(516) 222-2740 • Fax: (718) 428-2064

Stuart H. Schoenfeld, Esq.
One Old Country Road
Suite 460
Circle Place, New York 11514

101-4341NE 27

THIS DEED IS SUBJECT FOR USE OF RECORDED OFFICE

SCHEDULE A
Town of New Windsor, County of Orange, State of New York.
Beginning at an iron bar on the Easterly side of New York State Highway Route 32, said bar being the southwesterly corner of other lands of Gardner Plus J, and running:

1. thence from said point of beginning along the Southerly and Easterly line of other lands of Gardner Plus J the following courses and distances: south 77 degree 59' 02" East, 230.00 feet to a set iron bar;

2. thence North 12 degree 30' 20" East, 100.00 feet to a point;

3. thence North 3 degree 37' 05" West, 169.86 feet to a set iron bar on the Southerly line of lands of House of Apache Properties, LTD;

4. thence along the Southerly line of lands of House of Apache Properties, LTD., North 83 degree 10' 16" East, 136.64 feet to a iron pipe on the Westerly line of lands now or formerly C. P. Mans, Liber 2273 Page 73;

5. thence along the Westerly line of lands of Mans, lands now or formerly Marshall Park, and lands now or formerly Amor-Romes, Inc., South 3 degree 30' 42" West, 675.19 feet to an iron pipe at the Northeastly corner of lands now or formerly Michael J. and Carolyn Milano Liber 790 Page 496;

6. thence along the Northerly line of lands of Siano and lands now or formerly Anthony J. and Vincenza V. Dinicelli, Liber 1635 Page 640, North 85 degree 21' 25" West, 382.78 feet to a point on the Northerly line of lands of Central Hudson Gas & Electric Corp. (formerly New York Aqueduct);

7. thence along the Northerly line of lands of Central Hudson Gas & Electric Corp. (formerly New York City Aqueduct), North 39 degree 13' 00" West, 45.68 feet to a point on the Easterly side of New York State Highway Route 32;

8. thence along the Easterly side of New York State Highway Route 32, North 12 degree 09' 58" East, 381.19 feet to the place of beginning.

CONTAINING 4.270 ACRES

All bearings are referred to Magnetic North as of February 1977.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK BK

Gardner Plus 3
TO
4 Acres, L.L.C.

SECTION 70 BLOCK 1 LOT 16.1

RECORD AND RETURN TO:

David Z. Herman Esq
Certilman Balin Adler & Hyman, LLP
90 Merrick Avenue-2
East Meadow, NY 11554

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|-------------------------------|------------------------------|
| 2080 BLOOMING GROVE (TM) | 4288 MONTGOMERY (TM) |
| 2091 WASHINGTONVILLE (V.L.G.) | 4291 MAYBROOK (V.L.G.) |
| 2288 CHESTER (TM) | 4293 MONTGOMERY (V.L.G.) |
| 2291 CHESTER (V.L.G.) | 4305 WALDEN (V.L.G.) |
| 2488 CORNWALL (TM) | 4488 MOUNT HOPE (TM) |
| 2491 CORNWALL (V.L.G.) | 4491 OTISVILLE (V.L.G.) |
| 2800 CRAWFORD (TM) | 4800 NEWBURGH (TM) |
| 2800 DEENPARK (TM) | 4800 NEW WINDSOR (TM) |
| 3088 GOSHEN (TM) | 5000 TUXEDO (TM) |
| 3091 GOSHEN (V.L.G.) | 8001 TUXEDO PARK (V.L.G.) |
| 3093 FLORIDA (V.L.G.) | 8800 WALLKILL (TM) |
| 3095 CHESTER (V.L.G.) | 8488 WARWICK (TM) |
| 3200 GREENVILLE (TM) | 8491 FLORIDA (V.L.G.) |
| 3488 HAMPTONBURGH (TM) | 8493 GREENWOOD LAKE (V.L.G.) |
| 3491 MAYBROOK (V.L.G.) | 8495 WARWICK (V.L.G.) |
| 3688 HIGHLANDS (TM) | 8800 WYANWANLIA (TM) |
| 3701 HIGHLAND FALLS (V.L.G.) | 8889 WOODBURY (TM) |
| 3888 MINEBANK (TM) | 8891 HARTMAN (V.L.G.) |
| 3901 UNIONVILLE (V.L.G.) | |
| 4088 MONROE (TM) | |
| 4091 MONROE (V.L.G.) | |
| 4093 HARTMAN (V.L.G.) | |
| 4095 KRYVAS JOEL (V.L.G.) | |

NO PAGES 3 CROSS REF _____
CERT. COPY _____ AFFT _____

PAYMENT TYPE: CHECK
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ 252,500.00
TAX EXEMPT _____

MORTGAGE AMT \$ _____
DATE _____

- MORTGAGE TYPE
- (A) COMMERCIAL
 - (B) 1 OR 2 FAMILY
 - (C) UNDER \$10,000
 - (E) EXEMPT
 - (F) 3 TO 6 UNITS
 - (H) NAT. PERSON OR UNION
 - (J) NAT. PER. OR UNION S
 - (K) CONDO

- CITIES
- 8700 MIDDLETOWN
 - 1100 NEWBURGH
 - 1300 PORT JERVIS

8888 HOLD

Donna L. Benson
DONNA L. BENSON
Orange County Clerk

RECEIVED FROM: Commonwealth

LIBER 5239 PAGE 204

LIBER 5239 PAGE 204

ORANGE COUNTY CLERK'S OFFICE 7036 N.Y.
RECORDED/FILED 09/18/2003 07:00:00 AM
FEE \$ 44.00 EDUCATION FUND \$ 5.00
SERIAL NUMBER: 015843
REC. CONT. NO. 5187 RE TAX 1018.00

TT
1/310

Revised N.Y. S.T.U. Form 1001 - Single and Sole Owner, with Current Spouse (Owner's Address Indicated or Completed (single owner))
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

WP990596

THIS INSTRUMENT, made on the 7th day of January, 2003, between

Gardner Plus 3 having an address at
104 South Central Avenue
Valley Stream, NY 11581

party of the first part, and

4 Acres, L.L.C. having an address at
104 South Central Avenue
Valley Stream, New York 11580

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York as more particularly described as follows:

BEGINNING at a cross cut on the top of a concrete sign base, said point being on the easterly side of New York Highway Route #32 - leading from Orrs Hill to Vails Gate, said point being the south-westerly corner of lands of now or formerly Caterina Leonardo and running; (1) Thence from said point of beginning along the southerly line of lands of the following: now or formerly Caterina Leonardo and now or formerly Maria Marshall, North 81° 18' 34" East 195 feet to a point; Thence through lands of Fred Gardner and Herbert Slepoy d/b/a Apache Associates the following three courses and distances; (2) South 3° 37' 05" East 169.86 feet; Thence (3) South 12° 30' 20" West 100 feet; Thence (4) North 77° 50' 02" West 230.00 feet, to the Easterly side of New York Highway Route #32; Thence (5) as measured along Route #32 aforementioned North 12° 09' 59" East 200 feet to the point or place of BEGINNING.

Said premises being the same as those described in deed dated December 14, 1993, recorded in Liber 3955, page 270.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; DO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatsoever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will restore the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the impoundment and will apply the same first to the payment of the cost of the impoundment before using any part of the total of the same for any other purpose.

The word "party" shall be construed to include "parties" whenever the sense of this instrument so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed this day and year first above written.

IN WITNESS WHEREOF

GARDNER PLUS 3

[Signature]
Fred Gardner, President

LIBER 5239 PAGE 205

STATE OF NEW YORK)
COUNTY OF *Suffolk*) ss.

On the *2nd* day of *August* in the year 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Fred Gardner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Marleen Porter
Notary Public.

MARLEEN PORTER
Notary Public, State of New York
No. 452841
Qualified in Suffolk County
Commission Expires March 8, 2000

Marleen and Gail Book
WITH COVENANT AGAINST GRANTORS A/E
TLE NO. *WP 990596*

Section Plus 3

TO
4 Acres, L.L.C.

STANDARD FORM OF NEW YORK DEED OF REAL PROPERTY AS
Revised by
First American Title Insurance Company
of New York

SECTION 70
BLOCK 1
LOT 16.1
COUNTY OF SUFFOLK Orange

Recorded At Request of
First American Title Insurance Company of New York
REVIEW BY MAIL TO:
David Z. Burman, Esq.
Cortlandt Ballin Adler & Hyman, LLP
90 Merrick Avenue
East Meadow, NY 11554

LIBER 5239 PAGE 206

532244

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT

Darlene Hughes
to
M Acres, LLC

SECTION 70 BLOCK 1 LOT 2, 21

RECORD AND RETURN TO:
(name and address)

Smr Title Agency Inc
50 Chapel St
Albany, N.Y. 2207



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)	12 39	MONTGOMERY (TN)	NO PAGES <u>4</u> CROSS REF.
2601 WASHINGTONVILLE (VLG)	12 31	MAYBROOK (VLG)	CERT. COPY <input type="checkbox"/> ADD'L X-REF.
2289 CHESTER (TN)	12 23	MONTGOMERY (VLG)	MAP# <input type="checkbox"/> PGS.
2201 CHESTER (VLG)	12 25	WALDEN (VLG)	PAYMENT TYPE: CHECK <input checked="" type="checkbox"/>
2489 CORNWALL (TN)	14 19	MOUNT HOPE (TN)	CASH <input type="checkbox"/>
2401 CORNWALL (VLG)	14 11	OTISVILLE (VLG)	CHARGE <input type="checkbox"/>
2600 CRAWFORD (TN)	16 10	NEWBURGH (TN)	NO FEE <input type="checkbox"/>
2800 DEERPAIK (TN)	18 20	NEW WINDSOR (TN)	Taxable
3089 GOSHEN (TN)	18 39	TUXEDO (TN)	CONSIDERATION \$ <u>135,000</u>
3001 GOSHEN (VLG)	18 21	TUXEDO PARK (VLG)	TAX EXEMPT <input type="checkbox"/>
3003 FLORIDA (VLG)	18 20	WALKKILL (TN)	Taxable
3005 CHESTER (VLG)	14 19	WARWICK (TN)	MORTGAGE AMT. \$
3290 GREENVILLE (TN)	14 11	FLORIDA (VLG)	DATE
3489 HAMPTONBURGH (TN)	14 13	GREENWOOD LAKE (VLG)	MORTGAGE TAX TYPE:
3401 MAYBROOK (VLG)	14 15	WARWICK (VLG)	<input type="checkbox"/> (A) COMMERCIAL/FULL 1%
3689 HIGHLANDS (TN)	16 10	WAWAYANDA (TN)	<input type="checkbox"/> (B) 1 OR 2 FAMILY
3601 HIGHLAND FALLS (VLG)	18 19	WOODBURY (TN)	<input type="checkbox"/> (C) UNDER \$10,000
3889 MINISINK (TN)	18 21	HARRIMAN (VLG)	<input type="checkbox"/> (E) EXEMPT
3821 UNIONVILLE (VLG)			<input type="checkbox"/> (F) 3 TO 6 UNITS
4059 MONROE (TN)			<input type="checkbox"/> (I) NAT. PERSON/CR. UNION
4001 MONROE (VLG)	09 01	CITIES	<input type="checkbox"/> (J) NAT. PER-CR. UN/1 OR 2
4003 HARRIMAN (VLG)	11 01	MIDDLETOWN	<input type="checkbox"/> (K) CONDO
4005 KIRK'S JOEL (VLG)	12 01	NEWBURGH	
		PORT JERVIS	
		HOLD	
	959		

Donna L. Benson
DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Sneeringer

LIBER 5996 PAGE 234

LIBER 5996 PAGE 234
ORANGE COUNTY CLERK'S OFFICE 61166 BAR
RECORDED/FILED 05/19/2002 11:40:00 AM
FEES 17.00 EDUCATION FUND POLICE
SERIAL NUMBER 001615
USED UNTIL NO 64171 RE TAX 540.00

Bargain and Sale Deed with Covenant against Grantor's Acts
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the 5th day of September, 2002.

BETWEEN DARLENE HUGHES,
residing at 18 Ellison Avenue
New Windsor, New York 12553

parties of the first part, and

4 ACRES L.L.C.,
transacting business at 104 South Central Avenue,
Suite 20
Valley Stream, New York 11580-5461

party of the second part

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon, situated, lying and being in the Town of New Windsor, County of Orange, and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly line of New York State Route #94, also known as the Newburgh and Blooming Grove Turnpike, said point being the most northerly corner of lands conveyed to Apache Associates by deed recorded in the Orange County Clerk's Office in Liber 2500, Page 33, and thence from said point of beginning along the line of Route #94, North 80 deg. 44 min. 44 sec. East, 45.00 feet to a point; thence along lands now or formerly of Mans, South 02 deg. 32 min. 04 sec. West, 70.00 feet to a point marked by found bent iron rods, said point being the most easterly point of said lands now or formerly of Apache Associates; thence along lands now or formerly of Apache Associates and on a line parallel with the street line South 80 deg. 44 min. 44 sec. West, 45.00 feet to a point marked by a found iron pin; thence continuing along lands now or formerly of Apache Associates and parallel with the second course, North 02 deg. 32 min. 04 sec. East, 70.00 feet to a point on the southerly line of New York State Route #94 and the point of beginning.

BEING the same premises described in a Deed dated June 28, 2000 made by Terry Scott Hughes to Darlene Hughes, and recorded in the Orange County Clerk's Office on November 15, 2000 in Liber 5404 at page 246.

The premises are not in an agricultural district and the subject premises are entirely owned by the transferors.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

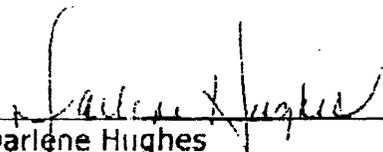
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


Darlene Hughes



1763

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

7/02 to 9/13 John Collins Engineering Report
Planning Prod.

Date Records Requested: 7/8/02

Name: Richard Croghan

Address: 1 RR Ave Goshen, NY 10918

Phone: () 294-5953

Representing: Shap. Nite

Documents may not be taken from this office.



1763

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12553

Telephone: (845) 563-4611

Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

*Harrford FOTIS - Copy through Appendix E
excluding Appendix C + D*

Date Records Requested: 7/03/02

Name: Richard Coyle

Address: 1 RR Ave Goshen NY 12224

Phone: () 224-5953

Representing: Shp - Kate

Documents may not be taken from this office.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196
Telephone: (845) 563-4615
Fax: (845) 563-4695

C. M. Sanger
D. Boyer
M. Shain

7 September 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

Myra -
See
next page

**SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94 - T/NEW WINDSOR**

Dear Mr. Dennison:

I am writing this letter pursuant to the Public Hearing held on 22 August 2001 for the Site Plan application and SEQRA DEIS for the proposed Hannaford Food & Drug Project. The project is proposed for construction at the Vails Gate Five Corners, with access from NYS Routes 94 and 32.

The Town has received a significant amount of comment and correspondence with regard to traffic concerns, both concerning existing conditions and as may result should the Hannaford project be constructed as proposed. Information was placed on the record with regard to comments and/or opinions of representatives of your Department, which were not previously on formal record via correspondence to the Town Planning Board. Previous comments by NYSDOT personnel indicating that the intersection is *maximized and no additional improvements are possible; improvements to the poor conditions at the intersection must be accomplished by land use control* have been noted. In contrast, the applicant's traffic engineer has indicated, to the Board, that the DOT is in agreement that their proposed improvements will mitigate the impacts of the project.

Since the Town Planning Board, as Lead Agency, has corresponded with your Department directly, and has coordinated the SEQRA review via a transmittal of the DEIS document, the Board will await your formal written response to the Town to understand your determinations with regard to the traffic study and DEIS. We request that communication to the applicant's consultants or other interested parties be limited so as not to cause confusion as to the deliberations under the SEQRA process.

Mr. Robert A. Dennison III, P.E.

- 2 -

7 September 2001

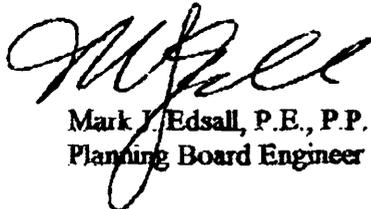
We have received correspondence from the Town of Cortiwall Planning Board in opposition to the project, based on significant traffic concern. New Windsor Supervisor George J. Meyers, in a letter to you dated January 24, 2001 noted the New Windsor Town Board's concern regarding this matter. Concern was raised in the public hearing regarding the proximity of the Vails Gate Fire Department firehouse to the 5 corners, and the problems additional traffic volume and traffic movements may cause for emergency vehicle responses.

I am requesting that your Department take all information received by the Planning Board (regarding traffic) into concern *before* you render a determination and correspond with the Planning Board under SEQRA. Toward this goal, we will be forwarding a package of the correspondence, as well as the minutes from the Public Hearing, to the DOT representatives listed below, in the very near future. The Planning Board has retained a traffic consultant (Phil Grealy) to assist the Planning Board in reviewing this matter, and we may request that he contact you to discuss the information before the Planning Board.

We are hopeful that the above is acceptable. If you have any questions regarding the above, please do not hesitate to contact me at your convenience.

Very truly yours,

TOWN OF NEW WINDSOR



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

Cc: George J. Meyers, Town Supervisor
James Petro, Planning Board Chairman
Tom Myers, NYSDOT
Adrienne G. Bautista, NYSDOT
Mr. Phil Grealy, P.E.

.....

Town of Cornwall

September 4, 2001

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Dear Board Members:

The Cornwall Planning Board would like to go on record as opposing the construction of the Hannaford Supermarket at Vails Gate.

We have previously voiced concerns about the effect the increased traffic would have on a heavily populated neighborhood. Both Ardmore and Jacqueline Sts. intersect with Rt. 32 less than ¼ mile from the proposed entrance to the project. Although Hannaford included Jacqueline St. in its traffic study, the count was not done during the peak hours of 4 – 6 p.m., Monday – Friday.

The proposed solution to the problem, another traffic light, would only exacerbate the problem at these intersections. The net result would be extending the traffic tie up which frequently extends at least a mile south of the present light at least a few hundred feet further. It would also create an unmanageable snarl between the present and the new light.

There have been frequent accidents at the Jacqueline St/Rt. 32 intersection because of the dangers created in trying for entrance or exit. A recently approved sub-division of 30 houses off of these streets will add to the present problem.

When decisions are being made that effect both the lives and welfare of our residents, we would hope that our concerns would carry some weight with our neighbors.

Sincerely,



Lorraine Bennett, Chairwoman
For: Town of Cornwall Planning Board

Planning Board

RECEIVED

SEP - 5 2001



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

□ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(845) 562-8640
e-mail: mheny@att.net

□ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 22 AUGUST 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000,
15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001,
14 MARCH 2001, 28 MARCH 2001, 25 APRIL 2001, 23 MAY 2001 AND
25 JULY 2001 PLANNING BOARD MEETINGS.

1. Previously the Board, pursuant to receipt of an application including a Full Environmental Assessment Form, declared a “positive declaration” indicating that the project may result in one or more large and important impacts that may have a significant impact on the environment. A Positive Declaration was circulated by the applicant’s attorney (on behalf of the Board), with an Affidavit of Mailing being submitted.

Subsequently, the Board received a proposed scope for the DEIS from the applicant. At the March 28th meeting, the Board commented on the draft scope and scheduled the Hanniford project for this public meeting for the purpose of receiving public input regarding the scope of the DEIS.

At the 23 May 2001 Planning Board meeting, the Board accepted the final scope and authorized the applicant to proceed with preparation of the DEIS.

The DEIS was received by the Board at their 13 June 2001 meeting. The DEIS was subsequently determined “complete” for purposes of public review at the 25 July 2001 meeting, and was circulated on August 6th.

2. The Board has scheduled a Public Hearing for this meeting to review comments of the public on the Site Plan and the DEIS.
3. Inasmuch as the purpose of this meeting is to listen, I will defer any comments until after the Public Hearing has been closed.

Memorandum

TO: Mark Edsall
CC: Melinda Shain
FROM: Larry Wolinsky
DATE: November 27, 2001
SUBJECT: Hannaford New Windsor - Our File 3922-1

In follow up to our recent telephone conversation regarding processing and acceptance of the FEIS, please note the following:

1. 6 NYCRR 617(5) requires the lead agency prepare an FEIS or cause one to be prepared within 45 days from the close of the public hearing on the DEIS or within 60 days of the determination of completeness for the DEIS. The FEIS must be accepted as complete within this same time period. The regulations however, also state that the last date for preparation and filing of the FEIS may be extended if it is determined that additional time is necessary to prepare the statement adequately.
2. The public hearing on the DEIS was closed on August 22, 2002. Therefore the FEIS needed to be prepared and deemed complete by October 6th.
3. The DEIS was submitted on November 2, 2001. That was the time needed to prepare an adequate document and therefore is consistent with the regulations. The question now becomes what time frame should it take to deem the document complete. The regulations do not address that situation. Therefore a reasonable time period should be implied. A reasonable time period would, in my opinion, be 30 days since the existing regulations require both preparation and acceptance within 45 days. Thus, under a 30 day scenario the document should be accepted no later than December 2, 2001.
4. I have reviewed the timing issue with Hannaford and Hannaford is willing to defer acceptance of the FEIS in December if we can agree on the following;
 - a. The FEIS will be accepted at the Board's first meeting in January

- b. We receive any FEIS completeness comments from the Planning Board prior to the Christmas holiday
- c. We be placed on the Planning Board's workshop sessions as necessary to finalize remaining FEIS and technical issues
- d. The Planning Board issues the required Statement of Findings within the 30 day period required under SEQRA; i.e. February meeting. (It is understood this step is subject to the Planning Board receiving the letter from NYSDOT).

I don't believe any of the above places an unreasonable time constraint on the Planning Board. Please review this with Jim Petro and contact me to let me know if this schedule is accepted. Thanks.



Town of New Windsor

Engineer for the Town

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

*Supervisor M.
Chairman Petro
Atty. Krieger*

**REVIEW AND
COMMENT**

DRAFT

MEMORANDUM

(via fax)

7 December 2001

TO: LARRY WOLINSKY, ESQ., APPLICANT'S ATTORNEY

FROM: MARK J. EDSALL, P.E., ENGINEER FOR THE TOWN

SUBJECT: HANNAFORD NEW WINDSOR

I received your memorandum dated 27 November 2001 with regard to the subject application before the Town Planning Board. I reviewed the memorandum with Chairman Jim Petro, and am writing this response at his direction. Please note the following anticipated schedule for action by the Board in connection with the SEQRA application before the Board:

<u>ACTION</u>	<u>DATE</u>
Distribution of Proposed FEIS to Board Members	14 November 2001 (already done)
Request to Board Members to finish any "completeness" comments and submit to Planning Board Engineer by 12/17/01, and authorize release to applicant upon completion of list.	12 December 2001
Forward "completeness" comments to applicant	21 December 2001
Applicant to submit revised FEIS (if any comments forwarded on 12/21/01)	2 January 2002
Board to consider FEIS for "completeness" and determine if acceptable for Public review, and authorize circulation of FEIS.	9 January 2002
Preparation of Statement of Findings (subject to receipt of response from NYS DOT)	February 2002

Please contact me if you have any comments or questions regarding the above.

NWC0-15-5 EQR.Annex0120701.doc

TOTAL P.02

**THIS APPLICATION WAS FILED IN CONJUNCTION
WITH "LONG JOHN SILVER" AND "MONRO
MUFFLER" PROJECTS.**

**FOR FURTHER INFORMATION, ALSO CHECK FILE
NUMBER:**

**00-21 LONG JOHN SILVER
00-22 MONRO MUFFLER**

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/01/2002

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG- PA2000-1021

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/31/2002	PLANS STAMPED	APPROVED
06/12/2002	P.B. APPEARANCE	DISCUSSED - APPROVED
04/24/2002	P.B. APPEARANCE . ACCEPT FINDINGS STATEMENT - REFER TO Z.B.A. FOR DRIVEWAY	REFER TO Z.B.A.
01/23/2002	P.B. APPEARANCE - DISCUSSION	SEE MINUTES
12/12/2001	P.B. APPEARANCE	DISCUSS - SEE MINS
08/22/2001	P.B. APPEARANCE - PUB HEARIN	TO RETURN
07/25/2001	P.B. APPEARANCE	SET FOR PH
05/23/2001	P.B. APPEARANCE - SCOPE . BOARD ACCEPTED SCOPE - APPLICANT CAN NOW PROCEED WITH DEIS	ACCEPTED SCOPE
04/25/2001	P.B. APPEARANCE - . SEE MINUTES	SCOPING SESSION
03/28/2001	P.B. APPEARANCE . SEE MINUTES IN FILE	DISCUSSED
03/14/2001	P.B. APPEARANCE	DISCUSSED - SEE MINS
02/14/2001	P.B. APPEARANCE . NEED FULL EIS - ONCE THE DRAFT SCOPE IS READY, COME TO WORK . SHOP - POSITIVE DECLARATION FOR SEQRA	NEED FULL EIS: PD
01/24/2001	P.B. APPEARANCE	LA: RETURN
11/15/2000	P.B. APPEARANCE	TO RETURN
09/13/2000	P.B. APPEARANCE . CHECK ON STAGING FROM PARKING LOT TO RT. 32 - FENCE ON . RETAINING WALL AND SCREENING - SHOW ENTRANCE AND EXIT FOR . SLEPOY PROPERTY (FISH & CHIPS SITE) - NEED PROXY FROM SLEPOY . FOR FISH & CHIPS PROPERTY	LA COORD LETTER RET
08/02/2000	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/01/2002

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG- PA2000-1021

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/07/2000	EAF SUBMITTED . FULL EAF SUBMITTED\	09/07/2000	WITH APPLIC
ORIG	09/07/2000	CIRCULATE TO INVOLVED AGENCIES	09/13/2000	SEND COR LTR
ORIG	09/07/2000	LEAD AGENCY DECLARED	01/24/2001	TOOK LA
ORIG	09/07/2000	DECLARATION (POS/NEG) . NEED FULL EIS . 05-23-2001 - BOARD ACCEPTED SCOPE - APPLICANT TO PROCEED . WITH DEIS.	02/14/2001	POSITIVE DEC
ORIG	09/07/2000	SCHEDULE PUBLIC HEARING	07/25/2001	SET PH
ORIG	09/07/2000	PUBLIC HEARING HELD	08/22/2001	HELD PH
ORIG	09/07/2000	WAIVE PUBLIC HEARING	/ /	
ORIG	09/07/2000	AGRICULTURAL NOTICES	/ /	

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#958-2002**

10/24/2002

PB # 00-22 Approval Fee
**Hannaford Brothers Co.
P. O. Box 1000
Portland, Maine 04104**

**Received \$ 100.00 for Planning Board Fees on 10/24/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#956-2002**

10/24/2002

PB# 00-21 approval fee

**Hannaford Brothers Co.
P. O. Box 1000
Portland, Maine 04104**

**Received \$ 100.00 for Planning Board Fees on 10/24/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#957-2002**

10/24/2002

PB+00-15 Approval Fee
**Hannaford Brothers Co.
P. O. Box 1000
Portland, Maine 04104**

**Received \$100.00 for Planning Board Fees on 10/24/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 0-22
NAME: MONROE MUFFLER AMENDED SITE PLAN
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SITE PLAN APPROVAL FEE	CHG	100.00		
10/24/2002	REC. CK. #1877253	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 0-21

NAME: LONG JOHN SILVERS AMENDED S.P.

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SITE PLAN APPROVAL FEE	CHG	100.00		
10/24/2002	REC. CK. #1877257	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

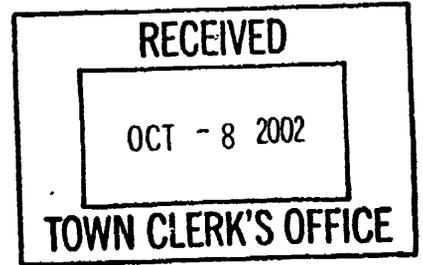
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/22/2002	SITE PLAN APPROVAL FEE	CHG	100.00		
10/24/2002	REC. CK. #1877256	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

cc: Planning Bd.

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

90-56 (Please specify or describe item (s) requested)

AVR Site corner of NYS Rte 32 + Union Ave Cty 69
approved site plan.

Hannaford Approved site plan

Date Records Requested: _____

Name: Donna Goddard.

Address: P.O. Box 55 Mountainville, New York
10953

Phone: (845) 534-0100

Representing: Goddard Development Partners.

Documents may not be taken from this office.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

□ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

□ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor **P/B APP. NO.:** 00-15

WORK SESSION DATE: 16 Oct 02 **PROJECT:** NEW _____ OLD _____

REAPPEARANCE AT W/S REQUESTED: - **RESUB. REQ'D:** New plans for stamp

PROJECT NAME: Hannaford -

REPRESENTATIVES PRESENT: Ross W / Douglas S. Boyce P.E. Proj. Mgr.

MUNICIPAL REPS PRESENT:

BLDG INSP.	_____	FIRE INSP.	<u>Bob.</u>
ENGINEER	<u>X</u>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

ITEMS DISCUSSED: _____

APPROVAL BOX: _____

- discuss conditions of app'l
- rev

207-885-2852

dboyce@hannaford.com

they will re-submit cost estimate

STND CHECKLIST:

DRAINAGE	_____
DUMPSTER	_____
SCREENING	_____
LIGHTING	_____
(Streetlights)	_____
LANDSCAPING	_____
BLACKTOP	_____
ROADWAYS	_____

PROJECT TYPE

SITE PLAN

SPEC PERMIT _____

L L CHG. _____

SUBDIVISION _____

OTHER _____

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting Y N

Recommended Mtg Date N/A



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

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33 Airport Center Drive
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New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

□ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 298-2765
e-mail: mhops@mhepc.com

**TOWN OF NEW WINDSOR
PLANNING BOARD
CLOSEOUT REVIEW COMMENTS**

PROJECT NAME: LONG JOHN SILVER SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTE 94
PROJECT NUMBER: 00-21
DATE: 5 SEPTEMBER 2002

I have been asked to close out the Long John Silver approval. Some items require correction on the plans submitted for final review and stamp of approval. Note the following:

1. There are two versions of this sheet, one as part of application 00-15 (Hannafor, Sheet 6 of 15) and one as part of application 00-21 (Long John Silver, Sheet 1 of 1). Please make these sheets identical with the exception of the sheet numbering and add a note on both drawings indicating that *"The improvements shown hereon are an off-site obligation of the Hannafor Site Plan, and all work shall be complete prior to the request for a Certificate of Occupancy at the Hannafor building"*.
2. Easement referenced in note #4 on drawing should be submitted to Planning Board Attorney and Planning Board Engineer for review. After approval, this must be properly filed.
3. Please insure that the final drawing has a complete and correct bulk table.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/rt
NW00-21-Closeout Comments 090502.doc



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhery@atl.net

 Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpepa@ptd.net

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 00 15

WORK SESSION DATE: 20 Mar 2002 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: Maize RESUB. REQ'D: later new

PROJECT NAME: Hannford plans

REPRESENTATIVES PRESENT: Jeff Kroll

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. Boi
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

- ① @ 94 entrance
- ck memo results mtg.
- double ck - sep app's
- need 3 submittals
- delete elev ban package (need sign variance)
- ck \$ sewer contr.
- does Town want w/ 94 to Trox
- disc DOT letter
- Will make final s/p review after SEQRA

STND CHECKLIST:

- DRAINAGE
- DUMPSTER
- SCREENING
- LIGHTING
- (Streetlights)
- LANDSCAPING
- BLACKTOP
- ROADWAYS



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

MEMORANDUM

(via fax)

13 August 2002

TO: BRUCE DUNN, ESQ., ATTORNEY FOR THE TOWN

FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER

A handwritten signature in black ink, appearing to read 'Mark J. Edsall', is written over the 'FROM' line.

**SUBJECT: HANNAFORD ARTICLE 78
PLANNING BOARD APPLICATION NO. 00-15**

I received a fax note from Phil Crotty with regard to the subject matter, more specifically with regard to the entrance to the site off Rt.94.

Please be advised that in my position, which was affirmed by the Planning Board, that the access to the Hannaford site off Rt. 94 is a shared commercial accessway, not a "private road" as apparently was noted in the Article 78. The applicant (Hanniford) demonstrated legal right to develop the access to Rt. 94 and provided a complete design which was approved by the Planning Board as part of the site plan application, and by the NYSDOT, who has full authority relative to the access to the State highway.

The code states under A60-10 that "Private roads shall only be utilized or proposed for approval to serve lots for single-family use." Construction standards for private roads under A60-10 call for an "oil and chip" roadway. Clearly what was proposed to the Planning Board as part of the site plan, does not fit the prescribed use of a private road.

Under 48-19, Site development plan review by Planning Board, subsection A(1), Traffic Access, states the following:

"That all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility..."

The planning board performed a complete review of the access to the site, both from Rt.32 and from Rt. 94. SEQRA findings were adopted and the site plan approved.

Under 48-16, Accessory parking, subsection A(4), Access, the code states the following:

“Unobstructed access to and from a street with an internal turnaround area shall be provided. Such access shall consist of at least two ten-foot lanes for parking areas with 20 spaces or more.”

The access from Rt. 94 has two lanes with a minimum dimension of 12 ft. each (lanes flare to greater width near highway for improved access). It is my opinion that the application meets the code requirements.

In closing, I am sure we will need to meet at some time to discuss the application and the approval. Call at your convenience. I hope the above helps relative to the access issue.

**Cc: George J. Meyers, Supervisor (via fax)
James Petro, P.B. Chairman (via fax)
Phil Crotty, Esq., Town Attorney (via fax)
Myra Mason, P.B. Secretary (via fax)**

NW00-15-Dwn Memo 081302.doc
MJE/a

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/12/2002

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/12/2002	P.B. APPEARANCE	DISCUSSED - APPROVED
04/24/2002	P.B. APPEARANCE . ACCEPT FINDINGS STATEMENT	REFER TO Z.B.A. - REFER TO Z.B.A. FOR DRIVEWAY
01/23/2002	P.B. APPEARANCE - DISCUSSION	SEE MINUTES
12/12/2001	P.B. APPEARANCE	DISCUSS - SEE MINS
08/22/2001	P.B. APPEARANCE - PUB HEARIN	TO RETURN
07/25/2001	P.B. APPEARANCE	SET FOR PH
05/23/2001	P.B. APPEARANCE - SCOPE . BOARD ACCEPTED SCOPE	ACCEPTED SCOPE - APPLICANT CAN NOW PROCEED WITH DEIS
04/25/2001	P.B. APPEARANCE - . SEE MINUTES	SCOPING SESSION
03/28/2001	P.B. APPEARANCE . SEE MINUTES IN FILE	DISCUSSED
03/14/2001	P.B. APPEARANCE	DISCUSSED - SEE MINS
02/14/2001	P.B. APPEARANCE	NEED FULL EIS: PD . NEED FULL EIS - ONCE THE DRAFT SCOPE IS READY, COME TO WORK . SHOP - POSITIVE DECLARATION FOR SEQRA
01/24/2001	P.B. APPEARANCE	LA: RETURN
11/15/2000	P.B. APPEARANCE	TO RETURN
09/13/2000	P.B. APPEARANCE	LA COORD LETTER RET . CHECK ON STAGING FROM PARKING LOT TO RT. 32 - FENCE ON . RETAINING WALL AND SCREENING - SHOW ENTRANCE AND EXIT FOR . SLEPOY PROPERTY (FISH & CHIPS SITE) - NEED PROXY FROM SLEPOY . FOR FISH & CHIPS PROPERTY
08/02/2000	WORK SESSION APPEARANCE	SUBMIT

cc: P/Board

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



1763

RECEIVED
JUL - 1 2002
TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Honnaford file

Date Records Requested: 7/1/02

Name: Richard Croughan

Address: 1 RR Ave, Goshen, NY 10924

Phone: (845) 294-5953

Representing: James Sweeney - Ship-Lite

Documents may not be taken from this office.

Documents to be Copied

7/1/02

- 9/07/01 Tom y NW Letter to Robert Demson
- 9/04/01 Tlo Council opposition letter
- 8/22/01 MHE Tol NW
- 11/27/01 Memo To Mark Edsell
- 12/07/01 Tlo N.W. Draft To Larry Wolinsky
- 12/27/01 Tim Miller Assoc Feis Comments compared to Transcript
- 12/28/01 Memo To Larry Wolinsky of Tlo N.W.
- 1/02/02 PB Work since ^{evnt} Reg A. ^{at hand}
- 11/06/01 CME (Cynthia Mary Engman) Response to D&IS
- 10/05/01 Jambantz letter to Mark Edsell
- 1/22/02 E. NYS DOT letter to Mr. Edsell
- 11/14/01 Transcript
- 1/23/02 ~~NYS DOT~~ letter MHE Comments
- 1/22/02 John Collier Engineering To Mark Edsell Review Feis
- 1/30/02 Draft Feis and copy of 1/22 DOT letter
- 2/13/02 Tlo NW comments
- 12/13/01 Transcript
- 2/13/02 Motion to accept Final Feis vote
- 1/23/02 Transcript
- 2/12/02 Handred letter to Cheryl PB
- 3/12/02 Jambantz letter
- 4/1/02 DOT letter (only 2 page)
- 7/24/02 PB Approvals (3 page)
- 4/22/02 motion to accept Findys 5-0
- 4/24/02 MHE letter
- 6/12/02 Approval Mission MHE
- 6/12/02 Handred Approval
- 6/12/02 Lay Tit Simon approval
- 6/12/02 Memo of file
- 6/12/02 Agenda
- 2/25/02 Findys (draft)
- 6/14/02 Jambantz letter

} subject to Mark's
Review

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
* L.L.M. IN TAXATION

JACOBOWITZ AND GUBITS, LLP

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
G. BRIAN MORGAN
TODD N. ROBINSON
JONATHAN KATZ
KIRK VANTASSELL

LINDA F. MADOFF
Of Counsel

June 14, 2002

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

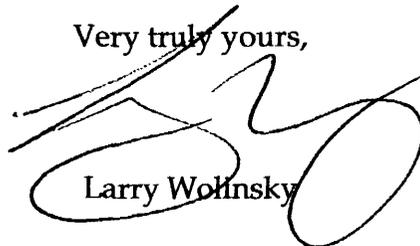
Attention: Myra

Re: Hannaford New Windsor
Our File: 3922-1

Dear Myra:

The SEQR regulations require the Planning Board, as lead agency, to file the Hannaford SEQR Findings that was adopted by the Planning Board on April 24th. As best I can tell, the filing has not yet occurred. Although I have a copy of the Finding Statement that was adopted, my copy is undated and unsigned. I would appreciate it if your office could file a signed and dated copy of the Findings Statement with the individuals and agencies on the attached list. If you have any questions please contact Mark Edsall or give me a call.

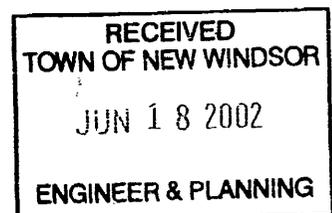
Very truly yours,



Larry Wolinsky

cc: Mark Edsall w/enc.

W:\3922\1\NLW1676.WPD



#00-15

Commissioner
New York State Department of Environmental Conservation ✓
50 Wolf Road
Albany, New York 12233-0001

Hon. George J. Meyers ✓
555 Union Avenue
New Windsor, New York 12553

Orange County Department of Planning ✓
124 Main Street
Goshen, New York 10924

Regional Director
New York State Department of Environmental Conservation - Region III ✓
21 South Putt Corners Road
New Paltz, New York 12561

New York State Department of Transportation ✓
4 Burnett Boulevard
Poughkeepsie, New York 12603

Orange County Department of Health ✓
124 Main Street
Goshen, New York 10924

Martin Foods of South Burlington, Inc. ✓
145 Pleasant Hill Road
Scarborough, Maine 04074

T. Clerk ✓
A. Krieger ✓
M. Edsall ✓

*all mailed and distributed
on 6/19/02*

EW

RECEIVED TOWN OF NEW WINDSOR JUN 18 2002 ENGINEER & PLANNING

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2002

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	01/19/2001	MUNICIPAL HIGHWAY	/ /	
REV1	01/19/2001	MUNICIPAL WATER	01/23/2001	APPROVED
REV1	01/19/2001	MUNICIPAL SEWER	/ /	
REV1	01/19/2001	MUNICIPAL FIRE	01/19/2001	APPROVED
REV1	01/19/2001	NYSDOT	/ /	
ORIG	09/07/2000	MUNICIPAL HIGHWAY	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL WATER	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL SEWER	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL FIRE	09/12/2000	DISAPPROVED
		. SITE PLAN DOES NOT SHOW PROPOSED UNDERGROUND UTILITIES SUCH		
		. AS SPRINKLERS, DOMESTIC WATER SERVICE OR ON SITE HYDRANTS.		
		. PROVIDE STOP BARS AT ALL SIDE PARKING LANES, AT INTERSECTION		
		. WITH MAIN DRIVING LANES.		
		. IF SHOPPING CART RETURN CENTER IS TO BE USED, WHERE WILL		
		. THEY BE LOCATED.		
ORIG	09/07/2000	NYSDOT	01/19/2001	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2002

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/23/2002	P.B. APPEARANCE - DISCUSSION	SEE MINUTES
07/25/2001	P.B. APPEARANCE	SET FOR PH
05/23/2001	P.B. APPEARANCE - SCOPE . BOARD ACCEPTED SCOPE - APPLICANT CAN NOW PROCEED WITH DEIS	ACCEPTED SCOPE
02/14/2001	P.B. APPEARANCE . NEED FULL EIS - ONCE THE DRAFT SCOPE IS READY, COME TO WORK . SHOP - POSITIVE DECLARATION FOR SEQRA	NEED FULL EIS: PD
01/24/2001	P.B. APPEARANCE	LA: RETURN
09/13/2000	P.B. APPEARANCE . CHECK ON STAGING FROM PARKING LOT TO RT. 32 - FENCE ON . RETAINING WALL AND SCREENING - SHOW ENTRANCE AND EXIT FOR . SLEPOY PROPERTY (FISH & CHIPS SITE) - NEED PROXY FROM SLEPOY . FOR FISH & CHIPS PROPERTY	LA COORD LETTER RET
08/02/2000	WORK SESSION APPEARANCE	SUBMIT

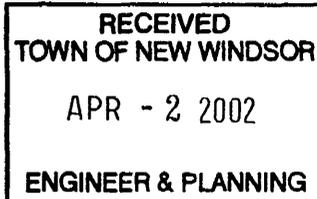


STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
4 BURNETT BOULEVARD
POUGHKEEPSIE, N.Y. 12603

ROBERT A. DENNISON III, P.E.
REGIONAL DIRECTOR

WILLIAM D. FITZPATRICK, P.E.
REGIONAL TRAFFIC ENGINEER
(845) 575-6040

cc: G. Meyer



JOSEPH H. BOARDMAN
COMMISSIONER

April 1, 2002

Mr. Mark D. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553-6196

Re: Access Request, Route 32 (SH 42)
Hannaford Supermarket
Town of New Windsor
Orange County

Dear Mr. Edsall:

We have received a copy of the Revised Final Environmental Impact Statement for the subject project, dated February 7, 2002, and we offer the following comments in clarification with regard to this matter. It should be understood that the methods of forecasting traffic growth and Level of Service for proposed developments is a qualitative process. If traffic fails to develop, as forecast, impacts may vary greatly in the actually observed field conditions.

1. The FEIS indicates the applicant has agreed to additional mitigation. This includes monitoring the intersections of Route 32 at Jacqueline Street, Route 94 at Old Temple Hill Road and Route 300 at Old Temple Hill Road, for acceptable operation and, if warranted, installation of traffic control signals. We have no objection and recommend that the Town make this a requirement under SEQRA. To have it made part of the Highway Work Permit would not be practical, since upon completion of the work required by the Permit, it will be canceled and the applicant's Guarantee Deposit and/or Bond returned.
2. As previously indicated, it is expected that the new signalized site driveway on Route 32 will provide an acceptable Level of Service when properly coordinated with the "Five Corners" signal and provide some access management.
3. Concerning the "Five Corners" intersection of Routes 32, 94, & 300, we concur with the Level of Service Analysis and proposed mitigation improvements based upon the traffic forecast. However, it must be understood that the proposed mitigation measures will not "fix" the problem at "Five Corners" and some movements are proposed to operate at 120% to 124% of capacity during the peak hour.

M. Edsall, P.E.
April 1, 2002
Page 2

In summary, the Department has completed its review of the SEQRA documents and finds that the projects proposed improvements adequately mitigate the impacts to the transportation system for their forecast traffic generation. Details of the various improvements, including design of turning lanes, access drives, modifications to existing traffic signal installations and new traffic signal installations will be finalized as part of the Highway Work Permit process. There is always the potential for greater or lesser benefits from the proposed improvements. However, nothing proposed here will correct the operational problems at the Vail's Gate "Five Corners" intersection and it will remain over capacity and at an unacceptable Level of Service during peak traffic hours.

Very truly yours,



T.A. Myers
Civil Engineer I

TAM/lml

cc: J. Petro, Planning Board, Town of New Windsor
A. Bautista, Planning, Reg. 8
M. Sargent, CME
P. Grealy, JCE

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2002

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/07/2000	EAF SUBMITTED . FULL EAF SUBMITTED\	09/07/2000	WITH APPLIC
ORIG	09/07/2000	CIRCULATE TO INVOLVED AGENCIES	09/13/2000	SEND COR LTR
ORIG	09/07/2000	LEAD AGENCY DECLARED	01/24/2001	TOOK LA
ORIG	09/07/2000	DECLARATION (POS/NEG) . NEED FULL EIS . 05-23-2001 - BOARD ACCEPTED SCOPE - APPLICANT TO PROCEED . WITH DEIS.	02/14/2001	POSITIVE DEC
ORIG	09/07/2000	SCHEDULE PUBLIC HEARING	07/25/2001	SET PH
ORIG	09/07/2000	PUBLIC HEARING HELD	/ /	
ORIG	09/07/2000	WAIVE PUBLIC HEARING	/ /	
ORIG	09/07/2000	AGRICULTURAL NOTICES	/ /	

RESULTS OF P.B. MEETING OF: April 24, 2002

PROJECT: Warrford Site Plan P.B.# 00-15

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y ___ N ___

M) ___ S) ___ VOTE: A ___ N ___

2. TAKE LEAD AGENCY: Y ___ N ___

CARRIED: YES ___ NO ___

M) ___ S) ___ VOTE: A ___ N ___

CARRIED: YES ___ NO ___

WAIVE PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___ WAIVED: Y ___ N ___

SCHEDULE P.H. Y ___ N ___

SEND TO O.C. PLANNING: Y ___

SEND TO DEPT. OF TRANSPORTATION: Y ___

REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE: A ___ N ___ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y ___ N ___

DISCUSSION/APPROVAL CONDITIONS:

<i>Motion to Accept finding Statement:</i>
<i>@ L @ B = 5 Ayes 0 Nays</i>
<i>Positive recommendation to Z.B.A.</i>



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

□ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
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□ Regional Office
507 Broad Street
Milford, Pennsylvania 18337
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e-mail: mhepa@mhepc.com

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
PROJECT NUMBER: SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
DATE: 00-15
DESCRIPTION: 24 APRIL 2002
THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 S.F. RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000, 15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001, 14 MARCH 2001, 28 MARCH 2001, 25 APRIL 2001, 23 MAY 2001, 25 JULY 2001, 22 AUGUST 2001, 23 JANUARY 2002 AND 13 FEBRUARY 2002 PLANNING BOARD MEETINGS.

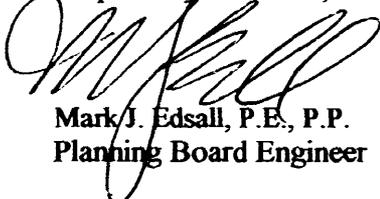
1. The Board has received and accepted the FEIS for the project. A Notice of Completion of Final EIS was circulated. Procedurally, the next step is to adopt Findings with regard to the SEQRA review of the project.

Attached hereto is a copy of the proposed "Findings Statement" for the SEQRA review of the project. I have reviewed this document and requested several additions and revisions. These have been included in this document currently submitted to the board.

It is my recommendation that the Board adopt these Findings and authorize any circulation or publication as required by the SEQRA regulations.

2. There are several notes and other minor corrections which need to be included on the final site plans before approval can be granted. As well, the related Site Plan Amendments (Monro Muffler and Long John Silver applications) must be prepared for approval. The Board should advise the applicant to get all these plans prepared for final approval and schedule a reappearance with the Board once they are prepared.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

TOWN OF NEW WINDSOR PLANNING BOARD

MEMO FOR FILE

FILE NAME: HANNAFORD'S FOOD & DRUGS 00-15

FROM: MYRA MASON

DATE: JUNE 12, 2002

On this date I received a call from Mike Randall of the Times Herald Record asking if Hannafords was on the agenda. I told him no and that they would probably be on the meeting for the 26th of June.

At approximately 2:00 – 3:00 I received a call from Melinda Shane of Hannafords asking if they were on the agenda. She said she received a call from Mike Randall of the Times Herald Record informing her that I had said they were not on the agenda. I told her that I had not placed them on the agenda for the 12th because I did not realize they were ready to be on. She said nothing had changed on the plans because it had already been reviewed on several occasions prior to being referred to the ZBA and now that the variances had been approved, the plans were still the same.

I told Melinda I would check with Jim Petro, Planning Board Chairman, to see if we could put this on the agenda due to the fact that a complete review of the project had been done at earlier meetings. Jim said yes, pencil them in because it was just a matter of giving them formal approval. He said they were told they would be on the next agenda after receiving their variances so they were expecting to be on for the meeting of the 12th of June. I told Jim that I had gotten a call from Mike Randall of the Times Herald Record and we should really inform him that we now are putting this item on the agenda. He said absolutely. I gave Mike Randall a call and told him it was now on the agenda. He said ok and thanked me for calling him. I penciled them in as I have done with other applicants from time-to-time for various reasons.

MLM



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

WEDNESDAY - JUNE 12, 2002 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER ROLL CALL

ANNUAL MOBILE HOME PARKS:

- a. PARADISE MOBILE HOME PARK - RT. 9W

REGULAR ITEMS:

1. PENNINGS SUBDIVISION - SECTION 4 (02-14) DUTCHMAN DRIVE (PFAU)
4-Lot residential subdivision.
2. FALL FITTINGS (O.C. CHOPPERS) SITE PLAN (02-15) RT. 300 (CUOMO)
Remodel showroom for motorcycles.
3. BRITTANY TERRACE (01-53) STATION ROAD (SHAW)
Expansion of existing mobile home park.

DISCUSSION

4. FED-EX DOCK EXPANSION (TACY) MC ARTHUR AVENUE
5. AMERICAN MASON - REQUEST FOR TEMPORARY TRAILER

6. *Hannafords -*

ADJOURNMENT

(NEXT MEETING - JUNE 26, 2002)

DRAFT

**JOHN COLLINS
ENGINEERS, P.C.** TRAFFIC • TRANSPORTATION ENGINEERS

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266

July 2, 2001

Mr. Mark Edsall, P.E.
McGoey, Hauser and Edsall Consulting Engineers P.C.
45 Quassaick Avenue (Route 9W)
New Windsor, New York 12553

Re: Review of DEIS Traffic and Transportation Section
Proposed Hannaford Food & Drug
Town of New Windsor, New York

Dear Mr. Edsall:

The following is our review of the DEIS Traffic and Transportation Section dated June 7, 2001 for the proposed Hannaford Food & Drug prepared by Creighton Manning Engineering (CME).

Based on the May 18, 2001 Scoping Document, the following are issues affecting completeness:

1. It is not known if actual accident reports were obtained for Route 94, Route 32 and Route 300 from the New York State Department of Motor Vehicles between the Years 1996 and 1998. The Traffic and Transportation Section should provide a summary table of the number of accidents along each road as well as at each of the study area intersections and should include information such as date and time of accident, number of vehicles involved, manner of collision, traffic control, weather conditions as well as apparent contributing factors (which can be found on the NYSDMV accident reports). This information is important to allow a complete review of the proposed access as well as safety considerations on the surrounding roads. Also, more recent accident data (1999 and 2000 data if available) would be helpful.

2. Sight distances were provided for the proposed site driveways. Sight distances should also be provided at the unsignalized intersections of Route 94/Old Temple Hill Road, Route 300/Old Temple Hill Road and Route 32/Jacqueline Street.
3. The Weekday Peak AM Hour was not qualitatively evaluated. A comparison of the combined effect of the Existing Traffic Volumes (a AM count should be conducted at the critical intersection of Route 94/Route 32/Route 300) and trip generation for the Peak AM Hour and Peak PM Hour should be compared to make sure that the Weekday Peak AM Hour is not the critical condition and if a more detailed evaluation of the Weekday Peak AM Hour should in fact be completed. (This would also be important in determining if the improvements to this intersection would improve the AM condition).
4. While Level of Service Summary Tables are provided for Existing, No-Build and Build Conditions with and without improvements, for ease of review a Table summarizing all conditions should be provided (as was previously summarized in the June 26, 2000 Traffic Study).

The above comments should be addressed before the document is considered complete. In addition to the above, the following are our initial "technical" comments on the Traffic and Transportation Section.

1. In updating the Traffic Study (June 7, 2001), a more reasonable Design Year of 2002 was utilized. However the resulting Year 2002 traffic volume projections have not changed from the previous Year 2001 traffic volume projections since a 1% per year growth rate was used in the updated Study when the previous Study (June 26, 2000) used a growth rate of 2% per year.

2. It should be noted that the "Five Corners" intersection is currently operating at capacity (Level of service "F") and will continue to operate at a Levels of Service "F". As shown on Tables 3.3-7 (NO-BD) and 3.3-10 (BD), with the additional supermarket traffic, the intersections overall delay will increase from approximately 4 minutes to approximately 5 minutes (without improvements).

Furthermore, while the Traffic Study recommends restriping and signal phasing improvements and indicates that the intersections overall delay will be improved, the intersection will still operate at capacity (LOS "F") as noted in the NYS DOT review letter dated November 27, 2000.

In addition the restriping and signal improvements recommended could be completed under existing and no-build conditions. An analysis of No-Build Condition with these improvements should be conducted and compared to the Build Condition to determine the true impact of the Project with these improvements. Therefore, we have conducted an analysis of the No-Build Condition with these improvements. Based on the results of this analysis, during the Weekday Peak PM Hour all movements will remain the same from No-Build to Build Conditions however the overall intersection delay would increase from a 86.6 second delay to a 98.4 second delay. During the Saturday Peak Hour, the Route 32 northbound left turn will drop from a LOS "E" to a LOS "F", the Route 32 northbound through will drop from a LOS "D" to a LOS "E" and the Route 32 southbound through will drop from a LOS "E" to a LOS "F" with the overall intersection delay increasing from 83.2 seconds to a 98.7 second delay.

Note that the CME Study indicates that the proposed supermarket would add some 240 vehicles to this intersection during the Weekday Peak PM Hour and would add some 254 vehicles during the Saturday Peak Hour. Thus the proposed supermarket would increase traffic at this intersection by approximately 7% which is considered significant.

3. How were the queues shown on Table 3.3-11 determined. The Synchro analysis contained in Attachment 2 (Appendix C) should show the calculated queue lengths. In reviewing Table 3.3-11, it appears that the queues lengths at the Route 94/Route 32/Route 300 intersection (even with the proposed restriping) would extend past the proposed Route 32 and proposed Route 94 driveways.
4. The CME Study (Tables 3.3-6 (NO-BD) and 3.3-9 (BD)) indicates that the unsignalized intersection of Route 94 and Old Temple Hill Road will operate at capacity (LOS F) under future conditions with a drop in Level of Service from "E" to "F" during the Saturday Peak Hour. The Traffic Study does not recommend improvements to this location other than noting that this intersection is influenced by the capacity constraints at the "Five Corners" intersection and by improving the "Five Corners" intersection this intersection will be improved. However as indicated above, the "Five Corners" intersection will continue to operate at a Level of Service "F" with the recommended improvements.

Note that the CME Study indicates the proposed supermarket would add some 95 vehicles to this intersection during the Weekday Peak PM Hour and would add some 101 vehicles during the Saturday Peak Hour. Thus the proposed supermarket would increase traffic at this intersection by approximately 7%-8% which is considered significant.

5. The Traffic Study (Tables 3.3-6 (NO-BD) and 3.3-9 (BD)) indicates that the unsignalized intersections of Route 300/Old Temple Hill Road and Route 94/Jacqueline Street will operate at capacity (LOS F) under future conditions. While the Levels of Service remain the same from No-Build to Build Conditions, the Traffic Study does not recommend any improvements to this location. With the above noted Level of Service "F", the Traffic Study incorrectly states that "adequate capacity will continue to exist" at the Route 32/Jacqueline Street intersection. **Possible improvements to this intersection should be addressed.**

6. The location of the proposed Route 94 site driveway is approximately 150 feet east of the "Five Corners" intersection and as shown on the Table 3.3-11 - Vehicle Queuing Summary, the Route 94 westbound queue would extend past the site driveway under Build Conditions (even with the recommended CME improvements). Based on this it is recommended that left turns out of the site be prohibited and possibly prohibiting entering left turns should also be considered because of queuing problems. Note that this would increase the left turns at the critical "Five Corners" intersections and left turns at the Route 32 driveway.

Based on this and the conditions at the "Five Corners" intersection, the Applicant should examine the possibility of developing this access driveway further to the east possibly opposite Old Temple Hill Road of the Firehouse.

7. While sight distances at the proposed site driveway are shown on Table 3.3-12, sight distance should graphically be shown on a plan to determine the point where sight distance is controlled.

Also, the adequacy of the length of southbound left turn lane for traffic into the site should be determined since it appears that queues would extend beyond the length shown. Furthermore, it should be determined if there is sufficient Right-Of-Way available to build this improvement.

If you have any questions on the above, please do not hesitate to contact us.

Sincerely,
JOHN COLLINS ENGINEERS, P.C.

Philip J. **DRAFT** Grall, Ph.D., P.E.

CC: Mark Sargent, Creighton Manning Engineering



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

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New Windsor, New York 12553
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□ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 25 JULY 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000, 15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001, 14 MARCH 2001, 28 MARCH 2001, 25 APRIL 2001 AND 23 MAY 2001 PLANNING BOARD MEETINGS.

1. Previously the Board, pursuant to receipt of an application including a Full Environmental Assessment Form, declared a “positive declaration” indicating that the project may result in one or more large and important impacts that may have a significant impact on the environment. A Positive Declaration was circulated by the applicant’s attorney (on behalf of the Board), with an Affidavit of Mailing being submitted.

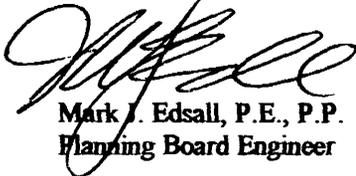
Subsequently, the Board received a proposed scope for the DEIS from the applicant. At the March 28th meeting, the Board commented on the draft scope and scheduled the Hanniford project for this public meeting for the purpose of receiving public input regarding the scope of the DEIS.

At the 23 May 2001 Planning Board meeting, the Board accepted the final scope and authorized the applicant to proceed with preparation of the DEIS.

The DEIS was received by the Board at their 13 June 2001 meeting. The next step is to review the DEIS for “completeness”, and if so deemed, authorize distribution for public review. This “completeness” determination must be made within 45 days (by 28 July 2001), and is therefore necessary at this meeting.

2. I have reviewed the submitted DEIS relative to the scope approved by the Board. I have not received any comments from the Board members noting any "completeness" issues. I did refer the document to our traffic consultant and he did have some "completeness" comments, as well as initial technical review comments (attached hereto). I also noted some minor corrections needed, as follows:
 - a. The DEIS should list the Planning Board Contact Person on the cover sheet. (delete Environmental Consultant and/or Project Engineer, as these are also listed on the second page – Project Consultants)
 - b. The approvals under section 2.7 (page 2-9) should be revised. Water Main approval is required from the OCDOH. Approval for the water main and connection is also required from the Town Water Department. Approval from the OCDOH is not required (to my knowledge) for the sewer connection. This approval is from the Town Sewer Department.
 - c. The sewage demand values under Potential Impacts on page 3.4-2 are confusing. Revise.
3. It is my recommendation that the Board determine the DEIS complete subject to the revisions noted above. The applicant should agree that the Notice of Completion of Draft EIS will not be issued, nor the date of the Public Hearing established, until a corrected DEIS has been received and acknowledged as properly corrected by the Planning Board Engineer.
4. Upon acceptance as complete, the applicant should coordinate the number of documents needed for the circulation of the document. *The documents are to be circulated by the Town, with the cost to be reimbursed by the applicant.*

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-25Jul01.doc

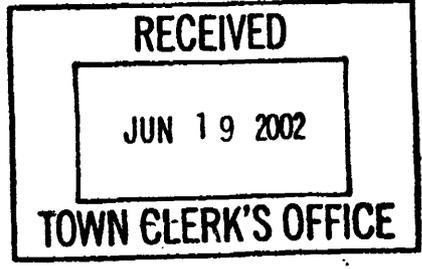
cc: Planning Bd.

TOWN OF NEW WINDSOR



1763

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Patriots Estates Subdivision
Hennaford Bros., Rt. 32, Vails Gate

Date Records Requested: 6/19/02

Name: Michael Randall

Address: 233 Broadway

Phone: () 565-5000 ext 36018

Representing: Times Herald-Record

Documents may not be taken from this office.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

OFFICE OF THE TOWN CLERK
DEBORAH GREEN

June 27, 2002

Mr. James G. Sweeney
Attorney At Law
One Harriman Square
PO Box 806
Goshen, NY 10924

Dear Mr. Sweeney:

I am in receipt of your formal request for copies of Planning Board Minutes regarding the Hannaford application, dated June 25, 2002.

I have complied the documents you have requested. The cost of reproducing the documents is eleven (11) pages @0.25 per page, \$2.75, plus 0.80 postage.

Once I receive your check, payable to the Town of New Windsor in the amount of \$3.55 I will forward the document by mail.

Very truly yours,

Deborah Green, Town Clerk
Town of New Windsor

Dg

Cc: Myra Mason, Planning Board Secretary



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

OFFICE OF THE TOWN CLERK
DEBORAH GREEN

June 27, 2002

Mr. James G. Sweeney
Attorney At Law
One Harriman Square
PO Box 806
Goshen, NY 10924

Dear Mr. Sweeney:

I am in receipt of your formal request for copies of Planning Board Minutes regarding the Hannaford application, dated June 25, 2002.

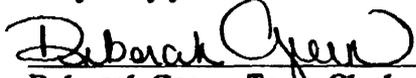
All the information you have requested is contained in the Planning Board Minutes of June 12, 2002, however, the Minutes at this time are considered an "Informational Draft Copy", as they have not yet been approved by the Planning Board.

Kindly advise me if you would like me to reproduce the Minutes now, or wait until the Planning Board has rendered their formal approval, which I would expect would happen at their August meeting.

The cost of reproducing the Minutes is eleven (11) pages @0.25 per page, \$2.75, plus 0.80 postage.

Once I receive your check, payable to the Town of New Windsor in the amount of \$3.55 I will forward the document by mail.

Very truly yours,


Deborah Green, Town Clerk
Town of New Windsor

Dg

Cc: Myra Mason, Planning Board Secretary ✓
Andrew Krieger, Planning Board Attorney



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196
Telephone: (845) 563-4615
Fax: (845) 563-4695

7 September 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

**SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94 – T/NEW WINDSOR**

Dear Mr. Dennison:

I am writing this letter pursuant to the Public Hearing held on 22 August 2001 for the Site Plan application and SEQRA DEIS for the proposed Hannaford Food & Drug Project. The project is proposed for construction at the Vails Gate Five Corners, with access from NYS Routes 94 and 32.

The Town has received a significant amount of comment and correspondence with regard to traffic concerns, both concerning existing conditions and as may result should the Hannaford project be constructed as proposed. Information was placed on the record with regard to comments and/or opinions of representatives of your Department, which were not previously on formal record via correspondence to the Town Planning Board. Previous comments by NYSDOT personnel indicating that the intersection is *maximized and no additional improvements are possible; improvements to the poor conditions at the intersection must be accomplished by land use control* have been noted. In contrast, the applicant's traffic engineer has indicated, to the Board, that the DOT is in agreement that their proposed improvements will mitigate the impacts of the project.

Since the Town Planning Board, as Lead Agency, has corresponded with your Department directly, and has coordinated the SEQRA review via a transmittal of the DEIS document, the Board will await your formal written response to the Town to understand your determinations with regard to the traffic study and DEIS. We request that communication to the applicant's consultants or other interested parties be limited so as not to cause confusion as to the deliberations under the SEQRA process.

We have received correspondence from the Town of Cornwall Planning Board in opposition to the project, based on significant traffic concern. New Windsor Supervisor George J. Meyers, in a letter to you dated January 24, 2001 noted the New Windsor Town Board's concern regarding this matter. Concern was raised in the public hearing regarding the proximity of the Vails Gate Fire Department firehouse to the 5 corners, and the problems additional traffic volume and traffic movements may cause for emergency vehicle responses.

I am requesting that your Department take all information received by the Planning Board (regarding traffic) into concern *before* you render a determination and correspond with the Planning Board under SEQRA. Toward this goal, we will be forwarding a package of the correspondence, as well as the minutes from the Public Hearing, to the DOT representatives listed below, in the very near future. The Planning Board has retained a traffic consultant (Phil Grealy) to assist the Planning Board in reviewing this matter, and we may request that he contact you to discuss the information before the Planning Board.

We are hopeful that the above is acceptable. If you have any questions regarding the above, please do not hesitate to contact me at your convenience.

Very truly yours,

TOWN OF NEW WINDSOR



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

Cc: George J. Meyers, Town Supervisor
James Petro, Planning Board Chairman
Tom Myers, NYSDOT
Adrienne G. Bautista, NYSDOT
Mr. Phil Grealy, P.E.

Aug 27/200

Hi Planning Board!

I was at your meeting last Wednesday and was disappointed that so many people were against Hamanford. They seem to blame them for the mess on 5 corners. Why don't we give them a chance maybe it will work out.

I think we should stop building all these homes and condos they are bringing in too many people and cluttering up our 2 lane roads! I don't think there is a 4 or 5 corner that you don't have to wait for 2 or 3 lights to get thru

1. 17th & Union Ave

2. Union Ave & 300

3. Now 32 & Union Ave

try getting out of temple hill road pass wash & farm on to 32.

What about K Mart that's going to be a mess and ~~the~~ Shop Rite parking lot is a night mare plus their prices have sky rocketed we could use

Another super market, Competition is
good -

I live back to back with Friendly's
and have no complaints about Hernandez
coming -

I've lived in Orange County all my
80 yrs. and have seen many changes
that's what life is - (Let the other
guys live too) not just a Chase
few - Wash x farm have double
its car wash also a new restaurant
will be going next to Dunkin' Doughnuts

So I say -

Good Luck Hernandez! Hope
to see you as my neighbor

Thank You
Mary Fernandez
9. Trux Circle
New Windsor, N.Y.

RECEIVED

AUG 29 2001 @

P.S. Keep my name out of the
paper Please!

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

(845) 291-1100

FAX (845) 294-3994

September 6, 2001

via Fax & Regular Mail (563-4695)

James Petro
Chairman, Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford (00-15)

Dear Mr. Petro:

I do not wish to burden the SEQRA record on this matter as I believe you have heard and understood the numerous comments and objections to this project. My purposes here is simply to focus you and the members of the Board upon the issues I brought up on behalf of the Bila Family Partnership at the public hearing of August 22, 2001.

The legal issue involving the Rt. 94 access is very real. This narrow (25 feet wide overall) entrance way is no mere "shared driveway" as termed in the DEIS (at pg. 2-8). It is a full fledged street that is open to the general public (it is longer than the length of nearby Old Temple Hill Road between Routes 32 and 94) and will be used by hundreds of cars each day and thousands upon thousands each year. Yet it cannot even meet the Town's design standard for a minor private road (24 feet of pavement plus gutters and shoulders on a 50 foot wide ROW) and falls way short of the design standards for a suburban street (30 feet of pavement plus gutters and shoulders on a 50 foot wide ROW). This major road way barely meets common driveway standards. Since this is a "street" as defined by the Town's Code (§38-2) and open to the general public it must meet Town standards regardless of whether they are privately owned (Town Code §38-7). It can't and since it is vital to the entire project I do not see how you can approve the project in light of that serious legal defect.¹

¹ Although it was not fully explored at the public hearing you can imagine how motorists will use this road and the parking lot as a by pass to and from Rt. 94 and Rt. 32 in order to avoid the light at five corners. This realization emphasizes its categorization as a street and not a "shared driveway".

(Cont'd)

James Petro
September 6, 2001
Page 2

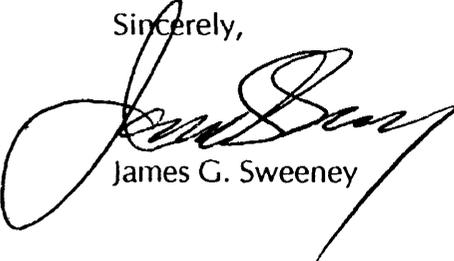
The extensive adverse comments on traffic need no repetition by me. It suffices to say that the NY DOT, the entity that controls all the roads through the five corners, notes several times that no matter what is done by Hannaford it will make an already intolerable situation worse. The expert data submitted by Bila's traffic engineers backs that up 100%.

You are correct in your observation that ordinarily, indeed for the most part, when a use is permitted by the underlying zoning law a planning board would be hard pressed to deny site plan approval because of adverse environmental factors. However, there are some times when the overall "public health, safety and welfare" of the community as well as "the comfort and convenience of the public in general" (see Zoning Law §48-19[A] "Objectives") override the individual interests of the developer and the Board would be well within its jurisdiction to deny an application in such a circumstances. This is one of those rare circumstances. This project, even though facially permitted by the Zoning Law, does not "fit" and your Board would be justified in denying the site plan approval. The evidence is overwhelming in this regard and it is backed up by sound scientific data supplied by Bila's traffic engineers and the NY DOT. As such it is not unreasonable to deny the application on traffic grounds alone. The legal failure is another. Cf. *Gilchrist v. Town of Lake George Planning Board*, 255 A.D.2d 791, 680 N.Y.S.2d 320 (3d Dept., 1998).

I submit to you and the members of the Planning Board that this is one of those rare cases when site plan approval should be denied.

Thank you for your consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa

cc:
Tim Miller Associates
Andrew Krieger, Esq.
Jeff Rosenberg



August 17, 2001
LKB #0620-01

James G. Sweeney, P.C.
One Harriman Square
P.O. Box 806
Goshen, NY 10924

Re: Hannaford Food Store
Town of New Windsor
Orange County, NY

Dear Mr. Sweeney:

Pursuant to your request, we have reviewed the DEIS documents relating to traffic issues. The following is a summary of our review.

Some of the issues raised previously, such as AADT, accident history analysis and signal warrant analysis have been included in the DEIS. However, the traffic analysis presented in the DEIS did not provide different results from the initial Traffic Impact Study dated June 26, 2000 or the subsequent sensitivity analysis dated December 26, 2000. The DEIS restates the Level of Service for the 'Five Corners' intersection for existing, No-Build, Build without improvements, Build with improvements, and a Build sensitivity analysis. Therefore, the results for the overall intersection LOS remain at LOS F (98.4 sec.) for Build w/ improvements (PM Peak Hour) and F (108.5 sec.) under the Build sensitivity analysis.

As stated in prior correspondence, this confirms the statement by NYSDOT (letter of November 27, 2000 to Town of New Windsor Planning Board Engineer) that "*the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures.*" This analysis also corroborates the NYSDOT statement that "*there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken*". The NYSDOT further emphasizes their position (letter of December 29, 2000 to CME, LLP) stating that "*even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considered unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development, which would correct the condition*".

Furthermore, the traffic analysis as presented in the DEIS still indicates Level of Service F at the following intersections:

- under the "2002 (PM Peak) Build Sensitivity Analysis" scenario:
 - 'Five Corners' Intersection (7 out of 11 lane groups – 64%)
 - Rt. 94 EB left turn movement
 - Rt. 94 EB through/right turn movement
 - Rt. 94 WB through/right turn movement
 - Rt. 32 NB (to Rt. 300) left turn movement
 - Rt. 32 SB through movement
 - Rt. 32 SB right turn movement
 - Rt. 300 SB through/right turn movement
- under the "2002 (PM Peak) Build" scenario:
 - Rt. 300 / Old Temple Hill Rd.
 - WB left/right turn movement
 - Rt. 94 / Old Temple Hill Rd.
 - SB left turn movement
 - Rt. 32 / Jacqueline Street
 - WB left turn movement

In addition, the DEIS restates that the project impacts are mitigated -- however, the 'Five Corners' intersection will nevertheless operate at LOS F. The mitigative measures proposed at this intersection do not improve the above noted 'lane group' LOS.

As a result of this project, the unsignalized intersections at Rt. 300 / Old Temple Hill Rd., Rt. 94 / Old Temple Hill Rd. and Rt. 32 / Jacqueline St. will experience increases in delay for the above noted movements. Also, the introduction of a new signal at Rt. 32 / Site Driveway. intersection will increase delays along Rt. 32.

Vehicular Queuing

Another issue that has not been adequately addressed is the effect of vehicle queue or spillback from the 'Five Corners' intersection. The DEIS presented vehicle queue lengths at the approaches of the 'Five Corners' intersection under the existing, no-build, build, and build with improvement scenarios. These values were generated from a macroscopic analysis of the intersection. Traffic queue length for Route 32 Northbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 32 NB left movement to Rte. 300 ----- 23 vehicles (575')
Rte. 32 NB through / right movement to Rte. 32 / Rte. 94 - 24 vehicles (600')

These maximum queue lengths can be expected to occur during 5% of the signal cycles within the peak hour. Queue lengths during the remainder of the peak hour will be shorter but can still be comparable in magnitude.

Projecting the queue lengths over the next 10 years (Build + 10 yr.) yields queue lengths of 28 vehicles and 30 vehicles respectively. A queue of 30 vehicles would extend 750' from the 'Five Corners' intersection, thus blocking the proposed Rte. 32 / Site Driveway signalized intersection which itself is located 750' from the 'Five Corners' intersection. When considering a potentially critical – and possibly unsafe – scenario of intersection blockage and interference, it is well to note that traffic projections and simulations are not infallible. Actual real life conditions may be better or worse than those predicted. Should they be worse, it would only require a slight increase to result in serious and possibly intractable problems in the operation of the driveway intersection. It must also be borne in mind that the 10-year projection assumes a slow but steady rate of growth in background traffic. If a major new development were to be sited to the south, it is possible that the results projected for a 10-year horizon could be experienced within a much shorter time frame.

The traffic queue length for Route 94 Westbound under the Build with improvement (PM Peak Hour) condition indicate the following queues:

Rte. 94 WB left movement to Rte. 32 SB ----- 10 vehicles (250')
Rte. 94 WB through / right movement to Rte. 94 / Rte. 300-- 21 vehicles (525')

The existing queues extend past the Rte. 94 / Old Temple Hill Rd. intersection as would the projected queues under the Build with improvement scenario. The proposed Rte. 94 / site driveway, located approximately 150 feet from the 'Five Corners' intersection, would also be affected. WB Rt. 94 left turn movements into the site driveway and left turn movements out of the site driveway to WB Rte. 94 would be difficult maneuvers. The intersection would most likely function under restricted conditions of right turn maneuvers only. This intersection and the 'Five Corners' intersection should therefore be re-analyzed to reflect a redistribution of traffic volume.

Other traffic issues include:

Long Range Traffic Impacts

The long range traffic impacts (Build + 10yr horizon) are presented for the 'Five Corners' intersection. The statement "*future delays at the 'Five Corners' intersection will be less than today with overall delays under three minutes*" is misleading. Although the overall delay is less than existing delay, approximately 50% (5 out of 11) of the approach movement operations will degrade (increase in delay) under the long range conditions when compared to existing conditions. See attached table.

Build Traffic Volumes

The DEIS presented a project site trip summary table which indicates approximately 10,000 daily trips are generated by this site for a typical Saturday. This is 10 times as many trips than the 1,000 (approximately) daily trips currently generated by the Friendly's restaurant. The impact of this significant increase in daily trips to this location was not addressed.

This summarizes the major outstanding issues. Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.



Richard Malec, P.E.
Project Manager

RM/rjm
Attachment

TABLE 1
Intersection Delay at "Five Corners" Intersection

Intersection	Approach - Movement	PM Peak Hour			Delay Increase (Long Range Condition vs. 2000 Existing)
		2000 Existing	2002 Build Sensitivity Analysis	Long Range Condition (Build + 10Yr)	
Route 94	EB-L	126.6	160.5	263.4	136.8
	EB-TR	100.2	80.5	99.6	
	WB-L	82.4	59.3	97.7	15.3
	WB-TR	180.9	118	148.3	
Route 32 (To Rt. 94) (To Rt. 300)	NB-L	>300	-	-	
	NB-L2	-	56.5	178.4	
	NB-L1	-	96.2	110.9	
	NB-TR	45.3	34.2	38.1	
	SB-T	132.5	161.8	250.3	117.8
Route 300	SB-R	194.3	180.4	123.7	
	SB-L	55.9	57	195.1	139.2
	SB-TR	120.2	152	178.4	58.2
	Overall	220.4	108.5	143.9	

Delay = sec/veh.

EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound

R = right, L = left, T = through

Source: Hanaford Food & Drug DEIS, June 2001

"Hannafords P. H."

Name

Spoke regarding:

Jim Sweeney, atty for Bela Partners: Legal Matter regarding the entryway coming in from Rt. 94 must conform with T.N.W. street regulations

Rick Mallick - Representing Bela -

Spoke re: Traffic

Jeff Rosenberg: Spoke re: traffic

Ron Roberts: How many cars will be in route for K-Mart

Time spent at five corners in event of an accident

More traffic increase due to: Mt. Airy estates

Mt. Airy Park

Cornwall School

Bernard Lusmer: Traffic

Sandra Kissam: Traffic "Cumulative Traffic"

Kurt Atway: Did they do a survey of people who
have eaten at friendly's - Not many because
of difficulty getting in and out

Carolyn Gasko - Noise of operations

Dick Randazzo - Quality of life and traffic at five corners

Steve Rivera: Response time for fire Dept. on the Rt94 Area

Joan Manuel: Turning out of her street & traffic

Jim Sweaney: Spoke re Health, Safety & Welfare of the Community as a reason to "Deny"

Sanda Kessam: Re: Infrastructure and "overloading" the roadways.

Bill Preston: Re: Why can't the people vote on it.

Neil Schlesinger: P.B. being in a bad position

Ferdinand Ritz: The public's "Constitutional Rights"

Marilyn Mason: Rt 94 Exit

Jeff Rosenblum: Do Traffic study after K-Mart opens

Dick Randazzo: Traffic improvements? Why didn't D.O.T. accept these suggestions.

Bob ~~to~~ Jasko : Location of the refrigeration unit and the noise with respect to the houses

Everett Smith : What is the P.B. doing trying to make a decision on traffic problems on a State Rd.

@ Cloud P.H.

**TIM
MILLER
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

July 30, 2001

Town of New Windsor Planning Board
Attn: Mr. Mark Edsall, PE
555 Union Avenue
New Windsor, NY 12553

*Myra
Colt*

Dear Mr. Edsall:

Enclosed please find two (2) copies of revised pages of the Draft Environmental Impact Statement (DEIS) prepared for the proposed Hannaford Food & Drug supermarket. The enclosed pages address the completeness comments in your review memo to the Board, dated 25 July 2001, and completeness comments of Phil Grealy in his review memo, dated July 2, 2001.

The following revised DEIS pages are enclosed:

Cover page (revised listed consultants)

Pages 2-9, 2-10 (revised listed sewer and water approvals)

Page 3.4-2 (clarified sewage generation quantities cited)

Traffic section 3.3 (Pages 3.3-1 thru 3.3-12), (added summary Table 3.3-12 of accident data, expanded sight distance discussion in section 3.3.9, added AM peak hour discussion in section 3.3.14, and summarized all level-of-service data in Table 3.3-15)

The enclosed pages are provided for your review at the August 1 work session. Once accepted, the revised pages will be incorporated into the DEIS document which will be produced for public distribution.

Please advise if you require anything further.

Yours truly,



Frederick P. Wells
Senior Planner
TIM MILLER ASSOCIATES, INC.

HANNAFORD FOOD & DRUG

SITE PLAN APPLICATION

NYS Route 32

DRAFT ENVIRONMENTAL IMPACT STATEMENT

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Tax Map Numbers:

Section 70, Block 1, Lots 16.1 and 16.2

Section 70, Block 1, Lots 2.1 and 2.21

Section 69, Block 4, Lots 19.2, 25, 26.12 and 28

Project Sponsor: **MARTIN'S FOOD OF SOUTH BURLINGTON, INC.**

P.O. Box 1000

Scarborough, Maine 04074

Attention: Douglas S. Boyce, PE

(207) 885-2852

Lead Agency: **TOWN OF NEW WINDSOR PLANNING BOARD**

Town Hall, 555 Union Ave

New Windsor, NY 12553

Contact: Mark Edsall, PE

(845) 563-4615

Lead Agency Acceptance Date: July 25, 2001

Date of Public Hearing: August 22, 2001

**Written Comments Will be Accepted by the Lead Agency for Ten Days
After the Close of the Public Hearing.**

July 25, 2001

2.6 Construction and Operation

2.6.1 Construction

The project plans have been developed for the building and pavement areas in accordance with contemporary engineering standards for construction materials and road and parking lot grades. Detailed plans for grading and drainage, soil erosion and sediment control, utilities, lighting and landscaping have been prepared and accompany this DEIS document.

A schedule for construction of off-site improvements will be worked out with the Town Engineer prior to the commencement of demolition activities.

Construction Sequence and Schedule

A construction sequence and schedule has been developed as part of the overall erosion and sediment control plan for the project. Sequencing of construction is important to minimize soil erosion during construction.

It is anticipated that site work would begin in Spring of 2002 and that the supermarket would open in late 2002.

2.6.2 Operation

The proposed supermarket may operate 24 hours per day, depending on the local demand for this type of facility.

Truck traffic to the site will vary from day to day and week to week depending upon the season and the variation in shopping demand that occurs at the store. The store would receive regular trailer truck deliveries from its warehouse distribution facilities. Vendor trucks are less predictable, but would usually occur periodically throughout the morning hours. Past experience by Hannaford indicates approximately 195 vendor truck trips per week would occur at this store.

2.7 Approvals and Involved Agencies

Approvals required for this project and agencies having approval and permitting authority for the proposed action ("Involved Agencies") are listed below:

Site Plan Approval and Amended Site Plan Approvals for off-site properties

Town of New Windsor Planning Board

Water Main and Connection

Town of New Windsor Water Department

Sewer Connection

Town of New Windsor Sewer Department

July 25, 2001

Notification of Intent to be filed in accordance with NYS/DEC SPDES General Permit GP-93-06
New York State Department of Environmental Conservation, Region 3

Water Main Approval
Orange County Department of Health

Work Permit for Activities in the State Right of Way
New York State Department of Transportation, Region 8

Referral of Site Plan per General Municipal Law §239-m
Orange County Department of Planning

The applicant proposes to fill the 0.04 acres of wetland that exist on this site. The applicant is processing this application with the assumption that the on-site wetland is not regulated by the Army Corps of Engineers (ACOE). Because this action would result in the filling of less than 0.10 of an acre of wetland, this action would nonetheless comply with the conditions of the ACOE Nationwide Permit #39. This Nationwide Permit authorizes the filling of up to 0.50 of an acre of jurisdictional wetland. If the discharge of fill is less than 0.10 acre, as in this situation, no prior notification is necessary and ACOE would be notified within thirty days of the completion of the activity.

2.8 Project Purpose, Needs and Benefits

The purpose of the proposed project is to provide a first class supermarket and drug store in New Windsor. The project will provide this by utilizing the existing commercial zoning for the site in furtherance of the comprehensive plan of the Town of New Windsor. Moreover, the site, situated along a State highway in an area where major infrastructure improvements have been made and which has become an important retail corridor for the Town, is well suited for this use.

Hannaford seeks through this proposal to earn a reasonable return from this site in a manner that is compatible with the community and its comprehensive long-range land-use plans. The applicant believes that this project will address demand for such retail use in this area of New Windsor, provide competition with similar retailers in the area, and will strengthen an existing, well-established retail corridor.

The primary benefit of the project is the utilization of the project site for retailing purposes. Such use would generate additional property and sales tax revenue to the Town of New Windsor, the taxing districts in which the site is situated and Orange County. Construction employment and long-term retail employment opportunities would also be generated. A substantial portion of these positions are expected to be filled by residents of New Windsor and the surrounding communities.

3.4.2 Sewage Disposal

Existing Conditions

The site is located in Sewer District #14. Although there is a moratorium on sewer main extensions, this does not apply to the subject application because this site is located in a portion of the district which is currently serviced by the sewer main.

An existing 10-inch sanitary sewer is located in the bed of NYS Route 32. Sewage from the existing Friendly's restaurant is conveyed within this main. Based on an analysis by project engineers for the period between January 1999 and September 2000, the average daily water demand for the Friendly's restaurant was 2,210 gallons per day (gpd).

The existing sewer line in Route 32 connects to an existing 10-inch line in Route 94 just north of the project site, which conveys effluent to the New Windsor Sewer District treatment plant located to the east on the banks of the Hudson River.

For purposes of environmental review, it is typically assumed that sewage generated by a facility roughly equals its water demand. In reality, this is a worst-case approach since some water is always lost through use or consumption.

Potential Impacts

Site generated sewage is proposed to be disposed of in the existing main within Route 32. Daily flows from the project are projected by project engineers to be approximately 3,800 gallons, based on actual water usage data of the applicant. Based on the average water usage rates for retail facilities outlined earlier in this chapter (taken from NYS/DEC Standards for Waste Treatment Works and NYC CEQR Technical Manual), sewage demand would be projected to be between 5,520 and 9,384 gallons per day (depending on the average rate used in the computation). Notwithstanding the current surcharge problem, the applicant is seeking to connect to the main in Route 32.

Mitigation Measures

Based on conversations with the Town Engineer and the New Windsor Sewer Superintendent, the Applicant anticipates making a monetary contribution to the Sewer District to help defray the cost of construction of the potential force main to be located in Route 94. The amount of this contribution has not been determined.

3.4.3 Drainage Facilities

Existing Conditions

Drainage from the existing Friendly's rooftop and parking areas is currently directed to existing storm drains in Routes 32 and 94. The remainder of the undeveloped portions of the site are split between flowing off-site to the east and the west as sheet flow. These flows ultimately enter the municipal storm drain systems in Route 94 and Route 32. Stormwater landing on the existing Monro Muffler property is directed to Route 94. Finally, the portions of the former Long John Silver's restaurant property which would be affected by the proposed activities are currently wooded.

3.3 Traffic and Transportation

3.3.1 Introduction

This section (3.3) of the DEIS follows standard traffic engineering practice and consists of the following procedures; 1) survey existing traffic, roadway, and traffic control conditions, 2) identify other pending developments and establish future traffic volumes with and without the proposed development, 3) perform capacity and level of service and other traffic engineering analysis, and 4) identify any impacts and mitigation. Each of these tasks is described in more detail in the remainder of this section.

3.3.2 Existing Highway Traffic and Conditions

Existing Road Network

The regional east-west roadway in the vicinity of the site is State Route 94. State Route 94 is a two-lane urban minor arterial consisting of one 11-foot wide travel lane in each direction with 4-foot shoulders. In the vicinity of the proposed site, Route 94 provides three lanes including a center left-turn lane. West of State Route 32, Route 94 changes to an urban principal arterial with one 12-foot wide travel lane in each direction with 7-foot shoulders.

The regional north-south roadways in the vicinity of the site are State Route 32 and State Route 300. State Route 32 is a two-lane urban minor arterial consisting of one 12-foot wide travel lane in each direction with auxiliary lanes at intersections. In the vicinity of the proposed site driveway, the Route 32 travel way transitions from two to four lanes as it approaches the Route 94 intersection. The posted speed limit is 30 miles per hour (mph) within the study area.

The second north-south roadway, State Route 300, is a two-lane urban minor arterial with a center turn median. The road consists of one 11-foot travel lane in each direction with an 11-foot center turn median. Route 300 ends at its intersection with Route 32 and Route 94 in the project area.

Figure 3.3-1 shows the existing roadway network.

Existing Traffic Volumes

Traffic counts were undertaken to identify the peak weekday commuter/shopping travel and peak Saturday midday shopping periods at the following study area intersections:

- Route 32/Route 300/Route 94 ("Five Corners")*
- Route 94/Old Temple Hill Road
- Route 32/Old Temple Hill Road*
- Route 300/Old Temple Hill Road
- Route 32/Jacqueline Street

The above two intersections marked with an asterisk are signalized. The remaining three intersections operate under stop sign control. The "Five Corners" intersection is a five-way intersection operating under actuated signal control. Field observations indicate that the signal

operates under a six-phase cycle of approximately 180 seconds. The Route 94/Old Temple Hill Road intersection is a T-intersection with stop sign control on the Old Temple Hill Road southbound approach to Route 94. The Route 32/Old Temple Hill Road intersection is a four-way signalized intersection operating under a three-phase 90-second cycle. The Route 300/Old Temple Hill Road intersection is a T-intersection with the westbound Old Temple Hill Road approach operating under stop sign control. The Route 32 /Jacqueline Street intersection is a T-intersection with Jacqueline operating under stop sign control on the westbound approach. The existing lane configuration at each of the study area intersections is shown on Figure 3.3-2.

Intersection turning movement and vehicle classification counts were conducted at the "Five Corners" intersection and Route 94/Old Temple Hill Road intersections on Wednesday, January 19, 2000 from 4:00 to 6:00 PM and on Saturday, January 22, 2000 from 11:00 AM to 2:00 PM. Recognizing seasonal variations in traffic, these counts were increased by 18.5 percent to represent peak month conditions based on the latest NYSDOT expansion factors for traffic count processing.

Supplemental counts were conducted at the Route 32/Jacqueline Street intersection during the peak PM and Saturday hours on April 4, 2001 and April 7, 2001 respectively. These counts were increased and balanced with the peak month volumes at the 5-corners intersection. Additional traffic volume information was obtained from the Big V Town Centre Traffic Impact Report, dated May 20, 1998, and the letter dated October 20, 1999 both prepared by Langan Engineering. These referenced volumes were increased by two percent per year to establish base year 2000 volumes and balanced with the new traffic counts conducted for this study. The raw traffic volumes are contained in Appendix C, Attachment 1. These volumes provide base year 2000 conditions, as summarized on Figure 3.3-3 for the PM peak hour and Figure 3.3-4 for the Saturday peak hour, and form the basis for all traffic forecasts.

The following conclusions are evident from the traffic volume information:

- The weekday afternoon peak hour generally occurs from 4:30 to 5:30 PM and the Saturday peak hour generally occurs from 12:30 to 1:30 PM.
- The percentage of heavy vehicles observed ranged from zero to 11 percent depending on the specific lane group and time of day.
- The two-way traffic volume on Route 32 in the vicinity of the site is 1,776 vehicles during the weekday afternoon peak hour and 1,754 vehicles during the Saturday midday peak hour. The two-way traffic volume on Route 94 in the vicinity of the site is 834 vehicles during the weekday afternoon peak hour and 811 vehicles during the Saturday midday peak hour.

Existing Average Annual Daily Traffic

Along with manual intersection turning movement volumes, Average Annual Daily Traffic (AADT) volumes were researched for all segments approaching the Vails Gate "Five Corners" intersection. Table 3.3-1 summarizes these existing AADT's based on the latest NYSDOT Traffic Volume Report.

Route	Segment	Average Annual Daily Traffic
Route 32	South of the "Five Corners" Intersection - CR 107 in ORRS Mill to Rt. 94 in Vails Gate	17500
	North of the "Five Corners" Intersection - Rt. 94 in Vails Gate to CR 69 (Union Ave)	13500
Route 94	West of the "Five Corners" Intersection - CR 20 (ORRS Mills Rd) to Rt. 32, 300 in Vails Gate	7750
	East of the "Five Corners" Intersection - Rt. 32, 300 in Vails Gate to Willow Ln.	10700
Route 300	North of the "Five Corners" Intersection - The end of the Rt. 207 overlap to Rt. 94 in Vails Gate (End Rt. 300)	18400

Existing Vehicular Queuing

Peak hour queuing observations were conducted on the Route 32 northbound approach and the Route 94 westbound approach to the "five corners" intersection. This field data shows that the average number of vehicles in queue is greatest in the Route 32 northbound shared left/left-through lane, which serves traffic destined to Route 94 westbound and Route 300 northbound. Average peak hour queue lengths were 21 vehicles during the PM peak hour and 18 vehicles during the Saturday peak hour. The maximum queue observed was 30 vehicles, which occurred during the PM peak hour. The Route 94 westbound approach queued past Old Temple Hill Road.

3.3.3 Level-of-Service Criteria

Intersection Level of Service (LOS) and capacity analysis relate traffic volumes to the physical characteristics of an intersection. Intersection evaluations were made using the highway capacity software, and the Synchro traffic simulation software, both of which automate the procedures contained in the 1997 Highway Capacity Manual. The results of the analysis provide a level of service rating from a LOS A to LOS F based on the average delay per vehicle. LOS A represents the highest, most efficient level, and LOS F is the lowest level. Tables 3.3-2 and 3.3-3 further define the LOS criteria for unsignalized and signalized intersections. Additional details on the level of service descriptions are included in Appendix C, Attachment 2.

Level of Service	Average Total Delay (Seconds per vehicle)
A	≤10.0
B	> 10.0 and ≤ 15.0
C	> 15.0 and ≤ 25.0
D	> 25.0 and ≤ 35.0
E	> 35.0 and ≤ 50.0
F	> 50.0

Source: Highway Capacity Manual, Transportation Research Board, National Research Council, Special Report 209, 1997.

Level of Service	Average Control Delay Per Vehicle (Seconds per vehicle)
A	≤10.0
B	> 10.0 and ≤ 20.0
C	> 20.0 and ≤ 35.0
D	> 35.0 and ≤ 55.0
E	> 55.0 and ≤ 80.0
F	> 80.0

Source: Highway Capacity Manual, Transportation Research Board, National Research Council, Special Report 209, 1997.

3.3.4 Existing Levels of Service

The results of the level of service (LOS) analyses for the study area unsignalized intersections are summarized in Table 3.3-4. Only movements generally subject to delay are shown in the capacity analysis. Levels of Service for signalized intersections are summarized in Table 3.3-5. This table shows that the average motorist currently experiences more than three minutes of delay at the "Five Corners" intersection. The capacity analysis worksheets are included in Appendix C, Attachment 2.

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94 Old Temple Hill Road	EB-L	9.1	A	9.3	A
	SB-L	40.6	E	32.0	D
	SB-R	11.1	B	11.7	B
Route 300 Old Temple Hill Road	SB-L	10.7	B	10.2	B
	WB-LR	39.1	E	48.9	E
Route 32 Jacqueline Street	SB-LT	10.4	B	9.6	A
	WB-LR	36.5	E	26.2	D

LOS = Level-of-Service (see level-of-service criteria Table 3.3-2).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.
R = right, L = left, T = through.

**TABLE 3.3-5
2000 Existing Condition Level-of-Service Summary
Signalized Intersections**

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94	EB-L	126.6	F	112.7	F
	EB-TR	100.2	F	111.5	F
	WB-L	82.4	F	127.7	F
	WB-TR	180.9	F	167.6	F
Route 32	NB-L	>300	F	>300	F
	NB-TR	45.3	D	39.5	D
	SB-T	132.5	F	114.6	F
	SB-R	194.3	F	143.9	F
Route 300	SB-L	55.9	E	58.3	E
	SB-TR	120.2	F	206.3	F
	Overall	220.4	F	203.6	F
Old Temple Hill Road	EB-L	23.3	C	24.9	C
	EB-TR	16.7	B	17.4	B
	WB-L	24.4	C	24.4	C
	WB-TR	27.8	C	31.7	C
Route 32	NB-LTR	18.7	B	17.7	B
	SB-LTR	18.8	B	22.0	C
	Overall	20.1	C	21.9	C

LOS = Level-of-Service (see level-of-service criteria, Table 3.3-3).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
R = right, L = left, T = through.

3.3.5 Future No-Build Traffic: Network and Volumes

In order to evaluate the impact of the proposed development, traffic projections were prepared for the year 2002. This corresponds to the year that the project is expected to be fully constructed and occupied. The relative impact of the proposed supermarket can be determined by comparing the level of service during the 2002 design year for the No-Build and Build traffic volumes.

The 2002 No-build traffic volumes assume the re-occupancy of the former Long John Silver's restaurant, demolition of the existing Friendly's restaurant, the construction of the new Cornwall High School, the expansion of the Big V Town Centre (a.k.a. Shop Rite) currently under construction, and the completion of the 31 unit residential subdivision located off Jacqueline Street in the Town of Cornwall. These "Other Development" volumes can be found in Appendix C – Attachment 3. The following No-Build analysis assumes the completion of the highway improvements planned as part of the Jacqueline Street subdivision which includes the construction of separate westbound left and right turn lanes and an improved westbound approach grade.

The 2002 No-Build traffic volumes were estimated by applying a one percent per year growth rate to the existing 2000 peak hour volumes and adding the expected increase in traffic due to the other development projects. These "other development" trips are summarized in Appendix C, Attachment 3. The resulting average annual overall growth rate is approximately 4% to 4.5% per year at the "Five Corners" intersection. The resulting 2002 No-Build traffic volumes are summarized on Figures 3.3-5 and 3.3-6 for the PM and Saturday peak hours, respectively.

3.3.6 No-Build Level of Service

Table 3.3-6 contains the level of service summaries for the 2002 No-Build scenario for the unsignalized intersections. Table 3.3-7 summarizes levels of service for the signalized intersections.

TABLE 3.3-6					
2002 No-Build Condition Level-of-Service Summary					
Unsignalized Intersections					
Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94 Old Temple Hill Road	EB-L	9.2	A	9.4	A
	SB-L	51.1	F	36.5	E
	SB-R	11.3	B	11.8	B
Route 300 Old Temple Hill Road	SB-L	11.0	B	10.5	B
	WB-LR	53.2	F	73.4	F
Route 32 Jacqueline Street	SB-LT	10.8	B	10.1	B
	WB-L	84.3	F	76.6	F
	WB-R	19.0	C	17.1	C
LOS = Level-of-Service (see level-of-service criteria Table 3.3-2). EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound. R = right, L = left, T = through.					

TABLE 3.3-7 2002 No-Build Condition Level-of-Service Summary Signalized Intersections -					
Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94	EB-L	179.4	F	148.1	F
	EB-TR	119.8	F	128.3	F
	WB-L	88.7	F	145.1	F
	WB-TR	212.0	F	193.2	F
Route 32	NB-L	>300	F	>300	F
	NB-TR	43.7	D	40.5	D
	SB-T	174.3	F	142.8	F
	SB-R	269.4	F	195.1	F
Route 300	SB-L	58.4	E	58.3	E
	SB-TR	161.3	F	234.2	F
	Overall	240.9	F	244.8	F
Old Temple Hill Road	EB-L	24.0	C	25.7	C
	EB-TR	16.9	B	17.6	B
	WB-L	24.5	C	24.5	C
	WB-TR	28.1	C	33.2	C
Route 32	NB-LTR	20.4	C	19.3	B
	SB-LTR	20.2	C	25.1	C
	Overall	21.3	C	23.7	C

LOS = Level-of-Service (see level-of-service criteria, Table 3.3-3).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
R = right, L = left, T = through.

3.3.7 Build Traffic Volumes

Two sets of Build traffic volumes were prepared. One with the Route 32/Site Driveway configured as a T-intersection and a second set of Build traffic projections was prepared involving changes in access to the site of the former Long John Silver's restaurant. This second case is presented herein for access management purposes and to facilitate driveway modifications for consideration by the NYSDOT.

Trip Generation

Trip generation determines the quantity of traffic expected to travel to/from a given site. The trip generation for the proposed Hannaford site was estimated based on Trip Generation, 6th Edition, published by the Institute of Transportation Engineers (ITE). The average rate provided by ITE for Land Use Code (LUC) 850 - Supermarket, was used to estimate the PM and Saturday peak hour trip generation for the proposed Hannaford. Table 3.3-8 summarizes the daily and peak hour trip generation for this project.

Land Uses (size) (ITE Code) ¹	Trips											
	PM Peak Hour			Saturday Peak Hour			Daily Weekday			Daily Saturday		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Supermarket (56,000 SF) (850)	329	316	645	350	336	686	3122	3122	6244	4972	4973	9945
- Pass By Trips (25%)	-80	-80	-160	-85	-85	-170	--	--	--	--	--	--
Primary Trips	249	236	485	265	251	516	--	--	--	--	--	--

SF = gross leasable square feet.
¹ ITE, *Trip Generation*, 6th edition rates, pp. 1523 and 1527

Table 3.3-8 shows that the total estimated trip generation for the proposed supermarket is 645 vehicles per hour (vph) during the PM peak hour and 686 vph during the Saturday midday peak hour. Pass-by trips, trips that are captured from the existing traffic passing the site, are estimated at 25 percent of the total trips. Primary trips or "new" traffic generated by the Hannaford project is estimated at 485 vph and 516 vph during the PM and Saturday peak hours, respectively.

Trip Distribution

Trip distribution describes where traffic originates or where traffic is destined. Regional trip distribution percentages were determined by market information provided by Hannaford Brothers Company. The primary trip distribution patterns are summarized on Figure 3.3-7. The pass-by trips were distributed at the site driveways based on the existing directional flows on the adjacent street system.

Traffic Assignment

Traffic assignment combines the results of trip generation and trip distribution and determines the specific path or roadway that will be used between various origin/destination pairs. The resulting weekday afternoon and Saturday midday peak hour traffic assignments (site generated trips) are shown on Figures 3.3-8 and 3.3-9.

Future Traffic

The site generated trips were added to the 2002 No-Build traffic volumes, resulting in 2002 Build traffic volumes for the weekday afternoon and Saturday midday peak hours as shown on Figures 3.3-10 and 3.3-11. The traffic volumes resulting from the relocated Long John Silver's driveway are depicted on Figures 3.3-12 and 3.3-13.

3.3.8 Build Level of Service

A level of service analysis was conducted for the Build condition for the study area intersections and two site driveway intersections. Tables 3.3-9 and 3.3-10 provide level of service summaries for the proposed 2002 Build conditions without mitigation. The following is evident from the analysis:

Route 94/Old Temple Hill Road - Table 3.3-4 shows that the Route 94/Old Temple Hill Road intersection currently operates with left-turn side street delays in the LOS D/E range. Table

3.3-6 shows that the operations will degrade during the No-Build condition and side street LOS E/F will prevail during the peak hours. The build condition analysis indicates that site traffic will increase the delays on Old Temple Hill Road and LOS F will exist during both peak hours. The traffic operations at Old Temple Hill Road are influenced by the capacity constraints at the Route 32 "five corners" intersection, which is not reflected in the LOS results presented in the tables.

Route 94/Site Driveway - Table 3.3-9 shows that this driveway will operate at very good levels of service. This driveway should operate under stop sign control.

Route 32/Site Driveway - Table 3.3-9 shows that this intersection will not operate adequately under stop sign control. A traffic signal warrant analysis was conducted as contained in Appendix C, Attachment 5, and shows that a traffic signal will be warranted at this location. This proposed mitigation is presented in the next section.

Route 32/Route 94/Route 300 "Five Corners" Intersection - Table 3.3-5 and 3.3-7 show that this intersection currently operates at LOS F during peak conditions with delays estimated to be approximately 3 to 4 minutes per vehicle. With the development of the site and no mitigation, overall intersection delays will increase by approximately 50 to 60 seconds per vehicle.

Route 32/Jacqueline Street - Tables 3.3-6 and 3.3-9 show that motorists exiting Jacqueline Street will experience LOS F during peak hours with or without the proposed Hannaford project. Adequate capacity will continue to exist.

**TABLE 3.3-9
2002 Build Condition Level-of-Service Summary
Unsignalized Intersections**

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94 Old Temple Hill Road	EB-L	9.4	A	9.7	A
	SB-L	76.9	F	52.5	F
	SB-R	11.8	B	12.5	B
Route 300 Old Temple Hill Road	SB-L	11.3	B	10.7	B
	WB-LR	70.5	F	100.6	F
Route 32 Jacqueline Street	SB-LT	11.2	B	10.4	B
	WB-L	111.9	F	101.0	F
	WB-R	20.6	C	18.7	C
Route 94 Site Driveway	WB-L	8.4	A	8.3	A
	NB-LR	16.0	C	15.7	C
Route 32 Site Driveway	SB-L	13.1	B	12.3	B
	WB-L	>300	F	>300	F
	WB-R	37.2	E	29.7	D

LOS = Level-of-Service (see level-of-service criteria Table 3.3-2).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.
R = right, L = left, T = through.

TABLE 3.3-10
2002 Build Condition Level-of-Service Summary
Signalized Intersections

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94	EB-L	179.4	F	148.1	F
	EB-TR	160.1	F	178.6	F
	WB-L	90.5	F	148.3	F
	WB-TR	247.9	F	229.9	F
Route 32	NB-L	>300	F	>300	F
	NB-TR	44.4	D	41.3	D
	SB-T	251.6	F	203.1	F
	SB-R	269.4	F	195.1	F
Route 300	SB-L	58.7	E	58.6	E
	SB-TR	193.3	F	275.4	F
	Overall	290.7	F	303.2	F
	Old Temple Hill Road Route 32	EB-L	24.6	C	26.3
EB-TR		17.0	B	17.7	B
WB-L		24.5	C	24.5	C
WB-TR		28.7	C	34.8	C
NB-LTR		21.8	C	20.4	B
SB-LTR		22.6	C	32.7	C
Overall		22.7	C	27.2	C

LOS = Level-of-Service (see level-of-service criteria, Table 3.3-3).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
R = right, L = left, T = through.

3.3.9 Sight Distance

Table 3.3-11 shows the intersection sight distances measured at the proposed site driveways, and at the existing unsignalized intersection locations. The table demonstrates that adequate visibility exists at both site driveway locations based on posted speed limits and NYSDOT guidelines as contained in "Policy and Standards for Entrances to State Highways". Adequate visibility exists at all other locations except at the Old Temple Hill Road/Route 300 intersection looking left from Old Temple Hill Road. Here the existing sight distance is limited due to the horizontal alignment of Route 300 and existing vegetation within the sight distance triangle. Trimming and clearing of vegetation is recommended within this area to maximize the available sight distance.

**TABLE 3.3-11
Sight Distances**

	Available DL	Desirable DL	Available DR	Desirable DR	Available DS	Desirable DS
Site Driveway/Route 94	*	*	570'	260'	*	*
Site Driveway/Route 32	580'	360'	*	*	595'	230'
Route 32/Jacqueline Street	630'	530'	725'	440'	640'	370'
Route 94/Old Temple Hill Road	*	*	*	*	700'	370'
Route 300/Old Temple Hill Road	375'	530'	N/A	N/A	+820'	370'

* Visible to nearest traffic signal
 NA = Not Applicable (Left turn maneuver prohibited)
 DL = Safe Sight Distance to the Left
 DR = Safe Sight Distance to the Right
 DS = Safe Sight Distance Along Major Route for Vehicle Turning Left onto Site Driveway

3.3.10 Crash History

A highway safety and history evaluation was completed within the study area. The evaluation consisted of calculating accident frequency and accident rate and comparing the calculated figures with the statewide averages for similar intersections and highways.

Accident frequency is the number of accidents that have occurred at an intersection or segment during a specified period. The frequency values were obtained directly from the Department of Motor Vehicles. The frequency is simply the sum of all accidents that occurred at an intersection or highway segment during the three-year study period.

The accident rate is the ratio of the number of accidents at an intersection, or within a segment, for every million vehicles entering (MVE) an intersection or million vehicle miles (MVM) of travel in a segment during the specified study period. The AADT entering the intersection was estimated using the existing volumes found in the study. For this analysis, the number of days in the study was equal to 1,095 (365*3).

Historical crash records were available from 1996 to 1998, and show that 70 crashes occurred on Route 32, between the "Five Corners" intersection and a point 6/10's of a mile south of the "Five Corners" intersection which includes the Jacqueline Street intersection. Of the 70 accidents, 15 crashes occurred at the "Five Corners" intersection and 3 crashes occurred at the Jacqueline Street intersection. The crash rate was calculated and compared to the applicable statewide mean accident rate for state-maintained highways, as provided by the NYSDOT's Safety Information Management System (SIMS). The crash histories translate into a crash rate of 0.37 per MVE at the "Five Corners" intersection and 0.12 per MVE at the Jacqueline intersection which is less than the State averages of 0.64 per MVE and 0.19 per MVE, respectively. Similarly, the accident rate on the Route 32 segment south from the "Five Corners" intersection was calculated and compared to the mean accident rate for New York State. The segment accident rate was calculated to be 6.09 per MVM along Route 32 compared to the State mean of 3.94 per MVM. This segment accident rate is higher than the statewide average. The number of right angle accidents in this section is expected to decrease with the implementation of the proposed access management improvements, as discussed in the Mitigation section. Table 3.3-12 summarizes the individual accidents.

**Table 3.3-12
Summary of Accident Reports**

Location	Date	Time	No. Veh	Manner of Collision	No. Inj	Traffic Control	Weather	Apparent Contributing Factor
Route 32/ Jacqueline St Intersection	7/7/96	10:	2	Left Turn (3)	2	Signal	Clear	Failure to Yield ROW
	10/22/97	6:	1	Other	0	None	Clear	N/A
	3/25/98	8:	2	Rear End	1	Signal	Clear	Other Human
Route 32 Segment between Jacqueline St and 5-Corners Intersection	8/18/97	17:	3	Other	2	Other	Clear	Following too Closely
	2/23/98	9:	2	Left Turn (3)	2	None	Cloudy	Failure to Yield ROW
	11/13/96	10:	3	Other	1	Signal	Clear	Following too Closely
	2/20/97	18:	2	Rear End	1	Signal	Cloudy	Driver Inattention
	3/21/98	17:	1	Other	0	None	Sleet	Pavement Slippery
	6/11/98	13:	2	Signal	0	No Pass Zone	Cloudy	Driver Inattention
	9/6/97	5:	2	Other	1	None	Clear	N/A
	9/26/97	16:	2	Rear End	0	None	Cloudy	Following too Closely
	10/2/98	12:	2	Left Turn (3)	1	No Pass Zone	Rain	View Obstructed/Limited
	9/28/96	13:	4	Other	1	None	Cloudy	Following too Closely
	4/18/97	18:	2	Rear End	1	No Pass Zone	Rain	Following too Closely
	10/15/97	11:	2	Intersection	2	No Pass Zone	Rain	Failure to Yield ROW
	10/25/96	6:	4	Other	1	None	Clear	Following too Closely
	8/9/96	16:	2	Rear End	1	Signal	Rain	Other Vehicular
	1/30/96	1:	2	Overtaking	3	None	Cloudy	Unsafe Lane Changing
	3/14/96	9:	2	Intersection	1	None	Cloudy	Unsafe Speed
	4/4/96	18:	2	Overtaking	1	None	Clear	Unsafe Lane Change
	5/21/96	18:	3	Other	1	Signal	Cloudy	Failure to Yield ROW
	5/29/96	17:	2	Left Turn (3)	0	Signal	Clear	Failure to Yield ROW
	6/18/96	18:	2	Intersection	1	None	Cloudy	View Obstructed/Limited
	8/24/96	17:	2	Rear End	1	Signal	Rain	Pavement Defective
	8/30/96	19:	2	Overtaking	0	Unknown	Clear	N/A
	8/31/96	13:	3	Other	1	Signal	Clear	Unknown
	10/1/96	--	2	Intersection	1	No Pass Zone	Clear	Other Human
	10/4/96	15:	2	Intersection	4	None	Clear	Failure to Yield ROW
	11/20/96	17:	2	Rear End	1	Signal	Clear	Driver Inattention
	2/18/97	11:	2	Intersection	2	Signal	Clear	View Obstructed/Limited
	3/27/97	16:	2	Rear End	1	Signal	Clear	Driver Inattention
	5/1/97	3:	2	Rear End	0	Signal	Rain	Other Human
	5/30/97	10:	3	Other	1	Signal	Rain	Unsafe Speed
6/2/97	17:	2	Intersection	2	Unknown	Rain	View Obstructed/Limited	
6/3/97	13:	2	Intersection	2	None	Cloudy	View Obstructed/Limited	
7/22/97	3:	2	Left Turn (3)	1	None	Clear	Turning Improperly	
7/26/97	2:	2	Overtaking	0	None	Cloudy	Passing or Lane Usage Improperly	
9/4/97	14:	2	Rear End	1	Signal	Clear	Other Environmental	

Table 3.3-12
Summary of Accident Reports
(cont.)

	10/21/97	15:	2	Left Turn (3)	5	No Pass Zone	Cloudy	Other Human
	12/22/97	18:	2	Overtaking	0	Signal	Cloudy	Driver Inattention
	1/9/98	18:	2	Intersection	0	None	Cloudy	Failure to Yield ROW
	1/29/98	13:	2	Rear End	0	None	Clear	Passenger Distraction
	3/20/98	9:	2	Overtaking	0	None	Cloudy	Unsafe Lane Change
	3/20/98	8:	2	Rear End	0	None	Clear	Driver Inattention
	6/24/98	7:	2	Overtaking	0	None	Clear	Passing or Lane Usage Improperly
	9/16/98	23:	2	Intersection	0	Signal	Clear	Failure to Yield ROW
	9/23/98	13:	2	Intersection	2	Signal	Clear	Failure to Yield ROW
	9/26/98	8:	2	Intersection	1	None	Clear	Failure to Yield ROW
	10/9/98	22:	2	Intersection	0	None	Rain	Failure to Yield ROW
	10/13/98	16:	2	Intersection	0	Other	Cloudy	Traffic Control Disregarded
	11/4/98	21:	2	Intersection	0	None	Clear	Failure to Yield ROW
	11/14/98	13:	2	Left Turn (0)	0	None	Clear	Failure to Yield ROW
	11/25/98	13:	2	Intersection	1	None	Clear	View Obstructed/Limited
	12/18/98	15:	2	Right Turn (5)	0	None	Clear	Failure to Yield ROW
	12/18/98	10:	2	Left Turn (3)	0	None	Clear	Failure to Yield ROW
5-Corners Intersection								
	2/12/96	11:	2	Rear End	1	Signal	Clear	N/A
	2/27/96	7:	2	Left Turn (3)	0	Signal	Rain	Failure to Yield ROW
	3/8/96	12:	2	Overtaking	1	Signal	Snow	Pavement Slippery
	4/16/96	20:	2	Rear End	0	Signal	Clear	N/A
	7/21/96	11:	2	Rear End	1	Signal	Clear	Other Human
	10/18/96	2:	3	Other	1	Flashing Light	Clear	Driver Inattention
	7/2/97	15:	2	Rear End	1	Signal	Rain	Pavement Slippery
	7/17/97	16:	2	Intersection	0	Signal	Cloudy	Failure to Yield ROW
	10/2/97	15:	2	Intersection	0	Signal	Clear	Driver Inattention
	11/18/97	20:	2	Intersection	1	Signal	Clear	Other Human
	1/26/98	12:	2	Rear End	0	Signal	Cloudy	Backing Unsafely
	7/21/98	13:	2	Left Turn (3)	1	Signal	Clear	Failure to Yield ROW
	7/31/98	15:	2	Rear End	2	Signal	Cloudy	Following too Closely
	10/6/98	11:	2	Intersection	0	Signal	Clear	Failure to Yield ROW
	11/19/98	18:	2	Left Turn (3)	2	Signal	Cloudy	Failure to Yield ROW

3.3.11 Transit

The local transit provider is Leprechaun Lines, which serves the Newburgh, New Windsor, and Vails Gate areas. Regional and Dial-a-bus service also exists. The closest Leprechaun Lines transit stop is currently at the Price Chopper Plaza. There are no current plans to extend the service to the proposed Hannaford site. If the Town and Leprechaun Lines desire transit service to the Hannaford site, then Hannaford can accommodate a transit stop near the front of the store.

3.3.12 Mitigation Measures

Improvements will be required at the following two locations in order to accommodate the additional traffic from this project. The intersection level of service with mitigation is summarized in Table 3.3-13.

Route 32/Route 94/Route 300 "Five Corners" Intersection- This intersection was recently reconstructed and significant geometric improvements do not appear possible within the available right-of-way. Therefore, mitigation measures included as part of this study show the traffic operations resulting from a modified lane arrangement and signal-phasing improvements at this intersection. Under this scenario, the Route 32 northbound shared left/left-through lane will be designated as an exclusive left turn lane to Route 94 westbound, and the inside through lane to Route 32 will be designated as an exclusive through lane to Route 300. This will improve overall operations, by reducing average vehicle delays by two minutes per vehicle as compared to existing operations. Average overall delays will be on the order of 100 seconds per vehicle versus the 220 seconds per vehicle experienced today. Slight realignment of the northbound lanes on Route 32 may be required and it appears that this modification could be accomplished within the existing ROW. (Refer to Appendix C, Attachment 4 for the proposed highway and signal improvements).

It should be noted that these improvements will also improve traffic operations at the Route 94/Old Temple Hill Road intersection by minimizing queued vehicles on Route 94.

Route 32/Site Driveway- A traffic signal is proposed at the site driveway intersection which is approximately 750 feet south of the existing traffic signal at the Route 32 "Five Corners" intersection. The need for a traffic signal is based on consideration of the unsignalized operations and a preliminary signal warrant analysis as contained in Appendix C-Attachment 5. Under signal control, this intersection will operate at a LOS B/C.

TABLE 3.3-13
2002 Mitigation Condition Level-of-Service Summary
Signalized Intersections

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94	EB-L	170.1	F	148.0	F
	EB-TR	70.1	E	113.9	F
	WB-L	54.9	D	78.1	E
	WB-TR	90.1	F	96.1	F
Route 32	NB-L2	117.9	F	107.1	F
	NB-L1	65.0	E	56.0	E
	NB-TR	29.5	C	25.0	C
	SB-T	155.6	F	108.0	F
Route 300	SB-R	172.7	F	103.9	F
	SB-L	121.3	F	78.3	E
	SB-TR	101.6	F	180.2	F
	Overall	98.4	F	98.7	F
Site Driveway Route 32	WB-L	50.1	D	50.7	D
	WB-TR	53.1	D	53.8	D
	NB-TR	42.8	D	23.4	C
	SB-L	7.0	A	6.5	A
	SB-T	7.2	A	8.5	A
	Overall	28.2	C	19.2	B

LOS = Level-of-Service (see level-of-service criteria, Table 3.3-3).
 EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
 R = right, L = left, T = through.
 Improvements include revised lane designations and phasing at Rte 94/32/300; signal and left-turn lane at Route 32/Site Driveway

While the proposed mitigation improves overall traffic operations by more than two minutes per vehicle, a single lane group (the southbound left turn from Route 300) experiences a change in level of service from LOS E to LOS F. This occurs only during the PM peak hour. No lane group LOS degradations occur at the "Five Corners" intersection during the Saturday peak hour. A sensitivity analysis was conducted to determine if the proposed improvement is capable of maintaining the LOS for all lane groups at the "Five Corners" intersection if the PM southbound left turn at Route 300 remained LOS E. (See Appendix C, Attachment 2.)

The results of the sensitivity analysis are summarized in Table 3.3-14 and Figure 2-8. The analysis shows that the proposed mitigation is capable of improving or maintaining the LOS for all lane groups at the intersection, and that no LOS degradations will occur for any single maneuver, or the intersection as a whole. Figure 2-8 shows the dramatic improvement in overall traffic operations at the "Five Corners" intersection. The subject southbound left turn from Route 300 will remain at LOS E. The overall benefit under this analysis will still be a significant reduction in delays, at over two minutes per vehicle on average.

TABLE 3.3-14 Intersection Level of Service Sensivity Analysis ¹						
Intersection		PM Peak Hour				2002 Build Sensitivity Analysis
		2000* Existing	2002* No-Build	2002* Build without improvements	2002* Build with improvements	
Rt. 94	EB-L	F (126.6)	F (179.4)	F (179.4)	F (170.1)	F (160.5)
	EB-TR	F (100.2)	F (119.8)	F (160.1)	E (70.1)	F (80.5)
	WB-L	F (82.4)	F (88.7)	F (90.5)	D (54.9)	E (59.3)
	WB-TR	F (180.9)	F (212.0)	F (247.9)	F (90.1)	F (118.0)
Rt. 32 (To Rt. 94) (To Rt. 300)	NB-L	F (*)	F (*)	F (*)	--	--
	NB-(L2)	--	--	--	F (117.9)	E (56.5)
	NB-(L1)	--	--	--	E (65.0)	F (96.2)
	NB-TR	D (45.3)	D (43.7)	D (44.4)	C (29.5)	C (34.2)
Rt. 300	SB-T	F (132.5)	F (174.3)	F (251.6)	F (155.6)	F (161.8)
	SB-R	F (194.3)	F (269.4)	F (269.4)	F (172.7)	F (180.4)
	SB-L	E (55.9)	E (58.4)	E (58.7)	F (121.3)	E (57.0)
	SB-TR	F (120.2)	F (161.3)	F (193.3)	F (101.6)	F (152.0)
	Overall	F (220.4)	F (240.9)	F (290.7)	F (98.4)	F (108.5)

X(X) = Level of Service (Delay, seconds per vehicle)
 EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
 R = right, L = left, T = through.
¹ Under this modified signal timing analysis, the Route 300 southbound left turn LOS remains at No Build level.

The basic conclusion is that the proposed improvement is capable of fully mitigating project impacts and that the final timing plan can be adjusted to optimize lane group or overall operations.

Table 3.3-15 presents the LOS results for the various cases under study. The existing, no-build, build and build with mitigation conditions from previous sections are summarized in one table for comparison purposes.

In addition to the above capacity improvements, the proposed project will provide access management improvements to the Route 32 corridor. Two existing Friendly's driveways will be eliminated. Two existing driveways on the west side of Route 32 (at the location of the former Long John Silver's restaurant) will be reconfigured: one will be relocated to the new traffic signal and one will be channelized for access to/from southbound Route 32. This proposal will eliminate four full access unsignalized driveways and reduce the merging, diverging and crossing conflicts in this area of Route 32. Overall traffic operations will improve. The sensitivity analysis contained in Appendix C, Attachment 2, shows the operational results of this access management scenario. The results of this analysis show that a four-way signalized intersection can provide LOS B/C overall.

Overall, the proposed capacity improvements at the "Five Corners" intersection will provide better traffic operations with site traffic, than currently exist today. This will improve the traffic flow at nearby unsignalized intersections, which are currently influenced by vehicular queuing from the "Five Corners" intersection. From an access management standpoint, the proposed project will reduce the overall number of conflict points along Route 32.

**TABLE 3.3-15
Level-of-Service Summary**

Intersection	CTRL	Approach-Movement	PM Peak Hour				Saturday Peak Hour			
			2000 Existing	2002 No-Build	2002 Build	2002 Mitigation	2000 Existing	2002 No-Build	2002 Build	2002 Mitigation
	U									
Route 94		EB-L	A (9.1)	A (9.2)	A (9.4)	*	A (9.3)	A (9.4)	A (9.7)	*
Old Temple Hill Road		SB-L	E (40.6)	F (51.1)	F (76.9)	*	D (32.0)	E (36.5)	F (52.5)	*
		SB-R	B (11.1)	B (11.3)	B (11.8)	*	B (11.7)	B (11.8)	B (12.5)	*
	U									
Route 300		SB-L	B (10.7)	B (11.0)	B (11.3)	*	B (10.2)	B (10.5)	B (10.7)	*
Old Temple Hill Road		WB-LR	E (39.1)	F (53.2)	F (70.5)	*	E (48.9)	F (73.4)	F (100.6)	*
	U									
Route 32		SB-LT	B (10.4)	B (10.8)	B (11.2)	*	B (9.6)	B (10.1)	B (10.4)	*
Jacqueline Street		WB-L	E (36.5)	F (84.3)	F (111.9)	*	D (26.2)	F (76.6)	F (101.0)	*
		WB-R	*	C (19.0)	C (20.6)	*	*	C (17.1)	C (18.7)	*
	U									
Route 94		WB-L	*	*	A (8.4)	*	*	*	A (8.3)	*
Site Driveway		NB-LR	*	*	C (16.0)	*	*	*	C (15.7)	*
	U									
Route 32		SB-L	*	*	B (13.1)	*	*	*	B (12.3)	*
Site Driveway		WB-L	*	*	F (>300)	*	*	*	F (>300)	*
		WB-R	*	*	E (37.2)	*	*	*	D (29.7)	*
	S									
Route 32		NB-TR	*	*	*	D (42.8)	*	*	*	C (23.4)
		SB-L	*	*	*	A (7.0)	*	*	*	A (6.5)
		SB-T	*	*	*	A (7.2)	*	*	*	A (8.5)
Site Driveway		WB-L	*	*	*	D (50.1)	*	*	*	D (50.7)
		WB-TR	*	*	*	D (53.1)	*	*	*	D (53.8)
		Overall	*	*	*	C (28.2)	*	*	*	B (19.2)
	S									
Route 94		EB-L	F (126.6)	F (179.4)	F (179.4)	F (170.1)	F (112.7)	F (148.1)	F (148.1)	F (148.0)
		EB-TR	F (100.2)	F (119.8)	F (160.1)	E (70.1)	F (111.5)	F (128.3)	F (178.6)	F (113.9)
		WB-L	F (82.4)	F (88.7)	F (90.5)	D (54.9)	F (127.7)	F (145.1)	F (148.3)	E (78.1)
		WB-TR	F (180.9)	F (212.0)	F (247.9)	F (90.1)	F (167.6)	F (193.2)	F (229.9)	F (96.1)
Route 32		NB-L	F (>300)	F (>300)	F (>300)	*	F (>300)	F (>300)	F (>300)	*
		NB-L2	*	*	*	F (117.9)	*	*	*	F (107.1)
		NB-L1	*	*	*	E (65.0)	*	*	*	E (56.0)
		NB-TR	D (45.3)	D (43.7)	D (44.4)	C (29.5)	D (39.5)	D (40.5)	D (41.3)	C (25.0)
		SB-T	F (132.5)	F (174.3)	F (251.6)	F (155.6)	F (114.6)	F (142.8)	F (203.1)	F (108.0)
		SB-R	F (194.3)	F (269.4)	F (269.4)	F (172.7)	F (143.9)	F (195.1)	F (195.1)	F (103.9)
Route 300		SB-L	E (55.9)	E (58.4)	E (58.7)	F (121.3)	E (58.3)	E (58.3)	E (58.6)	E (78.3)
		SB-TR	F (120.2)	F (161.3)	F (193.3)	F (101.6)	F (206.3)	F (234.2)	F (275.4)	F (180.2)
		Overall	F (220.4)	F (240.9)	F (290.7)	F (98.4)	F (203.6)	F (244.8)	F (303.2)	F (98.7)

TABLE 3.3-15 (cont'd)
Level-of-Service Summary

	S									
Old Temple Hill Road		EB-L	C (23.3)	C (24.0)	C (24.6)	*	C (24.9)	(25.7)	C (26.3)	*
		EB-TR	B (16.7)	B (16.9)	B (17.0)	*	B (17.4)	(17.6)	B (17.7)	*
		WB-L	C (24.4)	C (24.5)	C (24.5)	*	C (24.4)	(24.5)	C (24.5)	*
		WB-TR	C (27.8)	C (28.1)	C (28.7)	*	C (31.7)	(33.2)	C (34.8)	*
Route 32		NB-LTR	B (18.7)	C (20.4)	C (21.8)	*	B (17.7)	(19.3)	B (20.4)	*
		SB-LTR	B (18.8)	C (20.2)	C (22.6)	*	C (22.0)	(25.1)	C (32.7)	*
		Overall	C (20.1)	C (21.3)	C (22.7)	*	C (21.9)	(23.7)	C (27.2)	*

LOS = Level-of-Service (see level-of-service criteria Table 3.3-2).

EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound.

R = right, L = left, T = through.

U = Unsignalized, S = Signalized

* = Not Applicable

3.3.13 Vehicular Queuing

Table 3.3-16 summarizes the projected vehicular queuing for all intersections in the study area and depicts a general increase in queue length, from existing to build with improvements conditions.

**TABLE 3.3-16
Vehicle Queuing Summary - 95th Percentile**

	PM Peak Hour				Saturday Peak Hour				
	Existing	No-Build	Build	Build with Improv.*	Existing	No-Build	Build	Build with Improv.*	
Rt. 32/Old Temple Hill Road									
NB	LTR	19	21	23	-	18	20	22	-
SB	LTR	20	21	23	-	23	24	26	-
WB	L	2	2	2	-	2	2	2	-
	TR	9	10	10	-	12	13	13	-
EB	L	5	5	5	-	4	4	4	-
	TR	5	6	6	-	7	8	8	-
Rt. 94/Rt 32/Rt 300									
NB	L2	-	-	-	11	-	-	-	11
	L	42	44	48	23	44	48	54	21
	TR	36	38	41	24	38	43	47	23
SB	T	29	32	38	23	33	35	40	26
	R	30	34	34	21	30	33	34	22
SE	L	11	11	12	10	12	12	12	9
	R	33	29	38	25	41	43	46	29
WB	L	16	17	17	10	22	23	22	13
	TR	32	35	37	21	30	32	34	20
EB	L	26	31	31	19	23	26	26	16
	TR	30	33	37	23	29	32	36	23
Site Driveway/Rt. 32									
NB	L	-	-	-	1	-	-	-	1
	TR	-	-	-	24	-	-	-	22
SB	L	-	-	-	3	-	-	-	3
	TR	-	-	-	20	-	-	-	17
WB	LT	-	-	-	7	-	-	-	8
	R	-	-	-	9	-	-	-	9
EB	LT	-	-	-	1	-	-	-	2
	R	-	-	-	1	-	-	-	1
Rt. 300/Old Temple Hill Road									
SB	L	2	5	2	-	2	2	2	-
WB	LR	6	7	8	-	8	10	12	-
Rt. 94/Old Temple Hill Road									
SB	L	4	5	6	-	3	4	5	-
	R	-	-	1	-	1	1	1	-
EB	L	1	1	1	-	1	1	1	-
Rt. 32/Jacqueline									
SB	LT	-	1	1	-	-	-	-	-
WB	LR	1	-	-	-	1	-	-	-
	L	-	1	1	-	-	1	1	-
	R	-	1	1	-	-	1	1	-
Site Driveway/Rt. 94									
NB	LR	-	-	1	-	-	-	1	-
WB	LT	-	-	1	-	-	-	1	-

Values in table refer to design queue length in terms of the number of vehicles in queue.
 Design Queue in Vehicles for Signalized Intersections = $((1-G/C) * [Volume / (Cycle Length / Hour)])^2$
 * Build with Improvements column indicates values for intersections where improvements are proposed.
 Values for other intersections would be the same as listed in the Build column.

3.3.14 Off Peak Traffic Impact

Existing traffic volumes during the AM peak hour are approximately 33% less than the existing traffic volumes during the PM and Saturday peak hour volumes based on a 1996 count at the "Five Corners" intersection. According to the Institute of Transportation Engineers, the trip generation for this project during the AM peak hour will be approximately 70% less than the trip generation during the PM peak hour. Additionally, the AM peak hour trip generation for the Hannaford supermarket located in the Town of Wallkill, NY was calculated to be approximately 80% less than the typical PM peak hour trip generation. Given these lower background traffic volumes and lower trip generation, traffic operations will clearly be better during the AM peak hour and during all other off peak hours. It is also reasonable to conclude that the proposed mitigation will provide operational benefits during all hours of the day. The following table (3.3-17) summarizes the results of an operational analysis at the "Five-Corners" intersection during the AM peak hour, from existing to build with improvements conditions. The table confirms that the proposed mitigation is capable of improving traffic operations during the AM peak hour.

TABLE 3.3-17 AM Peak Hour Overall Level of Service Summary					
		AM Peak Hour			
		2000 Existing	2002 No-Build	2002 Build without improvements	2002 Build with improvements
Intersection					
"Five Corners" Intersection Route 300/Route 32/Route 94	Overall	E (63.2)	F (94.3)	F (109.5)	D (54.4)

x(xx.x) = Level of Service (Delay)

3.3.15 Long Range Traffic Impact

A long-range traffic forecast was prepared for the "Five Corners" intersection, which includes the proposed Hannaford project. This forecast is based on a 20 percent increase of traffic over the Build with mitigation condition and represents a 10-year horizon depending on the actual growth in the area. The volumes are contained within Appendix C, Attachment 6. Future level of service analysis was also conducted as shown in the following table (3.3-18).

TABLE 3.3-18
Long Range Mitigation Condition Level-of-Service Summary
"Five Corners" Intersections

Intersection	Approach-Movement	PM Peak Hour		Saturday Peak Hour	
		Delay (Secs./Veh)	LOS	Delay (Secs./Veh)	LOS
Route 94	EB-L	263.4	F	237.6	F
	EB-TR	99.6	F	189.8	F
	WB-L	97.7	F	140.1	F
	WB-TR	148.3	F	157.6	F
Route 32	NB-L2	178.4	F	160.5	F
	NB-L1	110.9	F	82.3	F
	NB-TR	38.1	D	30.1	C
	SB-T	250.3	F	185.0	F
Route 300	SB-R	123.7	F	175.7	F
	SB-L	195.1	F	110.6	F
	SB-TR	178.4	F	286.8	F
	Overall	143.9	F	158.8	F

LOS = Level-of-Service (see level-of-service criteria, Table 3.3-3).
EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound
R = right, L = left, T = through.

This table shows that the proposed improvements will continue to provide operational benefits for many years. Future delays at the "Five Corners" intersection will be less than today with overall delays under three minutes.



1763

Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

August 7, 2001

Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: 70-1-16.1; 70-1-16.2; 70-1-2.1;70-1-2.21
69-4-19.2;69-4-25;69-4-26.12;69-4-28

Dear Mr. Wells,

According to our records, the attached list of property owners are abutting to the above referenced properties.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Myra Mason, PB

70-1-16.1

70-1-16.2

70-1-48
Central Hudson Gas & Electric Corp. ~~*****~~
284 South Ave
Poughkeepsie, NY 12601 ✓

70-1-17.1
Carolyn & Robert Jaczko
P.O. Box 231 Haight Drive
Vails Gate, NY 12584 ✓

69-4-25; 69-4-28
Hebert Slepoy & Fred Gardner ~~*****~~
104 South Central Ave
Valley Stream, NY 11580 ✓

70-1-17.2
Josephine Di Micelli & Carolyn Siano
P.O. Box 283
Vails Gate, NY 12584 ✓

69-4-26.11
Franchise Realty Interstate Corp. ~~*****~~
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519 ✓

70-1-19
Vite Randy
30 Eastview Terrace
Highland Mills, NY 10930 ✓

69-4-26.12
Fred Plus 3, LLC
104 South Central Ave
Valley Stream, NY 11580 ✓

70-1-20
Dorothy & Thomas Barton
22 Truex Drive
New Windsor, NY 12553 ✓

69-4-26.2
Mobil Oil Corporation
C/o Exxon Mobil Corp.
Property Tax Division
P.O. Box 4973
Houston, TX 77210-4973 ✓

70-1-21
Deborah & Kevin Leto
24 Truex Drive
New Windsor, NY 12553 ✓

70-1-1.2
Samuel Leonardo
7 Dogwood Hills Road
Newburgh, NY 12550 ✓ *

George J. Meyers, Supervisor
Town of New Windsor
555 Union Ave
New Windsor, NY 12553 ✗

70-1-2.1
House of Apache Properties, LTD
C/o Herbert Slepoy
104 South Central Ave
Valley Stream, NY 11580 ✓ **

Deborah Green, Town Clerk
Town of New Windsor
555 Union Ave
New Windsor, NY 12553 ✗

70-1-3
Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584 ✓

Andrew Krieger, ESQ
219 Quassaick Ave
New Windsor, NY 12553 ✗

70-1-15.3
Bettina Youngberg & Richard D'Aloia
12 Truex Circle
New Windsor, NY 12553 ✓

James R. Petro, Chairman
Planning Board
555 Union Ave
New Windsor, NY 12553 ✗

70-1-15.4
Mary & Michael Fernandez
9 Truex Circle
New Windsor, NY 12553 ✓

Mark J. Edsall, P.E.
McGoey and Hauser
Consulting Engineers, P.C.
33 Airport Center Drive, Suite 202
New Windsor, NY 12553 ✗

69-3-1
TGS Associates Inc.
15 East Market Street
Red Hook, NY 12571 ✓

Mark J. Edsall, P.E.
McGoey and Hauser
Consulting Engineers, P.C.
33 Airport Center Drive ,Suite 202
New Windsor, NY 12553 X

69-3-6
DB Companies DBA DB Mart
Convenience Stores
P.O. Box 9471
Providence, NY 02940 ✓

70-1-2.1
House of Apache Properties, LTD
C/o Herbert Slepoy
104 South Central Ave
Valley Stream, NY 11580 ✓ **

70-1-1.1; 70-1-1.2
Samuel Leonardo
7 Dogwood Hills
Newburgh, NY 12550 ✓ *

70-1-2.21
Darlene Hughes
18 Ellison Drive
New Windsor, NY 12553 ✓

70-1-3
Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584 ✓

70-1-16.1; 70-1-16.2
4 Acres, LLC
104 South Central Ave
Valley Stream, NY 11580 ***

George J. Meyers, Supervisor
Town of New Windsor
555 Union Ave
New Windsor, NY 12553 X

Deborah Green, Town Clerk
Town of New Windsor
555 Union Ave
New Windsor, NY 12553 X

Andrew Krieger, ESQ
219 Quassaick Ave
New Windsor, NY 12553 X

James R Petro, Chairman
Planning Board
555 Union Ave
New Windsor, NY 12553 X

69-4-19²; 25; 26, 12; 28

69-1-6
V.G.R. Associates, LLC
C/o Irving S. Bobrow, Mgr.
40 East 69th Street
New York, NY 10021

✓

69-4-26.11
Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

69-4-6.2
West Point Tours, Inc.
P.O. Box 125
Vails Gate, NY 12584

✓

69-4-26.13
Herbert Slepyo & Fred Gardner
104 S. Central Ave
Valley Stream, NY 11580

69-4-15
Mary McMillen
C/o Catherine Cignorale
P.O. Box 153
Vails Gate, NY 12584

✓

70-1-16.1; 70-1-16.2
4 Acres, LLC
104 South Central Ave
Valley Stream, NY 11580

✓ ***

69-4-16
Ruth Ann & Russell Brewer Jr.
Route 94 P.O. Box 103
Vails Gate, NY 12584

✓

70-1-48
Central Hudson Gas & Electric Corp.
284 South Ave
Poughkeepsie, NY 12603

69-4-17
Ida Mae, Michael & Helen Brewer
P.O. Box 293
Vails Gate, NY 12584

✓

George J. Meyers, Supervisor
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

X

69-4-18
Beatrice Deyo, Hannah & Lawrence Scherf
P.O. Box 293
Vails Gate, NY 12584

✓

Deborah Green, Town Clerk
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

X

69-4-20
William & Albert Pushman
P.O. Box 158
Vails Gate, NY 12584

✓

Andrew Krieger, ESQ
219 Quassaick Ave
New Windsor, NY 12553

X

69-4-21
Josephine & Albert Pushman
P.O. Box 158
Vails Gate, NY 12584

✓

James Petro, Chairman
Planning Board
555 Union Ave
New Windsor, NY 12553

X

69-4-22
Marion & William Pushman
2609 NYS Rt 32
Vails Gate, NY 12584

✓

Mark J. Edsall, P.E.
McGoey and Hauser
Consulting Engineers, P.C.
33 Airport Center Drive
Suite 202
New Windsor, NY 12553

X

69-4-23; 69-4-24
Jean & Raymond Dahlin
P.O. Box 508
Vails Gate, NY 12584

✓

**NOTICE OF COMPLETION OF DRAFT EIS
and NOTICE OF JOINT SEQR AND SITE PLAN APPROVAL HEARINGS**

Lead Agency: Town of New Windsor Planning Board

Address: 555 Union Avenue, New Windsor, New York 12553

Date: July 25, 2001

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law.

A Draft Environmental Impact Statement has been completed and accepted for the proposed action described below. Comments on the Draft EIS are requested and may be submitted in writing to the Planning Board. Comments on the Draft EIS will continue to be accepted by the Planning Board until 10 days after the close of the public hearing. A joint public hearing on the Draft EIS and site plan approvals for the principal and related actions will be held on August 22, 2001, at 7:30P.M. or as soon thereafter as the matter can be heard at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553. The purpose of the hearing is to allow all members of the public, involved and interested agencies to personally appear before the Planning Board to provide comments on the DEIS and site plan applications.

Name of Action: Hannaford Food & Drug

SEQR Classification: Unlisted Action

Description of Action: Construction of a 55,200 SF food and drug store and related parking facilities; proposed parking and site access improvements at Monroe Muffler and proposed site access improvements at Long John Silver's.

Location: Near and around New York State Routes 32 and 94, Town of New Windsor, Orange County, New York.

Potential Environmental Impacts:

Significant environmental impacts addressed in the DEIS include: water resources, geology and soils, traffic, utilities, cultural resources, noise and visual resources.

A copy of the Draft EIS will be on file for review at the Planning Board office at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553. For information on how copies of the Draft EIS may be obtained, please contact: Myra Mason, Planning Board Secretary, Town of New Windsor Planning Board, 845-563-4615.

Additional Information can be obtained from:

Contact Person: Contact Person: Mark J. Edsall, P.E. - Planning Board Engineer

Address: McGoey, Hauser & Edsall Consulting Engineers, P.C.

33 Airport Center Drive

Suite 202

New Windsor NY 12553

Phone No.: 845-567-3100

A Copy of this Notice Has Been Sent To:

Commissioner

Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-0001

Regional Director NYSDEC

Region III, 21 South Putt Corners Road
New Paltz, New York 12561

Hon. George J. Meyers

555 Union Avenue
New Windsor, New York 12553

New York State Department:
of Transportation

4 Burnett Boulevard
Poughkeepsie, NY 12603

Environmental Notice Bulletin

625 Broadway 4th Floor
Albany, NY 12233-1750

Orange County Department of Health

124 Main Street
Goshen, NY 10924

Orange County Department of Planning

124 Main Street
Goshen, NY 10924

Martin Foods of South Burlington Inc.

145 Pleasant Hill Road
Scarborough, Maine 04074



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553-6196
Telephone: (845) 563-4618
Fax: (845) 563-4695

Office of the Planning Board

August 6, 2001

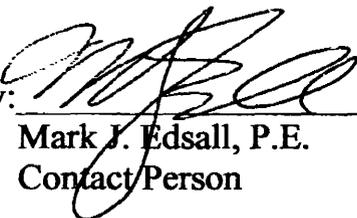
The Town of New Windsor Planning Board, as SEQRA Lead Agency, hereby circulates the enclosed *Notice of Completion of Draft EIS* and copy of the complete DEIS for the Hannaford Food and Drug project located in the Town of New Windsor, Orange County, New York.

The Planning Board requests you forward comments on the DEIS, if any, to the Board at the above address before expiration of the SEQRA public comment period. Your cooperation in this regard is greatly appreciated.

A Public Hearing is scheduled for August 22, 2001 at 7:30 pm at New Windsor Town Hall. Comments on the site plan and DEIS will also be heard at that time.

Very truly yours

Town of New Windsor Planning Board

By: 
Mark J. Edsall, P.E.
Contact Person

DISTRIBUTION OF DEIS
Hannaford Food & Drug

(1)
George J. Meyers, Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(7)
Town of New Windsor Planning Board
Attn: Mr. James Petro, Chairman
555 Union Avenue
New Windsor, NY 12553

(1)
McGoey Hauser & Edsall
Consulting Engineers PC
Attn: Mr. Mark J. Edsall, PE
45 Quassaick Avenue
New Windsor NY 12553

(1)
John Collins Engineers, PC
Attn: Mr. Philip J. Grealy, PE
11 Bradhurst Avenue
Hawthorne NY 10532

(1)
Andrew Krieger, Esq.
219 Quassaick Avenue
New Windsor, NY 12553

(1)
Deborah Green, Town Clerk
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(1)
Town of New Windsor Water Department
555 Union Avenue
New Windsor, NY 12553

(1)
Town of New Windsor Sewer Department
555 Union Avenue
New Windsor, NY 12553

(1)
Orange County Department of Health
Attn: Mr. Matthew Schiffler
124 Main Street
Goshen, NY 10924

(1)
Orange County Planning Department
Attn: Mr. Peter Garrison
124 Main Street
Goshen, NY 10924

(1)
Town of Cornwall Planning Board
Attn: Lorraine Benett, Chairman
183 Main Street
Cornwall, NY 12518

(1)
Newburgh Free Library
Attn: Ms. Muriel Verdibello
124 Grand Street
Newburgh, NY 12550

(1)
NYS Department of Transportation,
Region 8
Attn: Mr. Robert Dennison, Regl. Director
4 Burnett Boulevard
Poughkeepsie, NY 12603

(1)
NYS Dept. of Environmental Conservation
Attn: Mr. John Cahill
50 Wolf Road
Albany, NY 12233-3505

(1)
NYS Dept. of Environmental Conservation,
Region 3
Attn: Mr. Alexander F. Ciesluk, Jr.
21 South Putt Corners Road
New Paltz, New York 12561-1696

~~Project Team (10)~~

Doug Boyce (1)

Hannaford Food & Drug DEIS

Joh 22



1 From Please print and press hard. Date 8/6/01 Sender's FedEx Account Number 1035-5685-6 Sender's Name F. Wells Phone (845) 265-4400 Company TIM MILLER ASSOCIATES Address 10 NORTH ST City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference First 24 characters will appear on invoice. 0124 REGIONAL

3 To Recipient's Name Mr. Doug Boyce Phone (207) 885-2852 Company Hannaford Supermarkets Address 145 Pleasant Hill Road City Scarborough State ME ZIP 04074

Peel and Stick FedEx USA Airbill. See back for application instructions. Questions? Call 1-800-Go-FedEx (800-463-3339) Visit our Web site at www.fedex.com

0146209149

4a Express Package Service. FedEx Priority Overnight Next business morning. FedEx Standard Overnight Next business afternoon. FedEx First Overnight Earliest next business morning delivery to select locations.

4b Express Freight Service. FedEx 1Day Freight Next business day. FedEx 2Day Freight Second business day. FedEx 3Day Freight Third business day.

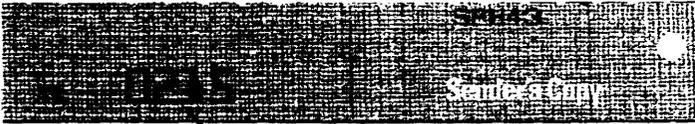
5 Packaging. FedEx Envelope/Letter. FedEx Pak. Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling. SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes. SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes. HOLD Weekday at FedEx Location. HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations.

7 Payment Bill to: Sender, Recipient, Third Party, Credit Card, Cash/Check. FedEx Acc. No., Credit Card No., Exp. Date.

Table with 3 columns: Total Packages (1), Total Weight (9), Total Declared Value (\$.00). Includes 'FedEx Use Only' label.

8 Release Signature. Sign to authorize delivery without obtaining signature. 402. SRS 400-Rev. Date 3/00-Part #1558125-01994-2000 FedEx-PRINTED IN U.S.A.



1 FROM Please print and press hard. Date 8/6/01 Sender's FedEx Account Number 1035-5685-6 Sender's Name F. Wells Phone (845) 265-4400 Company TIM MILLER ASSOCIATES Address 10 NORTH ST City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference First 24 characters will appear on invoice. 0124 REGIONAL

3 To Recipient's Name Mr. Alexander F. Ciesluk, Jr. Phone (845) 256-5000 Company NYS Dept. of Environmental Conservation Address Region 3 - 21 South Putt Corners Rd City New Paltz State NY ZIP 12561-1696

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2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Philip J. Grealy, PE () Company John Collins Engineers PC Address 11 Bradhurst Avenue City Hawthorne State NY ZIP 10532

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4b Express Freight Service Packages over 150 lbs. FedEx 1Day Freight Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day

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7 Payment Bill to: Sender's Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages 1 Total Weight 9 Total Declared Value \$.00

8 Release Signature Sign to authorize delivery without obtaining signature. By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims. 402

1 FROM Please print and press hard. Date 8/6/01 Sender's FedEx Account Number 1035-5685-6 Sender's Name F. Wells Phone (845) 265-4400 Company TIM MILLER ASSOCIATES Address 10 NORTH ST City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Andrew Krieger, Esq () Company Address 219 Quassaick Avenue City New Windsor State NY ZIP 12553

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1 From Please print and press hard. Date 8/08/01 Sender's FedEx Account Number 1035-5685-6 Sender's Name F. Wells Phone (845) 265-4400 Company TIM MILLER ASSOCIATES Address 10 NORTH ST City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Matthew Schiffler Phone () Company Orange County Dept. of Health Address 124 Main Street City Goshen State NY ZIP 10924

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7 Payment Bill to: Sender Recipient Third Party Credit Card Cash/Check Total Packages 1 Total Weight 9 Total Declared Value \$.00

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1 From Please print and press hard. Date 8/06/01 Sender's FedEx Account Number 1035-5685-6 Sender's Name F. Wells Phone (845) 265-4400 Company TIM MILLER ASSOCIATES Address 10 NORTH ST City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Peter Garrison Phone () Company Orange County Planning Department Address 124 Main Street City Goshen State NY ZIP 10924

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1 FROM Please print and press hard.

Date 8/6/01 Sender's FedEx Account Number 1035-5685-6

Sender's Name F. Wells Phone (845) 265-4400

Company TIM MILLER ASSOCIATES

Address 10 NORTH ST

City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

4a Express Package Service

FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight Earliest next business morning delivery to select locations

FedEx 2Day* Second business day FedEx Express Saver* Third business day

* FedEx Envelope/Letter Item not available. Minimum charge. One-pound rate.

3 To

Recipient's Name Ms. Lorraine Bennett Phone (845) 534-9100

Company Town of Cornwall (Planning Board)

Address 183 Main Street

City Cornwall State NY ZIP 12518

4b Express Freight Service

FedEx 1Day Freight* Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day

* Call for Confirmation.

5 Packaging

FedEx Envelope/Letter* FedEx Pak* Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling

SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes HOLD Weekday at FedEx Location Not available with FedEx First Overnight HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? See FedEx.com for details.

No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, 9, UN 1845 Cargo Aircraft Only

7 Payment Bill to: Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

FedEx Acct. No. / Credit Card No.	Exp. Date	Total Packages	Total Weight	Total Declared Value*
		1	7	\$.00

* Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

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Date 8/6/01 Sender's FedEx Account Number 1035-5685-6

Sender's Name F. Wells Phone (845) 265-4400

Company TIM MILLER ASSOCIATES

Address 10 NORTH ST

City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

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FedEx Priority Overnight Next business morning FedEx Standard Overnight Next business afternoon FedEx First Overnight Earliest next business morning delivery to select locations

FedEx 2Day* Second business day FedEx Express Saver* Third business day

* FedEx Envelope/Letter Item not available. Minimum charge. One-pound rate.

3 To

Recipient's Name Ms. Muriel Verdibello Phone ()

Company Newburgh Free Library

Address 124 Grand Street

City Newburgh State NY ZIP 12550

4b Express Freight Service

FedEx 1Day Freight* Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day

* Call for Confirmation.

5 Packaging

FedEx Envelope/Letter* FedEx Pak* Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

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SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes HOLD Weekday at FedEx Location Not available with FedEx First Overnight HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations

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No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, 9, UN 1845 Cargo Aircraft Only

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FedEx Acct. No. / Credit Card No.	Exp. Date	Total Packages	Total Weight	Total Declared Value*
		1	4	\$.00

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SRS 400+Rev. Date 3/00+Part #1559125+01394-2000 FedEx-PRINTED IN U.S.A.

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1 FROM: Please print and press hard
 Date 8/6/01 Sender's FedEx Account Number 1035-5685-6
 Sender's Name F. Wells Phone (845) 265-4400
 Company TIM MILLER ASSOCIATES
 Address 10 NORTH ST
 City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124 First 24 characters will appear on invoice.

3 To
 Recipient's Name Mr. Robert Dennison Phone ()
 Company NYS Dept of Transportation
 Address Region 8 4 Burnett Blvd.
 City Poughkeepsie State NY ZIP 12603

Peel and Stick FedEx USA Airbill
 See back for application instructions.
Questions? Call 1-800-Go-FedEx® (800-463-3339)
 Visit our Web site at www.fedex.com

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

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4a Express Package Service Packages up to 150 lbs. Delivery commitment may be later in some areas.
 FedEx Priority Overnight Next business morning **FedEx Standard Overnight** Next business afternoon FedEx First Overnight Earliest next business morning delivery to select locations
 FedEx 2Day* Second business day FedEx Express Saver* Third business day * FedEx Envelope/Letter Rate not available. Minimum charge. One pound rate.

4b Express Freight Service Packages over 150 lbs. Earliest next business morning delivery to select locations.
 FedEx 1Day Freight* Next business day FedEx 2Day Freight Second business day FedEx 3Day Freight Third business day
 * Call for Confirmation.

5 Packaging * Declared value limit \$500
 FedEx Envelope/Letter* FedEx Pak* **Other Pkg.** Includes FedEx Box, FedEx Tube, and customer pkg.

6 Special Handling Include FedEx address in Section 3.
 SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes **SUNDAY Delivery** Available for FedEx Priority Overnight to select ZIP codes **HOLD Weekday at FedEx Location** Not available with FedEx First Overnight **HOLD Saturday at FedEx Location** Available for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? One box must be checked.
 No **Yes** As per attached Shipper's Declaration **Yes** Shipper's Declaration not required **Dry Ice** Dry Ice, 9 UN 1845 **Cargo Aircraft Only**

7 Payment Bill to: **Sender** Acct. No. in Section 1 will be billed. **Recipient** **Third Party** **Credit Card** **Cash/Check**

FedEx Acct. No. / Credit Card No.	Exp. Date	Total Packages	Total Weight	Total Declared Value*
		1	9	\$.00

* Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

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 Company TIM MILLER ASSOCIATES
 Address 10 NORTH ST
 City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124 First 24 characters will appear on invoice.

3 To
 Recipient's Name Mr. John Cahill Phone (518) 459-1162
 Company NYS Dept. of Environmental Conservation
 Address 50 Wolf Road
 City Albany State NY ZIP 12233-3503

Peel and Stick FedEx USA Airbill
 See back for application instructions.
Questions? Call 1-800-Go-FedEx® (800-463-3339)
 Visit our Web site at www.fedex.com

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 City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Alexander F. Ciesluk, JR. (845) 256-3000
 Company NYS Dept. of Environmental Conservation
 Address Region 3 - 21 South Putt Corners Rd
 City New Paltz State NY ZIP 12561-1696

Peel and Stick FedEx USA Airbill
 See back for application instructions.
 Questions? Call 1-800-Go-FedEx® (800-463-3339)
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0146209149

Sender's Copy

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 SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes.
 HOLD Weekday at FedEx Location Not available with FedEx First Overnight.
 HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations.
 Include FedEx address in Section 3.
 Does this shipment contain dangerous goods? (See chart on the reverse.)
 No Yes (if per attached Shipper's Declaration) Yes (Shipper's Declaration not required)
 Dangerous Goods cannot be shipped in FedEx packaging.
 Dry Ice Dry Ice, 9, UN 1845
 Cargo Aircraft Only

Payment Bill to: Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check
 Enter FedEx Acct. No. or Credit Card No. below.

Total Packages	Total Weight	Total Declared Value*
1		\$.00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

8 Release Signature Sign to authorize delivery without obtaining signature.
 By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
 402
 SRS 400+Rev. Date 3/00+Part #1559125+©1994-2000 FedEx® PRINTED IN U.S.A.

1 FROM Please print and press hard.
 Date 8/6/01 Sender's FedEx Account Number 1035-5685-6
 Sender's Name F. Wells Phone (845) 265-4400
 Company TIM MILLER ASSOCIATES
 Address 10 NORTH ST
 City COLD SPRING State NY ZIP 10516

2 Your Internal Billing Reference 0124

3 To Recipient's Name Mr. Doug Boyce Phone (207) 885-2852
 Company Hannaford Supermarkets
 Address 145 Pleasant Hill Road
 City Scarborough State ME ZIP 04074

Peel and Stick FedEx USA Airbill
 See back for application instructions.
 Questions? Call 1-800-Go-FedEx® (800-463-3339)
 Visit our Web site at www.fedex.com

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0146209149

Sender's Copy

4a Express Package Service
 FedEx Priority Overnight Next business morning
 FedEx Standard Overnight Next business afternoon
 FedEx 2Day® Second business day
 FedEx Express Saver® Third business day
 Packages up to 150 lbs. Delivery commitment may be later in some areas.
 * FedEx Envelope/Letter Rate not available. Minimum charge. One-pound rate.

4b Express Freight Service
 FedEx 1Day Freight® Next business day
 FedEx 2Day Freight Second business day
 FedEx 3Day Freight Third business day
 Packages over 150 lbs. Delivery commitment may be later in some areas.
 * Call for Confirmation.

5 Packaging
 FedEx Envelope/Letter*
 FedEx Pak*
 Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.
 * Declared value limit \$500

6 Special Handling
 SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes.
 SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes.
 HOLD Weekday at FedEx Location Not available with FedEx First Overnight.
 HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations.
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McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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New Windsor, New York 12553
(914) 562-8640
 Branch Office
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Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

00 15

TOWN/VILLAGE OF New Windsor P/B # _____

WORK SESSION DATE: 1 AUG 01 APPLICANT RESUB. REQUIRED: _____

REAPPEARANCE AT W/S REQUESTED: ongoing

PROJECT NAME: Hannab-d

PROJECT STATUS: NEW _____ OLD _____

REPRESENTATIVE PRESENT: Tim/Lary

MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. X
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Review changes to DEIS

Will be in Monday to coord

11 AM

Mailings of DEIS

I will be here

pbwsform 10MJE98

- CLOSING STATUS
- _____ Set for agenda
 - _____ possible agenda item
 - _____ Discussion item for agenda
 - _____ ZBA/referral on agenda



TOWN OF NEW WINDSOR

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REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

DETS Revised PAGES
NOTICE OF PUBLIC HEARING
TRANSMITTALS to my RA MATSON
Correspondence from ASSESSORS OFFICE
Notice of completion of DRAFT EIS

Date Records Requested: 8-20-01

Name: A Collins

Address: P.O. Box 328 Monticello NY 12701

Phone: (845) 791 4025

Representing: BCD PROPERTIES

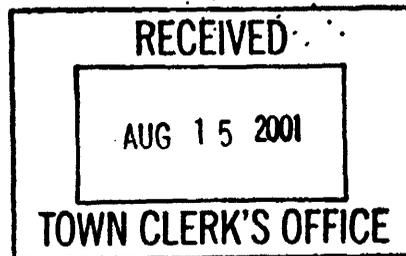
Documents may not be taken from this office.



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Fax: (845) 563-4693

cc: M. Mason



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Draft Environmental Impact Statement for
proposed Hanneford Brothers supermarket on
Route 32

Date Records Requested: 8/15/01

Name: Michael Randall

Address: 59 Wintergreen Ave., Newburg

Phone: () 565-5000 ext. 6018

Representing: Times Herald-Record

Documents may not be taken from this office.



COUNTY OF ORANGE

JOSEPH G. RAMPE
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

PETER GARRISON
COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING
239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: *Town of New Windsor Planning*

Reference No.: *NWT 7-00M*

County I.D. No: *70-1-2.21*

Applicant: *Hannaford*

Proposed Action: *SEQR Lead Agency Notice*

State, County, Inter-municipal Basis for Review: *Intergovernmental Agreement*

Comments: *We decline becoming Lead Agency for this project, but would like to receive a copy of the Draft Environmental Impact Statement when such becomes available.*

Related Reviews and Permits:

County Action: Local Determination **XXXXXX**

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date: *December 8th, 2000*

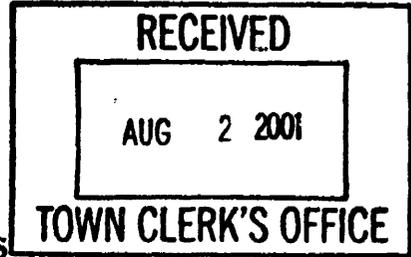
Commissioner of Planning

12/11/00
cc: M.E.



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Fax: (845) 563-4693



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Correspondence from Attorneys - Jacobowitz

Date Records Requested: 8-2-01

Name: AL Collins

Address: P.O. Box 328 Monticello

Phone: 845 (71) 6025

Representing: Self

Documents may not be taken from this office.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/20/2001

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	01/19/2001	MUNICIPAL HIGHWAY	/ /	
REV1	01/19/2001	MUNICIPAL WATER	01/23/2001	APPROVED
REV1	01/19/2001	MUNICIPAL SEWER	/ /	
REV1	01/19/2001	MUNICIPAL FIRE	01/19/2001	APPROVED
REV1	01/19/2001	NYSDOT	/ /	
ORIG	09/07/2000	MUNICIPAL HIGHWAY	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL WATER	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL SEWER	01/19/2001	SUPERSEDED BY REV1
ORIG	09/07/2000	MUNICIPAL FIRE	09/12/2000	DISAPPROVED
		. SITE PLAN DOES NOT SHOW PROPOSED UNDERGROUND UTILITIES SUCH		
		. AS SPRINKLERS, DOMESTIC WATER SERVICE OR ON SITE HYDRANTS.		
		. PROVIDE STOP BARS AT ALL SIDE PARKING LANES, AT INTERSECTION		
		. WITH MAIN DRIVING LANES.		
		. IF SHOPPING CART RETURN CENTER IS TO BE USED, WHERE WILL		
		. THEY BE LOCATED.		
ORIG	09/07/2000	NYSDOT	01/19/2001	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/20/2001

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
05/23/2001	P.B. APPEARANCE - SCOPE . BOARD ACCEPTED SCOPE - APPLICANT CAN NOW PROCEED WITH DEIS	ACCEPTED SCOPE
02/14/2001	P.B. APPEARANCE . NEED FULL EIS - ONCE THE DRAFT SCOPE IS READY, COME TO WORK . SHOP - POSITIVE DECLARATION FOR SEQRA	NEED FULL EIS: PD
01/24/2001	P.B. APPEARANCE	LA: RETURN
09/13/2000	P.B. APPEARANCE . CHECK ON STAGING FROM PARKING LOT TO RT. 32 - FENCE ON . RETAINING WALL AND SCREENING - SHOW ENTRANCE AND EXIT FOR . SLEPOY PROPERTY (FISH & CHIPS SITE) - NEED PROXY FROM SLEPOY . FOR FISH & CHIPS PROPERTY	LA COORD LETTER RET
08/02/2000	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/20/2001

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 0-15

NAME: HANNAFORD FOOD AND DRUG

APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/07/2000	EAF SUBMITTED . FULL EAF SUBMITTED\	09/07/2000	WITH APPLIC
ORIG	09/07/2000	CIRCULATE TO INVOLVED AGENCIES	09/13/2000	SEND COR LTR
ORIG	09/07/2000	LEAD AGENCY DECLARED	01/24/2001	TOOK LA
ORIG	09/07/2000	DECLARATION (POS/NEG) . NEED FULL EIS . 05-23-2001 - BOARD ACCEPTED SCOPE - APPLICANT TO PROCEED . WITH DEIS.	02/14/2001	POSITIVE DEC
ORIG	09/07/2000	SCHEDULE PUBLIC HEARING	/ /	
ORIG	09/07/2000	PUBLIC HEARING HELD	/ /	
ORIG	09/07/2000	WAIVE PUBLIC HEARING	/ /	
ORIG	09/07/2000	AGRICULTURAL NOTICES	/ /	

JACOBOWITZ AND GUBITS, LLP

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
*L.L.M. IN TAXATION

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JOHN C. CAPPELLO
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MICHAEL L. CAREY
GAIL GEISINGER KULAK
G. BRIAN MORGAN
TODD N. ROBINSON
JONATHAN KATZ
KIRK VAN TASSELL

LINDA F. MADOFF
Of Counsel

July 13, 2001

Hon. James Petro and Planning Board Members
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

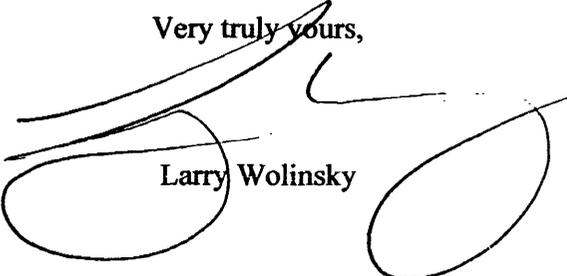
Re: Hannaford Supermarket
Our File No. 3922-1

Dear Chairman Petro and Planning Board Members:

This letter is just a reminder that the 45 day period for determining the completeness of the Hannaford Food and Drug DEIS for purposes of public comment and review will terminate on Monday July 23rd. If you have not already done so, please place this matter on your July 25th meeting agenda for appropriate action.

Thank you for your continued attention and cooperation. If there are any issues you would like us to address prior to the 25th, please do not hesitate to contact me.

Very truly yours,


Larry Wolinsky

cc: Andy Krieger, Esq.
Mark Edsall
Andy Couch
Melinda Schain
Doug Boyce
Ross Winglovitz
Tim Miller
Fred Wells
Mark Sargent



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Fax: (845) 563-4693

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Correspondence }
Communications } Harroford's file # 99-15
Minutes }

Date Records Requested: 6.14.01

Name: Al Collins

Address: PO Box 328 Monticello NY 12761

Phone: (845) 791-4076

Representing: TRCD Products

Documents may not be taken from this office.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

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e-mail: mheny@att.net

□ **Regional Office**
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(570) 296-2765
e-mail: mhempa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 23 MAY 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000,
15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001,
14 MARCH 2001, 28 MARCH 2001 AND 25 APRIL 2001 PLANNING BOARD
MEETINGS.

1. Previously the Board, pursuant to receipt of an application including a Full Environmental Assessment Form, declared a "positive declaration" indicating that the project may result in one or more large and important impacts that may have a significant impact on the environment. A Positive Declaration was circulated by the applicant's attorney (on behalf of the Board), with an Affidavit of Mailing being submitted.

Subsequently, the Board received a proposed scope for the DEIS from the applicant. At the March 28th meeting, the Board commented on the draft scope and scheduled the Hanniford project for this public meeting for the purpose of receiving public input regarding the scope of the DEIS.

We have received the attached proposed scoping document for the DEIS. It is my opinion that this scope is responsive to the previous comments made by the Board and the undersigned. In addition, we had the benefit of some technical comments submitted by an interested party's engineer, which have also been considered.

It is my recommendation that the Board accept this scope and ask the applicant to proceed with the DEIS.

Respectfully Submitted,


Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-23May01.doc

SCOPING DOCUMENT
FOR
HANNAFORD FOOD AND DRUG STORE
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Lead Agency and Contact Person:

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553
Contact: Mark Edsall, PE (845) 563-4615

Date of Scoping Meeting: April 25, 2001,

Scope Adopted: _____

HANNAFORD FOOD AND DRUG STORE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

The Draft Environmental Impact Statement shall contain or address the following:

COVER SHEET

- A. State whether list is a draft or final statement.
- B. Title/name of the project.
- C. Location (county and town) of the project.
- D. Name and address of the lead agency; name and telephone number of the person to contact at the lead agency for information.
- E. Name and address of project consultants; including contact name and number.
- F. Date of submittal.
- G. Date of acceptance of the DEIS.
- H. Date of Public Hearing
- I. The deadline date by which comments are due.

SUMMARY

- A. Brief description of the Proposed Action.
- B. Significant beneficial and adverse impacts.
- C. Issues of controversy specified.
- D. Proposed mitigation measures.
- E. Adverse impacts that cannot be avoided.
- F. Alternatives considered.
- G. Irreversible and irretrievable commitment of resources.
- H. Growth inducing aspects.
- I. Use and conservation of resources.
- J. Permits and approvals.

I. PROJECT DESCRIPTION

A. PROJECT DESIGN AND LAYOUT

1. Introduction

- a Establish geographic boundaries and conditions of the project site, including regional and local maps.
- b Site description (existing zoning, site character).
- c Describe and characterize existing site conditions including topography and other natural and manmade features

2. Total site area
 - a. proposed impervious surface area (roofs, parking lots, roads).
 - b. amount of land to be cleared by type, i.e. woodland, farmland, etc.
 - c. amount of open space, if any
 - d. discussion of pedestrian facilities.
 - e. stormwater management/drainage plans.
 3. Structures
 - a. gross area
 - b. layout of buildings (attached, enclosed, separate)
 - c. site plans and building elevations
 - d. proposed signage
 4. Parking
 - a. pavement area
 - b. number of spaces and layout
 5. Access
 - a. discuss proposed access to the site and adjoining parcels and relationship to access on lands fronting Route 94 and across Route 32 from the project site.
 - b. Discuss legal right to access Route 94, conformance of access with Town's road requirements, and conformance of Monro Muffler site with proposed Route 94 access**
 - c. Discuss alternative access opportunities
 6. Landscaping, fencing and lighting plan
 - a. Conformity with the requirements of the Town Zoning
 - b. Setbacks and buffers, landscaping proposed to mitigate impacts to neighborhood.
 - c. Lighting plan
 - d. Fencing, proposed height, materials and alternatives
- B. CONSTRUCTION AND OPERATION
1. Construction
 - a. anticipated construction period
 - b. schedule of construction
 2. Operation
 - a. type of operation
 - b. schedule of operation

C. PERMITS AND APPROVALS

1. Local
 - a. Site Plan Approval - Town of New Windsor Planning Board
2. County
 - a. 239 I & m - Orange County Planning Department
 - b. water supply – Orange County Health Department (If extension through site is to be dedicated to the Town)
3. State
 - a. highway access permit - New York State Department of Transportation
 - b. Stormwater SPDES permit - New York State Department of Environmental Conservation.
4. Federal
 - a. wetlands - Army Corps of Engineers.

D. PROJECT PURPOSE, NEED AND BENEFITS

1. Background and history.
2. Public need for the project, including social and economic considerations, and municipality objectives on adopted county and local development plans.
3. Objectives of the project sponsor.
4. Social and economic benefits of the action

II. ENVIRONMENTAL SETTING, ANTICIPATED IMPACTS AND PROPOSED MITIGATION MEASURES

A. WATER RESOURCES

1. Surface Water

Existing Conditions

- a. location and description of surface water located on the project site or those that may be influenced by the project
 - classification according to NYS DEC and ACOE

- quantity and quality of surface water and potential increase or decrease
- b. identification of uses and level of use of all surface waters
- c. description of existing drainage areas, patterns, channels and flood plains, discuss potential for flooding
- d. discussion of potential for siltation and erosion

Anticipated Impacts

- potential for contamination of water supplies
- potential impacts from stormwater discharge including quality, quantity, treatment methods, treatment alternatives

Mitigation Measures

- ensure use of soil erosion control techniques during construction and operation to avoid siltation
- silt fence
- temporary restoration of vegetation to disturbed areas
- wheel cleaning pads
- design adequate stormwater control system in accordance with the DEC's "Stormwater Management Guidelines for New Development" and in accordance with New Windsor "Policy Memorandum - Minimum Drainage Design Requirements" dated October 1992.

B. TRANSPORTATION AND TRAFFIC

Existing Conditions

- a. description of the size, capacity and physical condition of
 - roadways affected within a reasonable distance of site
 - traffic controls including speed limits, advisory signs, etc.
 - list of intersections to be evaluated
 - Route 32/Route 300/Route 94 (five corners)
 - Route 94/Old Temple Hill Road
 - Route 32/Old Temple Hill Road
 - Route 300/Old Temple Hill Road
 - Route 32/Jacqueline Street
 - **description of the accident history** of affected roadways

- intersection geometry and sight lines at each intersection
 - **existing AADT for Route 32, Route 94 and Route 300 at Five Corners**
- b. description of current level of use of services
- a.m. and p.m. peak hour and Saturday traffic flow (am peak hour to be qualitative and to discuss trip generating characteristics of supermarket during am peak)
 - vehicle mix (minimum two hours for each peak and the use of peak 60 minute interval for analysis)
 - source of existing traffic
 - vehicle mix and classifications
 - pedestrian movements at affected intersections and roadways
- c. description of public transportation available

Anticipated Impacts

- **daily traffic generation to the site**
- list other developments in the vicinity which will have impact on the roadway network
- determine project's effect on traffic volumes, level of service, delays volume/capacity ratios, existing and **future queues at the study area intersections** as applicable at each effected roadway and intersection and levels of service and sight lines at the proposed site driveways (Generation rates must reflect the specific land uses as proposed).
- use and accepted overall growth rate for the area and add surcharges for any proposed or approved but un-built projects
- separate analyses will be shown for existing conditions, future without the project and future with the project.
- **signal warrant analysis for Route 32/site driveway intersection**

Mitigation Measures

- design adequate and safe access to project to handle projected traffic flow
- discuss necessary mitigation and party that will be responsible for or pay for required mitigation

- discuss applicability of transportation mitigation as it relates to reduced queuing and reduced impacts on air resources.

C. UTILITIES

Existing Conditions

1. **Water Supply**
 - describe existing facilities and prospective service to site
 - discuss water demand of similar facilities with reference data
2. **Sanitary Services**
 - description of existing facilities and intended services to site
 - discuss sewage demand of similar facilities with reference data
3. **Drainage Facilities**
 - description of existing facilities and intended provisions for the site
4. **Gas and Electric Services**
 - description of existing facilities and proposed service to site
5. **Solid Waste Removal**
 - description of existing facilities and adequacy of intended service

Anticipated Impacts

- creation of utility demands, including water supply (potable and fire protection), sewage generation, energy needs and solid waste generated.

Mitigation Measures

- incorporate water savings fixtures into facility design
- incorporate energy-saving measures into facility design
- water main cross connection for improved pressure
- fair share payment for pump station upgrades.

- discuss schedule of construction for offsite improvements relative to construction schedule for project

D. WETLANDS

Existing Conditions

Discuss presence of any State or Federal Wetlands on or contiguous to site

Anticipated Impacts

Discuss wetland disturbance and permit requirements for any wetland fill associated with proposed action

Mitigation Measures

Discuss wetland replacement or enhancement, as applicable.

E. GEOLOGY/SOILS

Existing Conditions

Discuss existing soil and geological conditions on site

Anticipated Impacts

Discuss soil disturbance, potential erosion, impervious surface addition

Mitigation Measures

Discuss erosion control and timing of installation

F. CULTURAL RESOURCES

Existing Conditions

Discuss presence of any historic or archaeological resources on or adjacent to the project site, based on a Phase 1A archaeological study.

Anticipated Impacts

Discuss site disturbance with respect to any identified cultural resources.

Mitigation Measures

Discuss mitigation/preservation of potentially affected resources, as applicable.

G. NOISE

Existing Conditions

Discuss existing ambient noise conditions on and/or in immediate vicinity of site. Discuss requirements of Section 48-17.5 of the New Windsor Code.

Anticipated Impacts

Discuss change in noise conditions as a result of implementation of proposed plan and anticipated conformance with Section 48-17.5 of the New Windsor Code.

Mitigation Measures

Discuss mitigation measures to maintain acceptable noise levels.

H. VISUAL CONDITIONS

Existing Conditions

Discuss existing visual conditions on and/or in immediate vicinity of site. Discuss notable viewing points into site, particularly from abutting residential areas.

Anticipated Impacts

Discuss change in visual environment as a result of implementation of proposed plan with text and appropriate graphics.

Mitigation Measures

Discuss mitigation measures (landscaping, fencing, berms, etc.) to minimize aesthetic impacts.

III. ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

Identify those adverse environmental effects in Section II that can be expected to occur regardless of the mitigation measures considered.

A. Temporary construction impacts

- B. Impacts on natural site features
- C. Operational impacts

IV. ALTERNATIVES

This section discusses alternatives to the proposed project. Discussion of each alternative will be at a level sufficient to permit a comparative assessment of costs, benefits and environmental risks of each alternative.

The general alternatives to be considered are as follows:

A. ALTERNATIVE SITES

- 1. Brief discussion of alternative locations that were considered

B. ALTERNATIVE USES

- 1. Use of site for office
- 2. Alternative uses allowed under the zoning designation for the site.

C. NO ACTION

This section will discuss the no-action alternative

V. APPENDICES

- A. List of underlying studies, reports and information considered and relied on in preparing EIS.
- B. List all federal, state, regional or local agencies, contacted in preparing the statement.
- C. Technical exhibits including traffic and drainage computations.
- D. Relevant correspondence regarding the project.

RESULTS OF P.B. MEETING OF: May 23, 2001

PROJECT: Harrafords Ford P.B.# 00-15

LEAD AGENCY:

NEGATIVE DEC:

- 1. AUTHORIZE COORD LETTER: Y__ N__
- 2. TAKE LEAD AGENCY: Y__ N__

M) __ S) __ VOTE: A__ N__
 CARRIED: YES__ NO__

M) __ S) __ VOTE: A__ N__
 CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M) __ S) __ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M) __ S) __ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M) __ S) __ VOTE: A__ N__ APPROVED: _____

M) __ S) __ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<i>Let</i>
<i>(M) LN (S) B</i>
<i>Accept the scope and proceed with DEIS</i>
<i>5 Ayes</i>
<i>0 Nays</i>



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office
45 Quassaick Ave. (Route 9V)
New Windsor, New York 125.
(914) 562-8640
- Branch Office
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 00-15
 WORK SESSION DATE: 5-16-01 APPLICANT RESUB.
 REAPPEARANCE AT W/S REQUESTED: later REQUIRED: not now
 PROJECT NAME: Hanna fords
 PROJECT STATUS: NEW _____ OLD X
 REPRESENTATIVE PRESENT: Fred Wells / Larry W.
 MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. X
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Review Scope & Survey Letter

Review AOC

- will email final scope to MJE

- X CLOSING STATUS ← 5/23
- X Set for agenda
 - _____ possible agenda item
 - _____ Discussion item for agenda
 - _____ ZBA referral on agenda

pbwsform 10MJE98



1763

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4693

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Jim Sweeney Correspondence
Results of P.B. MTR
HYRAIS NOTO

Date Records Requested: 4.30.01

Name: PCD PROPERTIES

Address: MONTICELLO NY

Phone: 517 777 5444

Representing: _____

Documents may not be taken from this office.

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

*Received 4/25/01
at scoping session*

(845) 291-1100

FAX (845) 294-3994

April 25, 2001

via Hand Delivery

Hon. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Project - New Windsor

Dear Chairman Petro:

These comments are submitted to you as part of the SEQRA "scoping" hearing set by the Board in the above matter.

As you know from prior correspondence and numerous appearances before you and the Board, I represent the interests of the Bila Family Partnership (the Rosenberg family) the owners and developers of the New Windsor Town Center on NY Rt. 32 just north of the "Five Corners" intersection upon which the Hannaford project is proposed. The Bila Family Partnership does not complain here as a mere competitor (it owns no competing food stores) but as nearby commercial neighbor whose overall enterprise stands to be severely impacted by the traffic this proposal will throw off. As such it has every right to voice its concerns here. See *Heritage Co. of Massena v. Belanger*, 191 A.D.2d 790, 594 N.Y.S.2d 388 (3d Dept., 1993).

In the fall of last year I submitted a series of correspondence dealing with the fundamental legality of the proposed project quite apart from its environmental (traffic) adequacy. My letter of October 2, 2000 focused on those illegalities which center around the lawfulness of the proposed access from NY Rt. 94 through the Monroe Muffler site. I enclose a fresh copy of that last piece of correspondence for the record.

In short, the access from Rt. 94 renders the Monroe Muffler site deficient in terms of required setbacks and development standards. Admittedly, the developer has squeezed in to its approval package a "revision" application for the Monroe Muffler site plan but no re-visitation or attempted "re-approval" of that site plan can do away with those rank inadequacies. Furthermore, the right to use this access way does not run to the benefit of the whole development parcel. It runs in favor of only the Friendly's parcel and that is not the whole. How can it be said that the proposed store has access rights to Rt 94 by way of this limited right of way?

(Cont'd)

Hon. James Petro, Chairman
April 25, 2001
Page 2

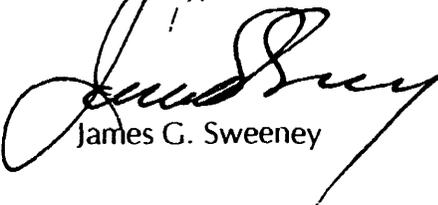
These legal inadequacies should form a basic part of the SEQRA scope. The DEIS should: (1) identify the legal right of the entire parcel to access Rt. 94 via the right of way, (2) identify how this access way will conform with the road requirements of the Town's Code (§38-7), and (3) identify how the Monroe Muffler site will not be left illegally nonconforming by the proposal.

Beyond these fundamental issues I bring the Board's attention to the impossible inadequacies in the developer's traffic plans. Of course, this is a problem of immense proportions that has been very well vocalized and with which the Board is well aware. Even as revised since the initial submission these plans present an impossible situation that is not remedied under any circumstances. Indeed, the revisions may actually make matters worse - if that is possible. My client has retained the services of LKB consulting traffic engineers of Syosset, New York, to review the entirety of the developer's traffic submissions and it has found them - even as revised - impossibly deficient (as has the NY DOT). I enclose a copy of LKB's April 23, 2001 preliminary evaluation of these plans for the record. Of course, the DEIS should identify traffic issues as the central environmental concern but it should break them down into the fine points set out in the LKB letter (pp. 2,3). These are very important issues within the overall traffic question that the DEIS should address in specific categories.

Be advised that the Bila Family Partnership has every intention of objecting to this impossible proposal in every way that is open to it. This project would be a "disaster" for the commercial community in this area of the Town as well as the nearby residential area. Indeed, I will continue to urge that the Town Board rezone this land to a residential use so that this type of massive intrusion cannot occur under any circumstances. I will urge throughout these proceedings that the Planning Board should deny this application as having massive environmental impacts that cannot be remedied or mitigated under any scenario and that it urge the Town Board to accomplish the rezoning of this land.

Thank you for you time and consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa
Enclosure

(Cont'd)

Hon. James Petro, Chairman
April 25, 2001
Page 3

cc: (with enclosure)
Members of the Town of New Windsor Planning Board
Jeff Rosenberg
Andrew Krieger, Town Attorney
Mark Edsall, P.E.
Larry Wolinsky, Jacobowitz & Gubits

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

FILE COPY

F 10/2/00 ED

(845) 291-1100

FAX (845) 294-3994

October 2, 2000

via Regular Mail

Hon. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Project - New Windsor

Dear Chairman Petro:

In my second piece of correspondence dated September 27, 2000, on behalf of the Bila Family Partnership (the Rosenberg family) regarding the proposed Hannaford project, I questioned the design deficiencies of the access to Route 94 over the right of way across the Monroe Muffler parcel (70-1-2.1). I made an analogy of this right of way to a proposed road in a subdivision and pointed out the design deficiencies from a standpoint of those regulations. A review of the Town Code now makes it quite clear that a private road such as this must conform to the subdivision design regulations even though it may remain private. See Town Code §38-7. This 26' ± wide right of way cannot comply with either the overall or paved width requirements for any kind of street under the subdivision regulations.

Thus, it becomes quickly apparent that the proposed access to Route 94 is legally deficient for at least two reasons: (1) it renders the Monroe Muffler parcel nonconforming as to required side yards, and (2) the width of the proposed access road cannot, under any circumstance, meet the Town's required design criteria.

I note also that this right of way was specially created on January 11, 1995 by agreement of the owners of the vacant 4.3 acre parcel (70-1-16.2) and the Monroe Muffler lot (70-1-2.1), who were essentially the same people (the Slepoy family).¹ Importantly, that event appears to have occurred without input from the Planning Board and at a time after the site plan for the Monroe Muffler Shop was approved by the Planning Board in, I believe, 1992. The terms of this right of way, which call for a forced relocation of assigned parking spaces on the Monroe Muffler lot, may violate that site plan approval or, at the very least, violate the

¹ See Easement Agreement recorded in the Orange County Clerk's Office on January 25, 1995 in Liber 4171 of Deeds at page 217.

(Cont'd)

Hon. James Petro, Chairman
October 2, 2000
Page 2

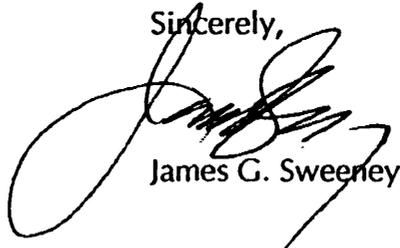
spirit of that approval. These owners unilaterally infused a substantial element into the approved arrangement that was not extant at the time this Board reviewed the Monroe Muffler plan. Indeed, if this right of way was there the lot would not have qualified as a usable lot because, in New Windsor, easements such as this are to be deducted from the gross lot area (See definition of "Lot Area" in §48-37 of the Zoning Law). One wonders if the Planning Board would have ever approved the Monroe Muffler plan with this right of way shown on the plan to begin with.

Both from a legal and design standpoint it does not appear that the right of way can be used in any respect for this proposal

Lastly, it should be pointed out that the right of way across the Monroe Muffler lot does not run to the favor of the Friendly's lot (70-1-16.1). By its own terms it is limited only to the vacant 4.3 acre lot (70-1-16.2) now owned by 4 Acres LLC. In that light how can it be said that the whole of the project site has the lawful right to use the right of way. This unanswered legal ambiguity should be explored by counsel.

Once again, on behalf of the Rosenberg family, I thank you for your time and consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa

cc:

Members of the Town of New Windsor Planning Board
Andrew Krieger, Planning Board Attorney (via fax 562-2407)
Mark Edsall, McGoey Hauser & Edsall (via fax 562-1413)

cc: Rosenberg + Toopis.



LOCKWOOD,
KESSLER &
BARTLETT, INC.

CONSULTING ENGINEERS SINCE 1880

ONE AERIAL WAY, SYOSSET, NEW YORK 11791 (516) 938-0600

TELEFAX (516) 931-6344

April 23, 2001
LKB #0620-01

James G. Sweeney, P.C.
One Harriman Square
P.O. Box 806
Goshen, NY 10924

Re: Hannaford Food Store
Town of New Windsor
Orange County, NY

Dear Mr. Sweeney:

Pursuant to your request (letter of April 10, 2001) we have reviewed the EAF documents relating to traffic issues. The following is a summary of our review.

The revised traffic study has not been significantly altered from the initial Traffic Impact Study dated June 26, 2000. The December 26, 2000 letter from CME, LLP to the Town of New Windsor Planning Board Engineer Mark Edsall includes a revised capacity analysis (2001 Build Sensitivity Analysis) for the 'Five Corners' intersection. This analysis (PM peak hour build w/mitigation) differs from the analysis presented in the TIS (June 26, 2000) by the adjustment of various approach signal timings (± 1 sec. to ± 9 sec.). The result is that the overall intersection LOS for Build w/ improvements remains at LOS F, [(F (98.4 sec.) TIS 6/26/00 to F (108.5 sec.) Sensitivity Analysis 12/26/00]. In fact, the average delay per vehicle is increased by 10.1 sec.

This confirms the statement by NYSDOT (letter of November 27, 2000 to Town of New Windsor Planning Board Engineer) that *"the Level of Service at the Vails Gate 'Five Corners' intersection will be F during the peak traffic periods even with the incorporation of the mitigation measures."* This analysis also corroborates the NYSDOT statement that *"there is not sufficient or available traffic capacity at this intersection, nor are there 'reasonable' improvements which can be undertaken"*. The NYSDOT further emphasizes their position (letter of December 29, 2000 to CME, LLP) stating that *"even with improvements, the forecast operational Level of Service at the 'Five Corners' will remain 'F', with delays during the peak periods which are considered unacceptable and there are no 'reasonable' improvements, which can be undertaken as part of the development, which would correct the condition"*.

To date we are not aware of any NYSDOT comments on the revised capacity analysis (12/26/00), if they exist.

Although CME states that the project impacts are mitigated, No-Build condition @ LOS F (240.9 sec.) vs. Build condition w/mitigation @ LOS F (108.5 sec.), by reducing average delay – the intersection will nevertheless operate at LOS F.

Additional traffic issues identified previously (LKB fax of 12/8/00) still apply. They include:

A. Traffic Data Issues

1. Existing AADT (Average Annual Daily Traffic) should be presented for:

Route 32,
Route 94, and
Route 300

to establish base traffic data for the road network.

2. The traffic study did not identify daily traffic generation to the site. There could be as many as 11,000 entering and exiting trips for this supermarket on a typical Saturday.

B. Traffic Analysis Issues

1. Accident History Analysis was not performed to identify high hazard locations and mitigation measures to correct them.
2. Signal Warrant Analysis was not presented for the Rt.32 / Site Driveway intersection for which signalization is proposed. A signal warrant analysis should be performed in accordance with the guidelines of the NYS MUTCD (NYS Manual of Uniform Traffic Control Devices) to determine if the conditions are met for a signal.
3. The traffic analysis indicates Level of Service F at the following intersections:
 - under the "2001 Build Sensitivity Analysis" scenario:
 - Five Corners Intersection
 - Rt. 94 EB left turn movement
 - Rt. 94 EB through/right turn movement
 - Rt. 94 WB through/right turn movement
 - Rt. 32 NB (to Rt. 300) left turn movement
 - Rt. 32 SB through movement
 - Rt. 32 SB right turn movement
 - Rt. 300 SB through/right turn movement
 - under the "2001 Build w/o improvements" scenario:
 - Rt. 300 / Old Temple Hill Rd.
 - WB left/right turn movement
 - Rt. 94 / Old Temple Hill Rd.
 - SB left turn movement

The improvements proposed do not improve the operational characteristics of these intersections.

4. The proposed Rt. 32 / Site Driveway intersection is located close to the Five Corners intersection. Traffic queues from the NB Rt. 32 approach to the Five Corners intersection may affect this intersection.
5. The proposed Rt. 94 / Site Driveway intersection is located too close to the Five Corners intersection to allow for left turn movements.
6. A future year, beyond the build year scenario, should be analyzed to evaluate the key intersections and queue length back-ups on NB Rt. 32 and WB Rt. 94 approaches. The proposed site access driveways could be affected.

C. Traffic Queuing Issues

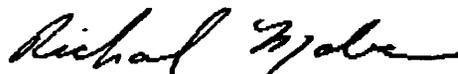
1. Traffic queue length calculations were not presented for the NB Rt. 32 through/right turn lane under the "2001 Build with improvements" scenario. The volume from the NB through lane as well as the NB through/right turn lane is combined into the NB through/right turn lane.
2. The existing traffic queue for NB Rt. 32 is 38 vehicles (PM Peak) and backs-up to the location of the proposed Rt. 32 /Site Driveway intersection.
3. The WB Rt. 94 traffic queue backs-up into the Old Temple Hill Rd. intersection under the existing condition and "2001 Build with improvements" scenario. This would adversely effect the operations of the Rt. 94 / Site Driveway intersection. WB Rt. 94 left turn movements into the site driveway and left turn movements out of the site driveway to WB Rt. 94 would be difficult maneuvers.

These are the concerns that need to be addressed so that a thorough evaluation of the traffic aspects of the proposed project can be made.

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

LOCKWOOD, KESSLER & BARTLETT, INC.



Richard Malco, P.E.
Project Manager

RM/rjm

RESULTS OF P.B. MEETING OF: April 25 2001

PROJECT: Hannaford Food + Drug P.B.# 00-15

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y__ N__

M)__ S)__ VOTE: A__ N__

2. TAKE LEAD AGENCY: Y__ N__

CARRIED: YES__ NO__

M)__ S)__ VOTE: A__ N__

CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M)__ S)__ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)__ S)__ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M)__ S)__ VOTE: A__ N__ APPROVED: _____

M)__ S)__ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<i>Andy Couch gave presentation:</i>
<i>Applicant to take input from tonight's meeting</i>
<i>along with the Board's comments and submit</i>
<i>a revised EIS</i>

Scoping Session - April 25, 2001

(Hannaford Food Store)

Jim Sweeney representing Bela Partners presented a document to the Board questioning the traffic.

Lorraine Bennett: Cornwall P.B. - spoke about additional Houses and traffic. Asked if Board is considering safety problems. School traffic from new school on Rt. 94

Kurt Ottway - / Rocky Lane: Spoke re: traffic at Vails Gate. He suggested that Hannaford consider other sites

Lawrence Everwine: Knox Village asked how you enter if going south on Rt. 32.

Frieda Cavali: Trues - Asked about the noise factor with trucks

Tom Barton: Spoke re: Buffer - wants higher fence and larger buffer area.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 25 APRIL 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000,
15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001,
14 MARCH 2001 AND 28 MARCH 2001 PLANNING BOARD MEETINGS.

1. Previously the Board, pursuant to receipt of an application including a Full Environmental Assessment Form, declared a “positive declaration” indicating that the project may result in one or more large and important impacts that may have a significant impact on the environment. A Positive Declaration was circulated by the applicant’s attorney (on behalf of the Board), with an Affidavit of Mailing being submitted.

Subsequently, the Board received a proposed scope for the DEIS from the applicant. At the March 28th meeting, the Board commented on the draft scope and scheduled the Hanniford project for this public meeting for the purpose of receiving public input regarding the scope of the DEIS.

It is important that the public understand that this is the sole purpose of this meeting. After such time that the DEIS has been prepared and deemed complete, the document will be circulated by the Board to all involved agencies, and will be available for review by the public. In addition, at least one (if not more) public hearings will be held to receive input with regard to both the DEIS and the Site Plan application.

It is important that the Public understand that the purpose of this meeting is to discuss the scope of the environmental review. They should raise topics and areas of concern at this meeting, and not pose specific questions, nor expect answers to their questions at this meeting.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

cc - Superson
PB

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12553

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Fax: (845) 563-4693



REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Notice of HEARING
 Career. for Jacobowitz
 Comment on Scope Document
 Newspaper clipping

HANN A TSON

Date Records Requested: 4.19.01

Name: RED TROPERSON

Address: P.O. Box 328 Monticello

Phone: 914 (797) 8544

Representing: _____

Documents may not be taken from this office.



1763

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
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Fax: (845) 563-4693

REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

MHE WORK SESSION 3.7.01

MHE 2.14.01 REVIEW COMMENTS

TNW Fees Escrow 3.19.01

Results of PB MTC 3.28.01

Jacobowitz Correspondence 2.28.01 & 3.23.01 & 3.27.01

SEQRA Pos. Dec 2.14.01

Scoping Document

MHE Record of Attendance 3.21.01

Scoping Checklist

1.21.01 MINUTES

Date Records Requested: 4.3.01

Name: RCD ROBERTS

Address: Monticello NY

Phone: 845 (791) 6025

Representing: _____

Documents may not be taken from this office.

COMMENTS ON SCOPE DOCUMENT
HANNAFORD FOOD AND DRUG STORE
28 March 2001

1. Correct Contact Person listed on Scoping Document to match Contact Person noted on Positive Declaration (Mark J. Edsall, P.E., Planning Board Engineer).
2. In Notice of Hearing, revise date to match date selected by Board and correct any and all spelling errors in Notice of Hearing.
3. Comments on "I - Project Description" Section:
 - a. Subsection A4, change "potential access opportunities" to "proposed access"
 - b. Subsection A4, if appropriate, add "alternative access opportunities"
 - c. Subsection A5, add "landscaping proposed to mitigate impacts to neighborhood"
 - d. Delete B - Location and include in appropriate subsections of A
 - e. Add subsection to review Topography of site and surrounding area
4. Comments on "II - Environmental Setting...":
 - a. Add "potential for flooding" to A-1
 - b. Under A, Mitigation Measures, add "design to comply with New Windsor Policy Memorandum - Minimum Drainage Design Requirements dated 8 October 1992."
 - c. Under B-a, change to read "list of intersections to be evaluated".
 - d. Under B-a, add "Route 32/Jacqueline St" to be evaluated.
 - e. Under B-a, change "site lines" to "intersection geometry and sight lines".
 - f. Under B-b, change "p.m." to "a.m. and p.m."
 - g. Under B, add "c. description of public transportation available"
 - h. Under B, Anticipated Impacts, second item, delete words "reserve capacities".
 - i. Under B, Anticipated Impacts, add two additional items. "Existing and future queues at the study area intersections" and "levels of service, and sight lines at the proposed site driveways".
 - j. Under C, Existing Conditions, +expand water and sanitary to include projected flow values and provide references/data of other sites and their documented usage.
 - k. Under C, evaluate schedule of construction for any necessary off-site improvements vs. construction schedule for project.
 - l. Under Existing Conditions, add section to identify all State or Federal wetlands within or contiguous to site.
 - m. Add section to deal with Cultural Resources. Specifically discussion of Historic and archeological resources.

- n. Insure that Natural & Human Resource items (Geology, Water Resources, Air Resources, and Transportation are all discussed in document relative to "Mitigation Measures to Minimize Environmental Impact", within this section.
5. Comments on "TV - Alternatives":
 - a. Under B, Alternative Uses, describe all alternative uses permitted in Zoning Code and comment on each.
 6. X



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARF, P.E.

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Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@ptd.net

FACSIMILIE MEMORANDUM

TO: MYRA ATTN: _____ FAX NO. aut

FROM: MARK FAX NO. 845-567-3232

DATE: _____ TIME: _____ AM/PM PAGES: _____

MESSAGE: _____

Please fax to Jim and
any other Board members
who have faxes. Ask Jim P.
to call me.

Mark

TELEPHONE OR FAX ACKNOWLEDGEMENT OF THIS TRANSM

YES _____ NO _____

RECEIPT ACKNOWLEDGED _____



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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- **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhempa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 28 MARCH 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000,
15 NOVEMBER 2000, 24 JANUARY 2001, 14 FEBRUARY 2001, AND
14 MARCH 2001 PLANNING BOARD MEETINGS.

1. At the most recent meeting, the Board authorized circulation of the Positive Declaration for the project. The applicant's attorney has provided an Affidavit of Mailing, which should be on record at this time.

The Board also received the proposed scope for the DEIS from the applicant. This was circulated, with a copy of the SEQRA 617.21 Appendix D Scoping Checklist, to all the Board members for review and comment.

At this meeting, input is to be received from the Board members, such that a Preliminary Scope for the document can be identified. Following same, this should be circulated with a notice for the proposed Public Scoping Meeting.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-28Mar01.doc

RESULTS OF P.B. MEETING OF: March 28, 2001

PROJECT: Harford's Food

P.B.# 00-15

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y__ N__

M)___ S)___ VOTE: A__ N__

2. TAKE LEAD AGENCY: Y__ N__

CARRIED: YES__ NO__

M)___ S)___ VOTE: A__ N__

CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M)___ S)___ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)___ S)___ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M)___ S)___ VOTE: A__ N__ APPROVED: _____

M)___ S)___ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

Adopt Comments of the Board - Applicant to prepare public scope for public meeting
④ LN ⑤ K to Accept Comment & set date 5 Days Okay
April 25th for scoping session - Keep agenda list
Applicant to advertise in Sentinel Only.

617.21
Appendix D
State Environmental Quality Review
Scoping Checklist

The following checklist of topics is intended as a starting point for developing a detailed scope for a project-specific Draft Environmental Impact Statement. Typically, no one project will require a discussion of all the topic areas contained in this document. Through the scoping process, the list of topics should be refined to reflect issues unique to the proposed project. Topic areas may be deleted, added or elaborated upon, to arrive at the final scoping document.

The purpose of the checklist format is to identify the basic topic areas of the Draft EIS. This is accomplished by reviewing the list and placing a check in the box located to the left of these topics which should be discussed. The model scoping checklist can also be used as a worksheet, including comments, suggestions and identification of the particular example(s) that are relevant to a detailed discussion of the topic or issue that has been checked. Conversely, those topics which are not checked, are issues not associated with the project and may be eliminated from discussion in the Draft EIS.

The next step is to expand the list to include or elaborate on those topics unique to the proposed project. A blank sheet is included at the end of the checklist for such additional information.

The scoping process involves several steps in addition to compiling a list of topics. Scoping also includes discussions on the quantity and quality of information required and the methods of obtaining that data.

NOTE: This check list was designed to be used in conjunction with the section on scoping contained in SEQR Guideline-Draft and Final EIS's. It is also important to emphasize that this checklist should serve only as a model to assist in the scoping of a Draft EIS. It should not be used as a substitute for actively scoping Draft EIS for a specific project.

I. Cover Sheet

All EIS's (Draft or Final) shall begin with a cover sheet that includes:

- A. Whether it is a draft or final statement

- B. Name or other descriptive title of the project
C. Location (county and town, village or city) of the project
D. Name and address of the lead agency which required preparation of the statement and the name and telephone number of a person at the agency to be contacted for further information
E. Name and address of the preparers of any portion of the statement and a contact name and telephone number
F. Date of acceptance of the Draft EIS
G. In the case of a Draft EIS, the deadline date by which comments are due should be indicated

II. Table of Contents and Summary

A table of contents and a brief summary are required for Draft and Final EIS's.

The summary should include:

- A. Brief description of the action
B. Significant, beneficial and adverse impacts, (issues of controversy must be specified)
C. Mitigation measures proposed
D. Alternatives considered
E. Matters to be decided (permits, approvals, funding)

III. Description of the Proposed Action

Place a check in the box to the left of those topics to be included in the draft EIS.

- A. PROJECT PURPOSE, NEED AND BENEFITS
1. Background and history
 2. Public need for the project, and municipality objectives based on adopted community developments plans
 3. Objectives of the project sponsor
 4. Benefits of the proposed action
 - a.) social
 - b.) economic

B. LOCATION

1. Establish geographic boundaries of the project (use of regional and local scale maps is recommended)
2. Description of access to site
3. Description of existing zoning of proposed site
4. Other:

C. DESIGN AND LAYOUT

1. Total site area
 - a.) proposed impervious surface area (roofs, parking lots, roads)
 - b.) amount of land to be cleared
 - c.) open space
2. Structures
 - a.) gross leaseable area (GLA), if applicable
 - b.) layout of buildings (attached, enclosed, separate)
 - c.) site plans and profile view
 - d.) material storage
 - e.) drainage plans
 - f.) above/underground pipelines
 - g.) staging area for material handling
3. Parking
 - a.) pavement area
 - b.) number of spaces and layout
4. Other:

D. CONSTRUCTION AND OPERATION

1. Construction
 - a.) total construction period anticipated
 - b.) schedule of construction
 - c.) future potential development, on site or on adjoining properties
 - d.) other:
2. Operation
 - a.) type of operation
 - b.) schedule of operation
 - c.) other:

E. CLOSURE AND POST CLOSURE PLANS (for projects of planned limited life such as landfills)

F. APPROVALS

1. Required changes or variances to the zoning regulations
2. Other permit approval or funding requirements

IV. Environmental Setting

Place a check in the box to the left of those topics to be included in the Draft EIS.

Natural Resource

A. GEOLOGY

1. Subsurface

- a.) composition and thickness of subsurface material
examples:
 - depth to, and nature of, bedrock formations and impermeable layers
 - occurrence of an extractive mineral resource
 - usefulness as construction material
- b.) earthquake potential

2. Surface

- a.) List of soil types
- b.) discussion of soil characteristics
examples:
 - physical properties (indication of soils hydrological (infiltration) capabilities)
 - engineering properties (soil bearing capacity)
 - agricultural properties (soil profile characteristics) when agricultural land resources are involved
- c.) distribution of soil types at project site
- d.) suitability for use
examples:
 - agriculture
 - recreation
 - construction
 - mining
- e.) other:

3. Topography

- a.) description of topography at project site
examples:
 - slopes
 - prominent or unique features
- b.) description of topography of surrounding area

B. WATER RESOURCES

1. Groundwater

- a.) location and description of aquifers and recharge areas
examples:
 - depth of water table
 - seasonal variation
 - quality
 - quantity
 - flow
- b.) identification of present uses and level of use of groundwater
examples:
 - location of existing wells
 - public/private water supply
 - industrial uses
 - agricultural uses

- 2. Surface water
 - a.) location and description of surface waters located on project site or those that may be influenced by the project
 - examples:
 - seasonal variation
 - quantity
 - classification according to New York State Department of Health
 - b.) identification of uses and level of use of all surface waters
 - examples:
 - public/private water supply
 - industrial uses
 - agricultural uses
 - recreational
 - c.) description of existing drainage areas, patterns and channels
 - d. discussion of potential for flooding, siltation, erosion and eutrophication of water supply

C. AIR RESOURCES

1. Climate

- a.) discussion of seasonal variations and extremes
 - examples:
 - temperature
 - humidity
 - precipitation
 - wind

2. Air quality

- a.) description of existing air quality levels
 - examples:
 - list the National and State Air Quality Standards for the project area and the compliance status for each standard
- b.) identification of existing sources or pollutants-fixed or mobile
- c.) identification of any sensitive receptors in project area
 - examples:
 - hospitals, schools, nursing homes, parks
- d.) description of existing monitoring program (if applicable)

D. TERRESTRAL AND AQUATIC ECOLOGY

1. Vegetation

- a.) list vegetation types on the project site and within the surrounding area
- b.) discussion of site vegetation characteristics
 - examples:

- species presence and abundance
- age
- size
- distribution
- dominance
- community types
- unique, rare and endangered species
- value as habitat for wildlife
- productivity

2. Fish, Shellfish and Wildlife

- a.) list of fish, shellfish and wildlife species on the project site and within surrounding area, including migratory and resident species
- b.) discussion of fish, shellfish and wildlife population characteristics
 - examples:
 - species presence and abundance
 - distribution
 - dominance
 - unique, rare and endangered species
 - productivity

3. Wetlands

- a.) list wetland areas within or contiguous to the project site
- b.) discuss wetland characteristics
 - examples:
 - acreage
 - vegetative cover
 - classification
 - benefits of wetland such as flood and erosion control, recreation

E. AGRICULTURAL RESOURCES

1. Soils

- a.) list soils by name, slope and soil group ranking within NYS Land Classification System (1 NYCRR 370)
- b.) number of acres within each group
- c.) location of site on soil survey map

2. Agricultural land management system(s)

- a.) inventory of existing erosion control and drainage systems
 - examples:
 - subsurface drain lines
 - outlet/diversion ditches
 - strip cropping
 - diversion terraces
- b.) relationship of proposed action to existing soil and water conservation plans (if applicable)

- 3. Associated operations
 - a.) number and types of farm operations on and adjacent to site examples:
 - dairy
 - grain
 - orchard
 - b.) type and proximity of farm related facilities examples:
 - storage units/barns
 - sorting/packing houses
 - refrigeration units
 - roadside markets
 - c.) access to cropland (including detached fields)
 - d.) access for farm equipment to public roads

Human Resources

- A. TRANSPORTATION
 - 1. Transportation services
 - a.) description of the size, capacity and condition of services examples:
 - roads, canals, railroads, bridges
 - parking facilities
 - traffic control
 - access/egress from site
 - b.) description of current level of use of services examples:
 - a.m. and p.m. peak hour traffic flow
 - vehicle mix
 - source of existing traffic
 - 2. Public transportation
 - a.) description of the current availability of service
 - b.) description of present level of use
 - 3. Pedestrian environment
 - 4. Other:
- B. LAND USE AND ZONING
 - 1. Existing land use and zoning
 - a.) description of the existing land use of the project site and the surrounding area examples:
 - commercial
 - residential
 - agricultural
 - business
 - retail
 - industrial
 - vacant
 - b.) description of existing zoning of site and surrounding area

- c.) description of any affected agricultural district or other farmland retention program boundary in and surrounding the site
- 2. Land use plans
 - a.) description of any land use plans or master plans which include project site and surrounding area
 - b.) discussion of future development trends or pressures
- 3. Other;
- C. COMMUNITY SERVICE (for this section include a list of existing facilities and a discussion of existing levels of usage and projected future needs)
 - 1. Educational facilities
 - 2. Police protection
 - 3. Fire protection
 - 4. Health care facilities
 - 5. Social services
 - 6. Recreational facilities
 - 7. Utilities
 - 8. Public water supply
 - 9. Solid waste disposal
 - 10. Sewage treatment facilities
 - 11. Other:
- D. DEMOGRAPHY
 - 1. Population characteristics
 - a.) discussion of existing population parameters examples:
 - distribution
 - density
 - household size and composition
 - b.) discussion of projections for population growth
 - 2. Other:
- E. CULTURAL RESOURCES
 - 1. Visual resources
 - a.) description of the physical character of the community examples:
 - urban vs. rural
 - b.) description of natural areas of significant scenic value
 - c.) identification of structures of significant architectural design
 - 2. Historic and archaeological resources
 - a.) location and description of historic areas or structures listed on State or National Register or designated by the community, or included on Statewide Inventory

- b.) identification of sites having potential significant archaeological value include results of cultural resource survey, if conducted

3. Noise

- a.) identification of existing level of noise in the community
- b.) identification of major sources of noise
 - examples
 - airports
 - major highways
 - industrial/commercial facilities

4. Other:

V. Significant Environmental impacts

Identify those aspects of the environmental setting in Section IV that may be adversely or beneficially affected by the proposed action and require discussion.

VI. Mitigation Measures to Minimize Environmental Impact.

Describe measures to reduce or avoid potential adverse impacts identified in Section V. The following is a brief listing of typical measures used for some of the major areas of impact.

Natural Resource

A. GEOLOGY

1. Subsurface

- a.) use excavated material for land reclamation
- b.) use facility wastes (ash, sludge) for land reclamation
- c.) other:

2. Surface

- a.) use topsoil stockpiled during construction for restoration and landscaping
- b.) minimize disturbance of non-construction sites
- c.) design and implement soil erosion control plan
- d.) other:

3. Topography

- a.) avoid construction on areas of steep slope
- b.) design adequate soil erosion devices to protect areas of steep slope
- c.) other:

B. WATER RESOURCES

1. Groundwater

- a.) design/modify system of treatment for stormwater runoff of wastewater prior to recharge of groundwater
- b.) maintain permeable areas on the site

- c.) institute a program for monitoring water quality in adjacent wells
- d.) require secondary or tertiary containment of products/wastes
- e.) contingency plans for accidental spills
- f.) other:

2. Surface water

- a.) ensure use of soil erosion control techniques during construction and operation to avoid siltation
 - examples:
 - hay bales
 - temporary restoration of vegetation to disturbed areas
 - landscaping
- b.) design adequate stormwater control system
- c.) construct/modify sewage treatment facilities
- d.) restrict use of salt or sand for road and parking area snow removal
- e.) avoid direct discharges to surface water resources
- f.) require secondary or tertiary containment of products/wastes
- g.) contingency plans for accidental spills
- h.) other:

C. AIR RESOURCES

1. Air quality

- a.) assure proper construction practices
 - examples:
 - fugitive dust control
 - proper operation and maintenance of construction equipment
- b.) design traffic improvements to reduce congestion and vehicle delay
- c.) install and ensure the proper operation of emission odor control devices
- d.) initiate a program for monitoring of air quality
- e.) other:

D. TERRESTRAL AND AQUATIC ECOLOGY

1. Vegetation

- a.) restrict clearing to only those areas necessary
- b.) preserve part of site as a natural area
- c.) after construction, landscape site with naturally occurring vegetation
- d.) purchase open space at another location and dedicate to local government or conservation organization

2. Fish, Shellfish and Wildlife
 - a.) provide adequate habitat (shelter and food) for remaining wildlife species
 - b.) schedule construction to avoid sensitive periods of fish, shellfish and wildlife cycles
 - c.) other:

E. AGRICULTURAL RESOURCES

1. Soils
 - a.) select/design project to avoid viable agricultural land
 - b.) reclaim disturbed agricultural soil profiles for agricultural purposes
 - c.) schedule activity when crops are off fields and soil is firm
 - d.) other:
2. Agricultural land management systems
 - a.) re-establish access drives, fence—lines and any disturbed land management systems
 - b.) re-establish any disturbed erosion control and drainage systems
 - c.) install soil and water management practices to restore or enhance soil drainage and stability
 - d.) preserve open space for agricultural use
 - e.) develop lease back arrangements to allow continued agricultural use on all or portion of site
 - f.) other:

Human Resources

A. TRANSPORTATION

1. Transportation
 - a.) design adequate and safe access to project site to handle projected traffic flow
 - b.) install adequate traffic control devices
 - c.) optimize use of parking areas
 - d.) encourage car pooling and operation of facility during non-peak traffic times
 - e.) design special routing and restricted hours for delivery truck traffic
 - f.) other:
2. Public transportation
 - a.) adjust public transportation routes and schedules to service the facility
 - b.) encourage use of public transportation by using incentive programs for employees or by selling tickets in facility
 - c.) other:

B. LAND USE AND ZONING

1. Existing land use and zoning
 - a.) design project to comply with existing land use plans
 - b.) design functional and visually appealing facility to set standard and precedent for future surrounding land use
 - c.) other:

C. COMMUNITY SERVICES

1. Police protection
 - a.) minimize local police protection responsibilities by providing private security force
 - b.) provide security systems, alarms for facility
 - c.) provide equipment, funds or services directly to the community
 - d.) other:
2. Fire protection
 - a.) use construction materials that minimize fire hazards
 - b.) incorporate sprinkler and alarm systems into building design
 - c.) provide equipment, funds or services directly to the community
 - d.) other:
3. Utilities
 - a.) install utility services underground
 - b.) incorporate water saving fixtures into facility design
 - c.) incorporate energy-saving measures into facility design
 - d.) other:

D. CULTURAL RESOURCES

1. Visual resources
 - a.) design exterior of structure to physically blend with existing surroundings
 - b.) minimize visual impact through thoughtful and innovative design of lighting and signs (consider: height, size, intensity, glare and hours of lighting operation)
 - c.) design landscaping to be visually pleasing and to serve as a buffer between surrounding land uses, parking areas, operational equipment and facilities
 - d.) other:
2. Historic and archaeological resources
 - a.) Prepare a plan, including measures to mitigate impacts to historic/ archaeological resources through data recovery, avoidance and/or restriction of project activities

- b.) develop measures to convey cultural information to the community (e.g. through scientific/popular reports, displays)
- c.) preserve architecturally significant structures and make an adequate permanent photographic and statistical record of those that must be destroyed
- d.) other:

3. Noise

- a.) schedule construction/operation to occur during "normal business" hours minimizing noise impact during sensitive times (early morning, night)
- b.) assure adherence to construction noise standards
- c.) design berms and landscaping to block and absorb noise
- d.) other:

VII. Adverse Environmental Effects that Cannot be Avoided if the Project is Implemented
Identify those adverse environmental effects in Section V that can be expected to occur regardless of the mitigation measures considered in Section VI.

VIII. Alternatives

This section contains categories of alternatives with examples. Discussion of each alternative should be at a level sufficient to permit a comparative assessment of costs, benefits and environmental risks for each alternative. It is not acceptable to make simple assertions that a particular alternative is or is not feasible. Identify those categories of alternatives which should be included in the EIS by placing a check in the box located to the left of the topic.

A. ALTERNATIVE DESIGN AND TECHNOLOGIES

- 1. Site layout
 - a.) density and location of structures
 - b.) location of access routes, parking and utility routes
- 2. Orientation
 - a.) compatibility with slope and drainage patterns
 - b.) site size and set back requirements
- 2. Technology
 - a.) pollution control equipment
 - b.) innovative vs. proven technologies
- 4. Mix of activities
 - a.) addition of businesses which would affect the operational nature of the facility

B. ALTERNATIVE SITES

- 1. Limiting factors
 - a.) availability of land
 - b.) suitability of alternative site to accommodate design requirements
 - c.) availability of utilities
 - d.) suitable market area
 - e.) compatibility with local zoning and master plan
 - f.) compatibility with certified agricultural districts
 - g.) compatibility with regional objectives
 - h.) accessibility of site to transportation routes and service population

C. ALTERNATIVE SIZE

- 1. Increase or decrease project size to minimize possible impacts
- 2. Increase or decrease project size to correspond to market and community needs

D. ALTERNATIVE CONSTRUCTION/ OPERATION SCHEDULING

- 1. Commence construction at a different time
- 2. Phase construction/operation
- 3. Restrict construction/operation work schedule

E. ALTERNATIVE LAND USE

- 1. Suitability of site for other uses
 - a.) other types of commercial uses
 - b.) other types of industry
 - c.) different types of housing
 - d.) agricultural use
 - e.) other:

F. NO ACTION

- 1. Impacts of no action
 - a.) effect on public need
 - b.) effect on private developers' need
 - c.) beneficial or adverse environmental impacts

G. OTHER:

IX. Irreversible and Irretrievable Commitment of Resources

Identify those natural and human resources listed in Section IV that will be consumed, converted or made unavailable for future use.

X. Growth Inducing Aspects (if applicable)

Describe in this section the potential growth aspects the proposed project may have. Listed on the next page are examples of topics that are typically affected by the growth induced by a project.

A. POPULATION

1. Increases in business and resident population due to the creation or relocation of business
2. Increases in resident population due to the construction of housing

B. SUPPORT FACILITIES

1. business created to serve the increased population
2. Service industries created to supply new facility

C. DEVELOPMENT POTENTIAL

1. Introduction or improvement of infrastructure (roads, waste disposal, sewers, water) to service proposed project
2. Creation of further growth potential by construction of improved infrastructure

D. OTHER:

XI. Effects on the Use and Conservation of Energy Resources (if applicable) .

Identify the energy sources to be used, anticipated levels of consumption and ways to reduce energy consumption. The examples listed below are typical issues to be considered when addressing this topic.

A. PROPOSED ENERGY SOURCES AND ALTERNATIVES

B. ANTICIPATED SHORT-TERM/LONG-TERM LEVELS OF ENERGY CONSUMPTION

C. INDIRECT EFFECTS ON ENERGY CONSUMPTION

1. Increased dependence on automobile use
2. Increased levels of traffic due to proposed project

D. ENERGY CONSERVATION MEASURES

1. Design methods to reduce fuel use for heating, cooling and lighting
 - a.) conventional technology examples:
 - insulation
 - thermopane windows
 - use of low wattage lights
 - b.) innovative technology examples:
 - heat pumps
 - solar panels
 - wind energy
 - use of waste heat from an industrial plant
 - use of recycled materials

c.) efficient layout

examples:

—orientation of structures in relation to summer and winter sunlight

—clustering of structures to maximize common walls

—shortening of utility runs

—shared insulation and heating

2. Indirect energy benefits

a.) location and design of facility to accommodate mass transit

b.) use of shuttle buses

c.) location of facility to minimize travel distance

E. OTHER:

XII. Assessment of Unavailable Information

In certain situations involving major developments (such as an oil supertanker port, a liquid propane/natural gas storage facility, a resource recovery facility or a hazardous waste treatment, storage or disposal facility), information regarding reasonably foreseeable catastrophic impacts to the environment may not be available. Such information may be unavailable because the means to obtain it are unknown or the cost of obtaining it is exorbitant, or because there is uncertainty about its validity. If such information is essential to an agency's SEQR finding, the EIS must:

- A. Identify the nature and relevance of such unavailable or uncertain information; and
- B. Provide a summary of existing credible scientific evidence, if available; and
- C. Assess the likelihood of occurrence and consequences of the potential impact, even if the probability is low, using theoretical approaches or research methods generally accepted in the scientific community.

This assessment should be applied only where reasonably foreseeable catastrophic impacts to the environment are possible and it is not intended to be applied in the review of such actions as shopping malls, residential subdivisions and commercial facilities even though the size and scale of some such projects may be extensive.

XIII. Appendices

Following is a list of materials typically used in support of the EIS.

A. List of underlying studies, reports and information considered and relied on in preparing statement

B. List all federal, state, regional, or local agencies, organizations, consultants and private

persons consulted in preparing the statement

C. Technical exhibits (if any) at a legible scale

D. Relevant correspondence regarding the projects may be included (required in the Final EIS)

Additional Draft EIS Scoping Topics

Indicate any additional topics for discussion in the Draft EIS. Attach additional sheets if necessary.

JACOBOWITZ AND GUBITS, LLP

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DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
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LARRY WOLINSKY
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LINDA F. MADOFF
Of Counsel

March 27, 2001

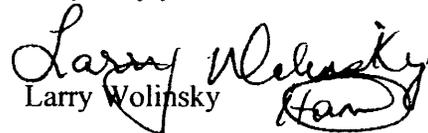
Ms. Myra Mason, Secretary
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Hannaford Supermarket
Our File No. 3922-1

Dear Ms. Mason:

Enclosed please find a copy of the Affidavit of Service and the Positive Declaration indicating the Town of New Windsor Planning Board as lead agency.

Very truly yours,


Larry Wolinsky

LW/tam
Enclosure

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

Stephanie Ludlow, being duly sworn, deposes and says:

1. I am over 18 years of age and reside at Walden, New York.

2. On March 27, 2001, I served true copies of the annexed SEQRA Positive Declaration Town of New Windsor Planning Board Notice of Intent to Prepare a Draft EIS Determination of Significance, dated February 14, 2001, by e-mailing a copy to the ENB@gw.dec.state.ny.us, and by mailing same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addresses of the addressees as indicated below:

Commissioner
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233-0001

Regional Director
New York State Department of Environmental
Conservation - Region III
21 South Putt Corners Road
New Paltz, New York 12561

Hon. George J. Meyers
555 Union Avenue
New Windsor, New York 12553

New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603

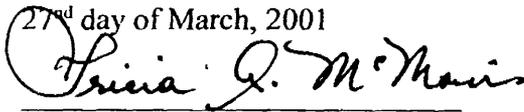
Environmental Notice Bulletin
c/o NYSDEC - 50 Wolf Road, Room 538
Albany, NY 12233-1750
Via e-mail: enb@gw.dec.state.ny.us

Orange County Department of Health
124 Main Street
Goshen, New York 10924

Orange County Department of Planning
124 Main Street
Goshen, New York 10924

Martin Foods of South Burlington, Inc.
145 Pleasant Hill Road
Scarborough, Maine 04074

Sworn to before me this
27th day of March, 2001



Notary Public - State of New York


Stephanie Ludlow

TRICIA A McMORRIS
Notary Public, State of New York
No. 01MC6015437
Qualified in Ulster County
Commission Expires October 26, 20 01

**SEQRA POSITIVE DECLARATION
TOWN OF NEW WINDSOR PLANNING BOARD
Notice of Intent to Prepare a Draft EIS
Determination of Significance**

February 14, 2001

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Town of New Windsor Planning Board, as lead agency, has determined that the proposed action described below **may** have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Title of Action: Hannaford Food & Drug

SEQR Status: Unlisted Action

Description of Action: Construction of a 55,200 SF food and drug store and related parking facilities; proposed parking and site access improvements at Monroe Muffler and proposed site access improvements at Long John Silver's.

Location: Near and around New York State Routes 32 and 94, Town of New Windsor, Orange County, New York.

Reasons Supporting This Determination:

The proposed project may have a significant adverse effect on traffic, drainage and an adjoining residential neighborhood in the "Five Corners" area of the Town.

For Further Information:

Contact Person: Mark J. Edsall, P.E. - Planning Board Engineer
Address: McGoey, Hauser & Edsall Consulting Engineers, P.C.
33 Airport Center Drive
Suite 202
New Windsor NY 12553
Phone No.: 845-567-3100

Copies of this Notice Sent to:

Commissioner:	Department of Environmental Conservation 50 Wolf Road, Albany, New York 12233-0001
Regional Director:	Region III, 21 South Putt Corners Road New Paltz, New York 12561
Hon. George J. Meyers:	555 Union Avenue New Windsor, New York 12553
New York State Department: of Transportation	4 Burnett Boulevard Poughkeepsie, NY 12603
Environmental Notice Bulletin:	NYSDEC (enb@gw.dec.state.ny.us) 50 Wolf Road, Room 538 Albany, NY 12233-1750
Orange County Department of Health	124 Main Street Goshen, NY 10924
Orange County Department of Planning	124 Main Street Goshen, NY 10924
Martin Foods of South Burlington Inc.:	145 Pleasant Hill Road Scarborough, Maine 04074

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JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
GAIL GEISINGER KULAK
G. BRIAN MORGAN
TODD N. ROBINSON

LINDA F. MADOFF
Of Counsel

March 23, 2001

Ms. Myra Mason, Secretary
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Hannaford Supermarket
Our File No. 3922-1

Dear Ms. Mason:

Enclosed please find a copy of the Affidavit of Mailing with attachments showing that the Positive Declaration was mailed to the listed agencies. Please disregard the previous affidavit of mailing.

Very truly yours,


Larry Wolinsky

LW/tam
Enclosure

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss.:
COUNTY OF ORANGE)

Stephanie Ludlow, being duly sworn, deposes and says:

1. I am over 18 years of age and reside at Walden, New York.
2. On March 23, 2001, I served true copies of the annexed SEQRA Positive Declaration Town of New Windsor Planning Board Notice of Intent to Prepare a Draft EIS Determination of Significance, dated February 14, 2001, by mailing same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addresses of the addressees as indicated below:

Commissioner
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233-0001

Regional Director
New York State Department of Environmental
Conservation - Region III
21 South Putt Corners Road
New Paltz, New York 12561

Hon. George J. Meyers
555 Union Avenue
New Windsor, New York 12553

New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603

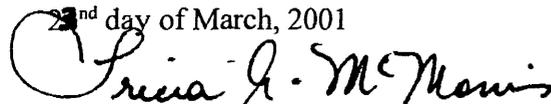
Environmental Notice Bulletin
6 Sevilla Drive
Clifton Park, New York 12065-5013

Orange County Department of Health
124 Main Street
Goshen, New York 10924

Orange County Department of Planning
124 Main Street
Goshen, New York 10924

Martin Foods of South Burlington, Inc.
145 Pleasant Hill Road
Scarborough, Maine 04074

Sworn to before me this
23rd day of March, 2001


Notary Public - State of New York


Stephanie Ludlow

TRICIA A McMORRIS
Notary Public, State of New York
No. 01MC6015437
Qualified in Ulster County
Commission Expires October 26, 20 01

**SEQRA POSITIVE DECLARATION
TOWN OF NEW WINDSOR PLANNING BOARD
Notice of Intent to Prepare a Draft EIS
Determination of Significance**

February 14, 2001

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Department of Environmental Conservation, as lead agency, has determined that the proposed action described below **may** have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Title of Action: Hannaford Food & Drug

SEQR Status: Unlisted Action

Description of Action: Construction of a 55,200 SF food and drug store and related parking facilities; proposed parking and site access improvements at Monroe Muffler and proposed site access improvements at Long John Silver's.

Location: Near and around New York State Routes 32 and 94, Town of New Windsor, Orange County, New York.

Reasons Supporting This Determination:

The proposed project may have a significant adverse effect on traffic, drainage and an adjoining residential neighborhood in the "Five Corners" area of the Town.

For Further Information:

Contact Person: Mark J. Edsall, P.E. - Planning Board Engineer
Address: McGoey, Hauser & Edsall Consulting Engineers, P.C.
 33 Airport Center Drive
 Suite 202
 New Windsor NY 12553
 Phone No.: 845-567-3100

Copies of this Notice Sent to:

Commissioner:	Department of Environmental Conservation 50 Wolf Road, Albany, New York 12233-0001
Regional Director:	Region III, 21 South Putt Corners Road New Paltz, New York 12561
Hon. George J. Meyers:	555 Union Avenue New Windsor, New York 12553
New York State Department: of Transportation	4 Burnett Boulevard Poughkeepsie, NY 12603
Environmental Notice Bulletin:	6 Sevilla Drive Clifton Park, NY 12065-5013
Orange County Department of Health	124 Main Street Goshen, NY 10924
Orange County Department of Planning	124 Main Street Goshen, NY 10924
Martin Foods of South Burlington Inc.:	145 Pleasant Hill Road Scarborough, Maine 04074



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- Main Office
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New Windsor, New York 12553
(914) 562-8640
- Branch Office
507 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF

New Windsor

P/B #

00-15

WORK SESSION DATE:

21 MAR 01

APPLICANT RESUB.

REQUIRED: ongoing

REAPPEARANCE AT W/S REQUESTED:

ongoing

PROJECT NAME:

Hannford

PROJECT STATUS: NEW

OLD

X

REPRESENTATIVE PRESENT:

Tim Miller / Larry W / Jeff S.

MUNIC REPS PRESENT: BLDG INSP.

FIRE INSP.

ENGINEER

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- dir release notice of + dec add impact on neighborhood

- try to revised scope 3/28/01

- try to "Public Scope" on 4/11/01

Myra Contact all Board members -

get comments on scope ASAP

mail scope notice to adjourners

X

CLOSING STATUS

Set for agenda

possible agenda item

Discussion item for agenda

ZBA referral on agenda

Scope Discussion

3/

pbwsform 10MJE98

**TOWN OF NEW WINDSOR PLANNING BOARD
NOTICE OF HEARING - REQUEST FOR PUBLIC COMMENT
DRAFT SCOPING DOCUMENT - HANNAFORD FOOD AND DRUG**

PLEASE TAKE NOTICE that the Town of New Windsor Planning Board, as SEQRA lead agency, has received a Draft Scoping document submitted by Martin's Foods of So. Burlington, Inc. For construction of a 55,200 SF Hannaford Food & Drug Store to be located generally near and around the intersection of New York State Routes 32 and 94 in the Town of New Windsor, Orange County, New York. Copies of the Draft Scoping Document may be obtained from the Planning Board Secretary.

PLEASE TAKE FURTHER NOTICE that the Planning Board, as SEQRA lead agency, will conduct a public scoping session on the Draft Scoping Document on March 14, 2001 at 7:30 p.m. at the Town Hall, 555 Union Avenue, New Windsor, New York at which time all persons interested in commenting on the Draft Scoping Document shall be heard. The Planning Board will make every effort to assure that the scoping session is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Planning Board Secretary.

All comments to the Draft Scoping Document should be directed to whether the Document adequately lists the potentially significant environmental impacts of the proposed action for purposes of having these impacts addressed in the Draft Environmental Impact Statement to be prepared by the applicant.

Dated: February 28, 2001

**BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF NEW WINDSOR
JAMES PETRO, CHAIRMAN**



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4693

REQUEST FOR PUBLIC RECORDS

Re: HANNAH

(Please specify or describe item (s) requested)

- Minutes 1-21-01
- MHE Correspondence 11-15-01
- Jacobowitz Correspondence 2-28-01
- SEGA Pos. Dec.
- RESULTS OF P/B MTH 2-14-01
- MR Dennison Correspondence 1-24-01

Date Records Requested: 3-12-01

Name: Al Collins

Address: Po Box 328 Monticello NY

Phone: 845 (91) 6025

Representing: PCD Agents

Documents may not be taken from this office.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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New Windsor, New York 12553
(914) 562-8640
 Branch Office
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 99-15
 WORK SESSION DATE: 7 MAR 01 APPLICANT RESUB. REQUIRED: later
 REAPPEARANCE AT W/S REQUESTED: No
 PROJECT NAME: Hannifords
 PROJECT STATUS: NEW _____ OLD X
 REPRESENTATIVE PRESENT: Jeff Shullen (Technic)
 MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. X
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Scoping document mailed - not rec'd

- ① Notice re + Dec ⇒ Mtg call LW re circ
- ② P/H date of coord w/ Peter call CW
- ③ Scoping doc - circ to P/B members for review. (either mail or give at 3/14 mtg)
- Likely P/H @ 3/28 mtg.

CLOSING STATUS

- Set for agenda
- possible agenda item
- Discussion item for agenda
- ZBA referral on agenda

pbwsform 10MJE98



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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e-mail: mhempa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 14 FEBRUARY 2001
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000,
15 NOVEMBER 2000 AND 24 JANUARY 2001 PLANNING BOARD
MEETINGS.

1. The last action taken by the Planning Board in connection with this project was to complete the lead agency coordination. The SEQRA application for the project now includes the Hannaford site, the Monroe Muffler site and the Long John Silver site. Separate "Amended Site Plan Applications" have been submitted for each of the adjacent sites. A Full Environmental Assessment Form with attachments was previously submitted to the Board.
2. It is anticipated that the Planning Board will make a determination as to the adequacy of the submitted SEQRA information, and the need for an Environmental Impact Statement (EIS). This is the most critical procedural decision that must be made at this time. *A detailed review of the content of the traffic study, drainage study, etc. need not be done at this time, and it is inappropriate to do so now. The detailed commentary should be made after a Determination of Significance has been made.*
3. After the Board has reached a Determination of Significance, I will be pleased to assist the Board and the applicant both procedurally and will provide preliminary comments with regard to traffic and drainage.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-14Feb01.doc

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/19/2001

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/07/2000	REC #1459341 - HANNAFORD	PAID		750.00	
09/13/2000	P.B. ATTY. FEE	CHG	35.00		
09/13/2000	P.B. MINUTES	CHG	76.50		
11/15/2000	P.B. ATTY. FEE	CHG	35.00		
11/15/2000	P.B. MINUTES	CHG	18.00		
01/24/2001	JOHN COLLINS- TRAFFIC -PE	CHG	0.00		
01/24/2001	P.B. ATTY. FEE	CHG	35.00		
01/24/2001	P.B. MINUTES	CHG	36.00		
02/14/2001	P.B. ATTY. FEE	CHG	35.00		
02/14/2001	P.B. MINUTES	CHG	40.50		
03/19/2001	ADDITIONAL ESCROW - CK155	PAID		3500.00	
		TOTAL:	311.00	4250.00	-3939.00



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BACK ISSUES

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Planning Board seeks second opinion on Hannaford traffic in Vails Gate

NEW WINDSOR: A second engineer will review the traffic plan for a proposed third supermarket in Vails Gate.

By Michael Randall
The Times Herald-Record
mrandall@th-record.com

Hannaford Bros. says its Vails Gate supermarket won't add to the logjam at the infamous Five Corners intersection.

In fact, the company says a few changes could cut drivers' waiting time, even with the added traffic.

The town Planning Board isn't just taking Hannaford's word for it. It's hiring a consultant to check out Hannaford's claims before scheduling a public hearing. The cost of that extra study is not known yet, but it will be paid by Hannaford, not the town.

Hannaford, which opened a supermarket in the Town of Wallkill last year, wants to build on 5.5 acres on Route 32 now occupied by a Friendly's restaurant and a lot of vegetation. It's just south of the Five Corners, where two main north-south highways, routes 32 and 94, intersect with each other, and Route 300 ends. Drivers often wait three minutes or more for a green light.

A traffic study included in the project's environmental assessment says those delays can be cut for most traffic lanes - by half in some cases - with a few changes.

Among them: a northbound Route 32 lane now used by traffic going straight or turning left onto Route 94 would become a left-turn-only lane; a separate lane would be established for northbound cars on Route 32 that want to turn onto Route 300; and the entrance would be moved further south on Route 32 and a new traffic signal would be installed there.

Supervisor George Meyers still isn't convinced. "You don't have to be a rocket scientist to know you do not need any more traffic in Vails Gate," Meyers said.

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paid advertisers



*Times Herald
Record
2/3/2001
[Signature]*

only so much can be done with a five-way intersection. But at the very least, she said, traffic there "will not get any worse" if Hannaford's builds.

Hannaford's engineer estimates an average of 500 cars an hour coming to the supermarket at peak hours – a little less on weekdays, a little more on Saturdays.

Besides the second traffic study, Hannaford's also must wait for the spring thaw so an archeological study can be finished. The ruins of a house dating back to the turn of the 20th century are at that site and some ceramics and a spoon with the date 1881 have been found.

Epstein said Hannaford's doesn't expect anything will be found that will delay the project.

Telephone 845-341-1100 or 800-295-2181 outside the Middletown area.

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**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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Milford, Pennsylvania 18337
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e-mail: mhepa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 15 NOVEMBER 2000
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF
RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 13 SEPTEMBER 2000 AND
15 NOVEMBER 2000 PLANNING BOARD MEETINGS.

1. The last action taken by the Planning Board in connection with this project was to complete the lead agency coordination. The SEQRA application for the project now includes the Hannaford site, the Monroe Muffler site and the Long John Silver site. Separate "Amended Site Plan Applications" have been submitted for each of the adjacent sites.
2. A Full Environmental Assessment Form with attachments has been submitted to the Board for this meeting.
3. It is anticipated that the applicant will make a presentation at this meeting with regard to the scope and content of the SEQRA application. Following same, I suggest the Board consider the following actions:
 - a. By resolution, assume the position of Lead Agency, as long as no other involved agencies have expressed interest in that role.
 - b. Discuss the Full EAF with the applicant and pose any general questions pertinent at this time.
 - c. Advise the applicant that the Board will consider the SEQRA submission and make a determination (presumably at the first February meeting) whether the submission is adequate to evaluate the potential environmental impacts or whether a DEIS will be required.
 - d. Discuss the likely need for a Public Hearing for the Site Plan and SEQRA input.

772
Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Planning Board Engineer



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4610
Fax: (845) 563-4693

OFFICE OF THE SUPERVISOR
George J. Meyers
Town Supervisor

January 24, 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603

SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94- T/ NEW WINDSOR

Dear Mr. Dennison;

Hannaford Food & Drug has made application to the Town Planning Board for a site plan approval of a 55,200 s.f. retail store on a 5.4 – acre parcel located off NYS Routes 32 and 94 within the Town of New Windsor. I have received copies of correspondence from Akhter A Shareef and T.A. Myers of your Department in connection with this application.

I am writing to express the Town Board's significant concern regarding traffic congestion in the "Five Corners" area of the town. Existing traffic conditions in that area are already extremely congested and significant backups and delays are encountered in several directions during morning and afternoon peak periods. This poses not only a level of service concern to our residents and the general public but also a safety concern in this congested area. Access to adjoining commercial establishments and town roadways, is severely compromised during these periods. Access for emergency vehicles is also a major concern.

I am writing to note, for the record, our concern that the existing inadequate conditions will be further exacerbated by approval of this project. We ask that the NYSDOT ensure that a complete and proper review be made in cooperation with our Planning Board, and that any and all possible off-site improvements be required before your agency considers the issuance of any permits for this project.

Very truly yours,
TOWN OF NEW WINDSOR

George J. Meyers
Town Supervisor

Cc: Town Board Members
James Petro, Planning Board Chairman
Mark J. Edsall, P.E., Planning Board Engineer
Chief Koury, N.W.P.D.

JACOBOWITZ AND GUBITS, LLP

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
ROBERT E. DINARDO
J. BENJAMIN GAILEY
MARK A. KROHN*
*LL.M. IN TAXATION

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX
E-mail: info@jacobowitz.com

JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHAEL L. CAREY
GAIL GEISINGER KULAK
G. BRIAN MORGAN
TODD N. ROBINSON

LINDA F. MADOFF
Of Counsel

February 8, 2001

Via Regular Mail and Facsimile 845-563-4693

*A copy of this document was previously
provided to you by facsimile transmission.*

Hon. James Petro and Planning Board Members
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: Hannaford
Our File: 3922-1

Dear Chairman Petro and Planning Board Members:

At yesterday's workshop session the Planning Board Engineer thought it would be a good idea if I wrote to you to set forth the Board's options for its determination of significance under SEQRA. According to the SEQRA regulations, you have three options. First, you may adopt a positive declaration requiring the applicant to prepare an environmental impact statement. In order to make that determination you must find the evidence before you establish the potential for at least one significant adverse environmental impact. Second, you may adopt a negative declaration. In order to make that determination you must find that the evidence before you demonstrates there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant. Third, because this is an unlisted action, you may adopt a conditioned negative declaration. A conditioned negative declaration is appropriate where the Board imposes conditions on the project to mitigate all significant environmental impacts. A conditioned negative declaration is subject to publication in the Environmental Notice Bulletin and a minimum 30 day public comment period. If during that 30 day comment period the Board receives substantive comments that identify significant adverse environmental impacts that were not previously addressed or were inadequately addressed or, it receives comments establishing a substantial deficiency in the proposed mitigation measures, then the Board can require the preparation of an environmental impact statement.

As you are aware, the applicant believes it has identified and addressed in its project design the environmental issues associated with its project. It is therefore the applicant's opinion that a negative declaration should issue. However, given the improvements that are incorporated into the plan and the proposal for off-site improvements to address potential impacts, the applicant understands that the Board could reasonably issue a conditioned negative declaration. We look forward to further discussing

RESULTS OF P.B. MEETING OF: January 24, 2001

PROJECT: Hamnerford's Food Store P.B.# 00-15

LEAD AGENCY:

1. AUTHORIZE COORD LETTER: Y__ N__
2. TAKE LEAD AGENCY: Y N__

NEGATIVE DEC:

M)__ S)__ VOTE: A__ N__
CARRIED: YES__ NO__

M) NS A VOTE: A 5 N D
CARRIED: YES NO__

WAIVE PUBLIC HEARING: M)__ S)__ VOTE: A__ N__ WAIVED: Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)__ S)__ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M)__ S)__ VOTE: A__ N__ APPROVED: _____

M)__ S)__ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<i>John Collins will review the traffic study as representative for the Town-</i>



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF

N.W.

P/B #

00-15

WORK SESSION DATE:

7 Feb 2001

APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED:

PROJECT NAME:

Hannifords

PROJECT STATUS: NEW

OLD

REPRESENTATIVE PRESENT:

Larry V / Ross W.

MUNIC REPS PRESENT: BLDG INSP.

FIRE INSP. X

ENGINEER X

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Myra- Larry will send letter re SEQRA
options -

Please fax to all members Tuesday.

Next mts as
per P/B.

CLOSING STATUS

X

Set for agenda

possible agenda item

Discussion item for agenda

ZBA referral on agenda

Approval Box ☺

pbwsform 10MJE98



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

REQUEST FOR PUBLIC RECORDS

DATE:

(Please specify or describe items(s) requested)

MINUTES OF PIB MTG.

PIB Work Session 1.17.01

Agency Approvals, 3 PAGES, AS OF 1.24.01

Correspondence to MR. DENNISON DATED 1.24.01

Results of B/B MTG 1.24.01

Name: A Collins
 Address: _____
Monticello NY
 Phone: 791 6025
 Representing: RED PROPERTIES.

Documents MUST NOT be taken from the office and MUST be returned intact.

Time Out: _____
Time Returned: _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

(TOWN) VILLAGE OF New Windsor P/B # -
WORK SESSION DATE: 17 Jan 01 APPLICANT RESUB.
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: late SEORA binder
PROJECT NAME: Hannitards + plans

PROJECT STATUS: NEW OLD

REPRESENTATIVE PRESENT: Larry

- MUNIC REPS PRESENT:
- BLDG INSP.
 - FIRE INSP.
 - ENGINEER X
 - PLANNER
 - P/B CHMN.
 - OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- SEORA discussion
- submitting binder w/ all info (EAFS) (Support) info)
- Historic preservation?
- Registered House
- 7 P/B + Larry + Jim + 1 P/B sec'y

1. Confirm YA
2. Discuss SEORA submittal
3. Draft schedule
4.

pbwsform 10MJE98

- X CLOSING STATUS if plan
- Set for agenda
 - possible agenda item
 - Discussion item for agenda
 - ZBA referral on agenda

We moved up to New Windsor in 1963 because of the open spaces. My only complaint was that the plot for our home is only a third of an acre. Maybe if the towns had larger plots of land, maybe one acre, and require the developers to have open spaces, there would be less congestion.

Also, why would anyone want to build another supermarket in Vails Gate. Did they look at the traffic we have now? Sometimes it takes five minutes just to get through the lights and we have two supermarkets already. Please no more supermarkets in Vails Gate!

Peggy Kahn
New Windsor



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhpa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
 SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 15 NOVEMBER 2000
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT OF A 55,200 SF RETAIL STORE ON THE 5.5 +/- ACRE SITE. THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 13 SEPT 00 PLANNING BOARD MEETING.

1. The property is located within the Design Shopping (C) Zoning District of the Town.

My September review identified several corrections required to the bulk table. As well, I made some initial comments with regard to the plans submitted.

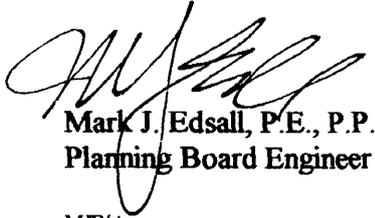
The purpose of this meeting appearance is not to review the plans based on these previous comments, but rather to note the involvement of two nearby parcels in the improvements proposed for the Hannaford application. “Off-site” improvements are proposed for the Monroe Muffler Site and the Long John Silver Site. We have requested that separate “Amended Site Plan Applications” be submitted for both of these sites.

2. A Full Environmental Assessment Form with attachments was previously submitted. A Lead Agency Coordination circulation was made following the meeting in September. The circulation did not include the off-site issues. It is now recommended that a coordinated circulation be made to apprise the reviewing agencies that two adjoining sites are involved.

Further, it is my recommendation that the Board authorize the circulation of a letter to amend the previous circulation for Hannaford to provide a plan indicating the off-site improvements and indicate the Board's intent to perform a SEQRA review to coordinate all three applications.

3. Once the SEQRA Lead Agency coordination issue is resolved, I will continue my review of the application information, and advise the Board accordingly.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-15Nov00.doc



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

REQUEST FOR PUBLIC RECORDS

DATE:

(Please specify or describe items(s) requested)

12 Dec Planning Bd. Corres'

29 Dec NYS DOT - TUZZI, P.E.

26 Dec CME

27 Nov MR. ED SALL Corres'

6 Dec P.B. Work Session MHE

Name: AL Collins
 Address: Monticello
 Phone: 791 6025
 Representing: RCD Prof

Documents MUST NOT be taken from the office and MUST be returned intact.

Time Out: _____
Time Returned: _____



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1 December 2000

**SUBJECT: HANNAFORD FOOD & DRUG SITE PLAN (PB REF. NO. 00-15)
MONROE MUFFLER SITE PLAN AMENDMENT (PB REF. NO. 00-22)
LONG JOHN SILVER SITE PLAN AMENDMENT (PB REF. NO. 00-21)
TOWN OF NEW WINDSOR, NEW YORK**

To All Involved Agencies:

On or about September 19, 2000, the Town of New Windsor Planning Board notified you or its intent to be lead agency for the Application of Site Plan Approval for the Hannaford Food & Drug Site Plan located off NYS Routes 32 and 94 within the Town. No objection was received from any agency to the Planning Board serving as Lead Agency for this action. Subsequent to its initial notice, the Planning Board received a new Site Plan Application from Hannaford Food & Drug, which included certain off-site related actions necessary to implement the Hannaford Application. These off-site related actions are embodied in separate applications to the Planning Board and involve amendment to the prior approved Monroe Muffler and Long John Silver Site Plans.

This letter is written as a request for Lead Agency coordination as required under Part 617 of the Environmental Conservation Law, with respect to Hannaford's new application and the applications involving the Monroe Muffler and Long John Silver amendment applications.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA Review Process, sent to the Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved Agency desire the Lead Agency position, it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

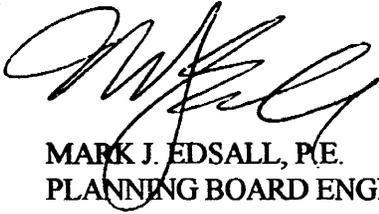
All Involved Agencies
Page 2,
Hannaford/Monroe Muffler/Long John Silver Site Plans

Attached hereto, for each application, is a copy of the submitted site plan drawings, with location plan, for your reference. A copy of the Full Environmental Assessment Form submitted for each project is also included.

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (845) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz
New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
Orange County Department of Health
Orange County Department of Planning
State Clearing House Administrator
Town of New Windsor Supervisor (w/o encl)
Applicant (w/o encl)
Planning Board Chairman (w/o encl)
Planning Board Attorney (w/o encl)

A:SEQRA.mk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

12 December 2000

**SUBJECT: HANNAFORD FOOD & DRUG SITE PLAN (PB REF. NO. 00-15)
MONROE MUFFLER SITE PLAN AMENDMENT (PB REF. NO. 00-22)
LONG JOHN SILVER SITE PLAN AMENDMENT (PB REF. NO. 00-21)
TOWN OF NEW WINDSOR, NEW YORK**

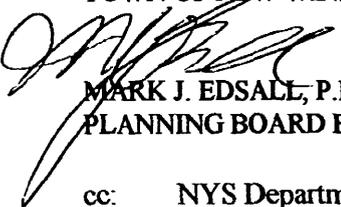
To All Involved Agencies:

On or about December 1, 2000, the Town of New Windsor Planning Board notified you of its intent to be lead agency for the Application of Site Plan Approval for the Hannaford Food & Drug Site Plan located off NYS Routes 32 and 94 within the Town. Together with this application, the Town notified you of related applications for the site plan amendments to the prior approved Monroe Muffler and Long John Silver Site Plans.

Enclosed herewith please find copies of the Full Environmental Assessment Forms for the Monroe Muffler and Long John Silver Site Plan applications. These Full EAFs were inadvertently not included in the previous mailing by the Town. Should you have any questions concerning this mailing or the projects, please do not hesitate to contact the undersigned at (845) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD


MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

cc: NYS Department of Environmental Conservation, New Paltz
New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
Orange County Department of Health
Orange County Department of Planning
State Clearing House Administrator
Town of New Windsor Supervisor (w/o encl)
Applicant (w/o encl)
Planning Board Chairman (w/o encl)
Planning Board Attorney (w/o encl)

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Hannaford Food & Drug
 Name of Action

Town of New Windsor Planning Board
 Name of Lead Agency

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)

 Date

RECEIVED
 NOV 13 2000 00-13

5. Approximate percentage of proposed project site with slopes: 0-10% 75 % 10-15% 19 %
 15% or greater 6 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?
 Yes No (see attached Archeological Investigation)
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
 (See Attached Archeological Study)
8. What is the depth of the water table? 4'-8' (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to site inspection by David Griggs, ERS Consultants, Inc.
 Identify each species _____
12. Are there any unique or unusual land forms on the project site?(i.e., cliffs, dunes, other geological formations)
 Yes No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
 Yes No
15. Streams within or contiguous to project area: None
 a. Name of Stream and name of River to which it is tributary N/A
16. Lakes, ponds, wetland areas within or contiguous to project area:
 a. Name Federal Wetland b. Size (In acres) 0.04 AC
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No
 b) If Yes, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 5.51± acres.
- b. Project acreage to be developed: 5.51± acres initially; 0 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles: N/A (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed N/A %.
- f. Number of off-street parking spaces existing 73; proposed 304.
- g. Maximum vehicular trips generated per hour 516 (upon completion of project). (See attached Traffic Study)
- h. If residential, Number and type of housing units: N/A
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | _____ | _____ |
| Ultimately | _____ | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure 35 height; 260 width; 200 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 581.18 ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 15,000 cubic yards.
3. Will disturbed areas be reclaimed? Yes No N/A
 - a. If yes, for what intended purpose is the site being reclaimed? Landscaping, Building and Parking
 - b. Will topsoil be stockpiled for reclamation? Yes No
 - c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 4.13 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
6. If single phase project: Anticipated period of construction 12 months, (including demolition).
7. If multi-phased:
 - a. Total number of phases anticipated N/A (number).
 - b. Anticipated date of commencement phase 1 N/A month N/A year, (including demolition).
 - c. Approximate completion date of final phase N/A month N/A year.
 - d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction? 200; after project is complete? 40 Full Time, 90 Part Time
10. Number of jobs eliminated by this project? 12 (Friendly's)
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
 - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
 - b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
15. Is project, or any portion of project, located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 - a. If yes, what is the amount per month? 14 tons.
 - b. If yes, will an existing solid waste facility be used? Yes No
 - c. If yes, give name Al Turi Landfill or OCWT Station; location Goshen, NY
 - d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
 - e. If Yes, explain Recycling Food Waste, Card Board, Etc. during operation and demolition waste to a suitable C+D landfill during construction
17. Will the project involve the disposal of solid waste? Yes No
 - a. If yes, what is the anticipated rate of disposal? N/A tons/month.
 - b. If yes, what is the anticipated site life? N/A years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) Electricity, Gas
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day 3,780 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
If yes, explain N/A

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan	8/00
City, Town Zoning Board	<input type="checkbox"/> Yes <input type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County Planning	--
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT-Work Permit	--
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

C. ZONING and PLANNING INFORMATION

- Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
 zoning amendment zoning variance special use permit subdivision site plan
 new/revision of master plan resource management plan other _____
- What is the zoning classification(s) of the site? C-Designated Shopping
- What is the maximum potential development of the site if developed as permitted by the present zoning?
0.5 Floor Area Ratio or 118,483 SF
- What is the proposed zoning of the site? N/A
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A
- Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
Commercial, Shopping, Residential
- Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
- If the proposed action is the subdivision of land, how many lots are proposed? N/A
 a. What is the minimum lot size proposed? N/A
- Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
- Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No (refer to attached Traffic Study)

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Tectonic Engineering Consultants, PC / Ross Winglovitz, PE Date 11/3/00
 Signature [Signature] Title Chief Civil Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

RESULTS OF P.B. MEETING OF: *Harralds - November 15, 2000*

PROJECT: *Harralds*

P.B.# *00-15*
00-20
00-21

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y ___ N ___
2. TAKE LEAD AGENCY: Y ___ N ___

M) ___ S) ___ VOTE: A ___ N ___
CARRIED: YES ___ NO ___

M) ___ S) ___ VOTE: A ___ N ___
CARRIED: YES ___ NO ___

WAIVE PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___ WAIVED: Y ___ N ___

SCHEDULE P.H. Y ___ N ___

SEND TO O.C. PLANNING: Y ___

SEND TO DEPT. OF TRANSPORTATION: Y ___

REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) ___ S) ___ VOTE: A ___ N ___ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y ___ N ___

DISCUSSION/APPROVAL CONDITIONS:

<i>Requests to authorize supplement to agencies for 5 FCSKA</i>
<i>(1) LW 5 Days for additional properties</i>
<i>(5) AS 0 Days</i>

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK



1763

REQUEST FOR PUBLIC RECORDS

DATE: 11.6.00

(Please specify or describe items(s) requested)

PLEASE SEE ATTACHED LIST -

Thank you -

Name: Al Collins
Address: P.O. Box 328
MONTICELLO NY 12701
Phone: 791-6025
Representing: RED PROPERTIES

Documents MUST NOT be taken from the office and MUST be returned intact.

Time Out: _____

Time Returned: _____

- ✓ Letter from TECTONIC 9.29.00 - Re: TAX lot numbers
- ✓ " " " 10.5.00 " " "
- ✓ " " JAMES SWANEY 10.2.00
- ✓ " " " " 9.27.00

- 3 letters ✓ " " Town of New Windsor to MR. Schiller 10.6.00
- ✓ " " " " to All AGENCIES 9.19.00
- ✓ " " M^E Goey, HANSEL & EDSON Sept 13 00
- ✓ HANNAFORD SITE PLAN (00-15) Pg 16-32 INCLUSIVE
- ✓ M^E Goey PLANNING Bd WORK SESSION OCT 4.00
- ✓ NYS OFF. of PARKS & REC. SERCA 10.4.00
- ✓ Town of CORNWALL to TOWN of New Windsor 9/8 10.3.00
- ✓ JUNO E MAIL SEPT 25.00
- ✓ Poughkeepsie JOURNAL ARTICLE 10.21.00
- ✓ TOWN of New Windsor ASSESSORS OFFICE to HANNAFORD 10.17.00
- ✓ M^E Goey P.B. WORK SESSION 10.15.00



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

November 2, 2000

Hannaford Food & Drug Store
C/o Tectonic Engineering
P.O. Box 37
Mountainville, NY 10953

Re: 70-1-2.1:70-1-2.21:70-1-16.1:70-1-16.2 List # 1
69-4-19.2:69-4-25:69-4-26.12:69-4-28 List # 2

Dear Mr. Schiller,

According to our records, the attached list represents all properties within five hundred (500) feet of the subject parcels.

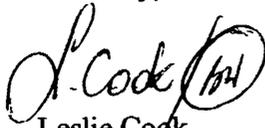
Please be advised that the subject is not within five hundred feet (500) of an Agricultural District.

You may wish to check with The Town of Cornwall also, however, as the subject parcels are within five hundred (500) feet of the Town of Cornwall boundry line.

The charge for this service is \$121.00.

Please remit the balance to the Town Clerk's Office.

Sincerely,


Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Myra Mason, PB

65-2-20
Norstar Bank of Upstate N.Y.
Facilities Management
P.O. Box 911
Newburgh, NY 12550

69-2-8
John Grana
P.O. Box 317
Vails Gate, NY 12584

69-4-20
Albert & William Pushman
P.O. Box 158
Vails Gate, NY 12584

65-2-21 and 65-2-22
Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584

69-2-9
Primavera Properties Inc.
P.O. Box 177
Vails Gate, NY 12584

69-4-21
Josephine & Albert Pushman
P.O. Box 158
Vails Gate, NY 12584

65-2-23
Joan A. Shedden
P.O. Box 608 A
Vails Gate, NY 12584

69-2-10
Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

69-4-22
Marion & William Pushman
2609 NYS Rt. 32
Vails Gate, NY 12584

65-2-24
John Aquino & Gregory Mellick
9 Hawthorne Pl. Apt. 2 N
Boston, MA 02114

69-2-11
Amerada Hess Corp.
C/o Dean E. Cole, Mgr. Prop. Tax Dept.
1 Hess Plaza
Woodbridge, NJ 07095

69-4-23 : 69-4-24
Jean & Raymond Dahlin
P.O. Box 508
Vails Gate, NY 12584

65-2-34
Albany Savings Bank
94 Broadway
Newburgh, NY 12550

69-2-12.1
MCB Partnership
521 Green Ridge Street
Scranton, PA 18509

69-4-25
Mobil Oil Corporation
104 South Central Ave
Valley Stream, NY 11580

69-1-6
V.G.R. Associates, LLC
C/o Irving S. Bobrow, Mgr.
40 East 69 th Street
New York, NY 10021

69-3-1 : 69-3-2: 69-3-4
TGS Associates, Inc.
15 East Market Street
Red Hook, NY 12571

69-4-26.11
Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

69-1-9.1
Theodore & Konstantinos
Panagiotopoulos
65 Eisenhower Drive
Middletown, NY 10940

69-3-5
S & S Properties Inc.
123 Quaker Road
Highland Mills, NY 10930

69-4-26.12
Fred Plus 3, LLC
104 South Central Ave
Valley Stream, NY 11580

69-1-11
June & Leon Trudeau
94 Canterbury Road
Ford Montgomery, NY 10928

69-3-6
DB Companies
DBA DB Mart Conv. Stores
P.O. Box 9471
Providence, RI 02940

69-4-26.2
Mobil Oil Corporation
C/o Exxon Mobil Corp.
Property Tax Division
P.O. Box 4973
Houston, TX 77210-4973

69-2-6
R & S Foods Inc.
249 North Craig Street
Pittsburgh, PA 15213

69-4-16
Ruth Ann & Russell Brewer
P.O. Box 103
Vails Gate, NY 12584

69-4-26.13 : 69-4-28
Fred Gardner & Herbert Slepoy
104 South Central Ave
Valley Stream, NY 11580

69-2-7
NYS Dep. of Transp.
Office of State Compt
Legal Services 6th Fl.
A.E. Smith Building
Albany, NY 12236

69-4-19.2
Central Hudson Gas & Electric Corp.
284 South Ave
Poughkeepsie, NY 12601

70-1-1.1: 70-1-1.2
Samuel Leonardo
7 Dogwood Hills
Newburgh, NY 12550

70-1-3
Mans Brothers Realty Inc.
P.O. Box 247
Vails Gate, NY 12584

70-1-4
Gregory Greer
P.O. Box 212, Shields Rd
Cornwall, NY 12518

70-1-5
Mans CP
P.O. Box 247
Vails Gate, NY 12584

70-1-6
Route 94 Associates, LLC
2 Hearthstone Way
New Windsor, NY 12553

70-1-7
V.G. Maximus Inc.
C/o Joseph Pisani
203 Cambridge Court
New Windsor, NY 12553

70-1-13
Larry Reynolds
4 Truex Drive
New Windsor, NY 12553

70-1-14
Deborah & Christopher Smith
6 Truex Drive
New Windsor, NY 12553

70-1-15.1
Jo Ann & Edward Lekis
P.O. Box 204
Vails Gate, NY 12584

70-1-15.2
Detra & John Denton
10 Truex Circle
New Windsor, NY 12553

70-1-15.3
Bettina Youngberg & Richard D'Aloia
12 Truex Circle
New Windsor, NY 12553

70-1-15.4
Mary & Micheal Fernandez
9 Truex Circle
New Windsor, NY 12553

70-1-15.5
Carolina & Salvatore Tosco
7 Truex Circle
New Windsor, NY 12553

70-1-15.6
Farida & Pete Caoli
18 Truex Drive
New Windsor, NY 12553

70-1-15.7
Barbara & Miguel Bencosme
16 Truex Drive
New Windsor, NY 12553

70-1-15.8
Donna L. Dooley
14 Truex Drive
New Windsor, NY 12553

70-1-17.1
Carolyn & Robert Jaczko
P.O. Box 231
Vails Gate, NY 12584

70-1-17.2
Josephine DiMicelli & Carolyn Siano
P.O. Box 283
Vails Gate, NY 12584

70-1-18
Josephine DiMicelli
P.O. Box 283
Vails Gate, NY 12584

70-1-19
Secretary of the Department of Housing &
Urban Development
26 Federal Plaza
New York, NY 10268

70-1-20
Dorothy & Thomas Barton
22 Truex Drive
New Windsor, NY 12553

70-1-21
Deborah & Kevin Leto
24 Truex Drive
New Windsor, NY 12553

70-1-22
Mary Ellen & Norman Grinder
26 Truex Drive
New Windsor, NY 12553

70-1-23
Thomas Mc Gowan
17 Haight Drive
New Windsor, NY 12553

70-1-24
Gertrude & Joseph Gonzalez
15 Haight Drive
New Windsor, NY 12553

70-1-25
Barbara & John McDonald
13 Haight Drive
New Windsor, NY 12553

70-1-26
Alexander Vazquez
4400 South Four Mile Run Drive
Arlington, VA 22204

70-1-27
Paraskevi & George Lenko
9 Haight Drive
New Windsor, NY 12553

70-1-47.2
YKB Property, LLC
P.O. Box 748
Vails Gate, NY 12584

70-1-48
Central Hudson Gas & Elect. Corp.
284 South Ave
Poughkeepsie, NY 12603

70-2-1
Zenobia & Clarence Reed
3 Truex Drive
New Windsor, NY 12553

70-2-3 : 70-3-1
Benjamin Harris
P.O. Box 780
Cornwall, NY 12518

70-3-7
Janet & Andrew Cos
4 Haight Drive
New Windsor, NY 12553

70-2-7
Roseann Coakley
6 Kearney Drive
New Windsor, NY 12553

70-3-8
Bella & Benjamin Harris
P.O. Box 780
Cornwall, NY 12518

70-2-8
Angelo Luongo & Marian Buckheit
8 Kearney Drive
New Windsor, NY 12553

70-3-9
Charles Kall
8 Haight Drive
New Windsor, NY 12553

70-2-9
Benjamin Harris Realty Inc.
P.O. Box 780
Cornwall, NY 12518

70-3-10
Maxine & Robert Moody
P.O. Box 224
Vails Gate, NY 12584

70-2-10
Byron C. Russell
15 Truex Drive
New Windsor, NY 12553

70-2-11
Fred Saintmire
13 Truex Drive
New Windsor, NY 12553

70-2-12
Eileen & Peter Abrams
11 Truex Drive
New Windsor, NY 12553

70-3-2
Elaine De Feo
P.O. Box 246
Vails Gate, NY 12584

70-3-3
Raquel & David Valazquez
5 Kearney Drive
New Windsor, NY 12553

70-3-4
Maria Estrada
83-40 Britton Ave, Apt. 3 L
Elmhurst, NY 11373

69-1-4.1
National Temple Hill Association, Inc.
P.O. Box 315
Vails Gate, NY 12584

69-4-9.2
Jean Boneri
1043 Route 94
Vails Gate, NY 12584

69-4-20
Albert & William Pushman
P.O. Box 158
Vails Gate, NY 12584

69-1-4.2
Graciano Duarte
P.O. Box 1057
Englewood Cliffs, NJ 07632-0057

69-4-10
Helen Simonson
P.O. Box 485
Vails Gate, NY 12584

69-4-21
Josephine & Albert Pushman
P.O. Box 158
Vails Gate, NY 12584

69-1-4.3
Route 300 Associates
C/o John Yanaklis
550 Hamilton Ave
Brooklyn, NY 11232

69-4-11
Ella Brewer
P.O. Box 527
Vails Gate, NY 12584

69-4-22
Marion & William Pushman
2609 NYS Rt. 32
Vails Gate, NY 12584

69-1-6
V.G.R. Associates, LLC
C/o Irving S. Bobrow, Mgr.
40 East 69th Street
New York, NY 10021

69-4-12
Mary & Wilbur Brewer
P.O. Box 610
Vails Gate, NY 12584

69-4-23 :69-4-24
Jean & Raymond Dahlin
P.O. Box 508
Vails Gate, NY 12584

69-1-9.1
Theodore & Konstantinos
Panagiotopoulos
65 Eisenhower Drive
Middletown, NY 10940

69-4-13
Jay Ernst
2465 Palisades Ave Apt. 3 E
Bronx, NY 10463

69-4-26.11
Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

69-1-5
S.N.J. Corp
C/o Big V Supermarkets
176 So. Main Street
Florida, NY 10921

69-4-14
Walter Brewer
P.O. Box 293
Vails Gate, NY 12584

69-4-26.13
Fred Gardner & Herbert Slepoy
104 South Central Ave
Valley Stream, NY 11580

69-1-11
June & Leon Trudeau
94 Canterbury Rd
Ford Montgomery, NY 10928

69-4-15
Mary McMillen
C/o Catherine Cignorale
P.O. Box 153
Vails Gate, NY 12584

69-4-26.2
Mobil Oil Corporation
C/o Exxon Mobil Corp.
Property Tax Division
P.O. Box 4973
Houston, TX 77210-4973

64-4-6.1
Storage Equities Inc. & PS Partners Ltd.
Dept. PT-NY24109-02
P.O. Box 25025
Glendale CA 91201-5025

69-4-16
Ruth Ann & Russell Brewer
P.O. Box 103
Vails Gate, NY 12584

70-1-1.1 ; 70-1-1.2
Samuel Leonardo
7 Dogwood Hills
Newburgh, NY 12550

69-4-6.2 :69-4-7:69-4-8
West Point Tours, Inc.
P.O. Box 125
Vails Gate, NY 12584

69-4-17
Helen, Ida Mae & Micheal Brewer
P.O. Box 293
Vails Gate, NY 12584

70-1-2.1
House of Apache Properties LTD
C/o Herbert Slepoy
104 South Central Ave
Valley Stream, NY 11580

69-4-9.1
Coleen Bernhardt
P.O. Box 407
Vails Gate, NY 12584

69-4-18
Beatrice Deyo & Hannah Marie & Arthur
Scherf
P.O. Box 293
Vails Gate, NY 12584

70-1-16.1 ; 70-1-16.2
4 Acres, LLC
104 South Central Ave
Valley Stream, NY 11580

70-1-17.1
Carolyn & Robert Jaczko
P.O. Box 231
Vails Gate, NY 12584

70-1-15.4
Mary & Micheal Fernandez
9 Truex Circle
New Windsor, NY 12553

70-1-17.2
Josephine DiMicelli & Carolyn Siano
P.O. Box 283
Vails Gate, NY 12584

70-1-49
Knox Village Inc.
2375 Hudson Terr.
Ford Lee, NJ 07024

70-1-18
Josephine DiMicelli
P.O. Box 283
Vails Gate, NY 12584

70-1-19
Secretary of the Department of Housing
& Urban Development
26 Federal Plaza
New York, NY 10268

70-1-20
Dorothy & Thomas Barton
22 Truex Drive
New Windsor, NY 12553

70-1-21
Deborah & Kevin Leto
24 Truex Drive
New Windsor, NY 12553

70-1-22
Mary & Norman Grinder
26 Truex Drive
New Windsor, NY 12553

70-1-47.2
YKB Property, LLC
P.O. Box 748
Vails Gate, NY 12584

70-1-48
Central Hudson Gas & Electr. Corp.
284 South Ave
Poughkeepsie, NY 12603

70-1-15.3
Bettina Youngberg & Richard D'Aloia
12 Truex Circle
New Windsor, NY 12553

@ 10/2/00



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

REQUEST FOR NOTIFICATION LIST

DATE: October 2, 2000

1765
NAME: Hannaford Food + Drug Store TELE: () 534-5959
ADDRESS: 10 Tectonic Engineering (Jeff Schiller)
P.O. Box 37
Mountainville, NY 10953

TAX MAP NUMBER: SEC. / BLOCK / LOT
 SEC. / BLOCK / LOT
 SEC. / BLOCK / LOT

*See Attached
for Tax Map #'s*

PUBLIC HEARING DATE (IF KNOWN): _____

THIS PUBLIC HEARING IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD:

SITE PLAN & SUBDIVISIONS:

(LIST WILL CONSIST OF ABUTTING
PROPERTY OWNERS AND ACROSS ANY STREET)

YES

SPECIAL PERMIT ONLY:

(LIST WILL CONSIST OF ALL PROPERTY
OWNERS WITHIN 500 FEET)

YES

AGRICULTURAL DISTRICT:

(LIST WILL CONSIST OF ALL PROPERTY OWNERS
WITHIN THE AG DIST. WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

YES

NEW WINDSOR ZONING BOARD:

(LIST WILL CONSIST OF ALL PROPERTY
OWNERS WITHIN 500 FEET)

YES

AMOUNT OF DEPOSIT \$ _____ TOTAL CHARGE \$ _____



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

REQUEST FOR PUBLIC RECORDS

DATE: 18 SEPT 00

(Please specify or describe items(s) requested)

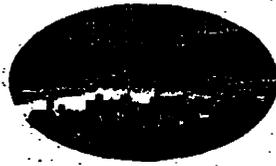
- ✓ Results of Planning Bd Mtg of 9.13.00
- ✓ Letter dated 9.6.2000 to ATTN HIRA - P/B Sec.
- ✓ Letter dated 9.1.2000 to Board Members
- ✓ McGoley P/B Work session
- ✓ Planning Bd. Application
- ✓ EAF to P&P Quick Copy of Plan

Name: Pat Collins
 Address: P.O. Box 328
MORTICEVILLE NY 12701
 Phone: 791-6025
 Representing: RED PROPERTIES.

Documents MUST NOT be taken from the office and MUST be returned intact.

Time Out: _____
Time Returned: _____

Took Plan + EAF to P&P Quick Copy for
Copies per Mike Babcock.



MID HUDSON TIMES

1999 New York Press Association First-Place Award Winner for Coverage of Local Government and General Excellence

Newburgh's Hometown Weekly Since 1989 • Official Paper for Orange County

Congestion at the Five Corners

Town officials worry another new supermarket would be 'too much' for Vails Gate

By ROSE MCGRATH

Hannafor's wants to build a 55,000 sq. ft. supermarket near the busiest intersection in New Windsor.

Hannafor's plans were before the New Windsor Planning Board last week, in spite of meeting earlier this year with town Supervisor George Meyers where Meyers attempted to steer the company away from Five Corners in Vails Gate.

"It's just too much," Meyers said. "We've told them this is crazy."

Meyers said he showed the company a couple of other locations in town, including a site at the corner of Route 32 and Union Avenue, which has already received planning board approval for a retail center.

Hannafor's has proposed to demolish the Friendly's Restaurant to construct the supermarket. Traffic in the Five Corners area has already increased dramatically, due to two supermarkets, three fast food chains, several gas stations and other, smaller businesses in the vicinity.

Meyers said the new 80,000 square foot Shop-Rite under construction and the relatively new Price Chopper provide enough competition for the spot.

The plans will be back in front of the planning board at least one more time before a public hearing on the project is scheduled. The board voted to act as lead agency on the project.

"They've got a long way to go," said planning board chairman Jim Petro.

Petro said the board has two major concerns about the project. The first is drainage, and obviously the top concern is traffic.

Both Meyers and Petro said the state Department of Transportation would handle the traffic issues because Route 32 is a state road. The town will not have much say in the traffic mitigation.

Petro said Hannafor's will be working with the planning board's engineer to clean up their plans before coming back to the board, probably in the beginning of October. The project might be back as early as the end of September, he added.



Convention week begins

The flag is raised Sunday at the Good-Will firehouse to mark the start of convention week. The Town of Newburgh-based fire company will host the annual country parade Saturday, along Route 52. Story on page 20.

Mall traffic light in the works

Work has begun near Newburgh Mall entrance

By ROSE MCGRATH

Work has begun on the installation of a long awaited traffic light at the entrance to the Newburgh Mall.

Cables have been laid and some landscaping work completed, said Lt. John Mahoney, of the Newburgh town police.

"I know they are physically working on it," Mahoney said. "My understanding is that there is a

contractor working on it."

Mahoney said he has not spoken to mall officials or the state Department of Transportation about the project, but had heard through other sources that the project could be completed in October.

According to DOT officials, the mall was issued a permit of the light in April. The permit is typically good for one year.

Mall officials have said they hope the light will be installed before the new store opens. Bon Ton will officially open in the old Caldor's location on November 1.

The light is slated for the northern mall entrance on Route 300, which is across from C.B.

(Cont. on page 2)

INSIDE

Take a walk this weekend

Page 6

INSIDE

City auction a success

Page 3

SPORTS

Swimmers win in coach's debut

Page 38

P. O. Box 37, 70 Pleasant Hill Road
Mountainville, New York 10953

(800) 829-6531 FAX: (914) 534-5999
www.tectonicengineering.com

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, N.Y. 12553

ATTN: Mira - Planning Board Secretary

September 29, 2000

RE: **W.O. 2586.01**
HANNAFORD FOOD AND DRUG STORE
TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

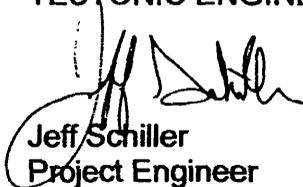
Dear Mira,

Please prepare the public hearing list for the following tax lots involved with the above referenced application:

70-1-16.1
70-1-16.2
70-1-2.21
69-4-26.12
70-1-28
69-4-25
70-1-48
69-4-19.2

If you should have any questions please contact our office.

Sincerely,
TECTONIC ENGINEERING CONSULTANTS, P.C.


Jeff Schiller
Project Engineer

Cc: Doug Boyce, PE
Andrew Couch
Larry Wolinsky, Esq.

G:2586.01/PB-092900

TECTONIC ENGINEERING CONSULTANTS P.C.

P.O. BOX 37, 70 PLEASANT HILL ROAD
MOUNTAINVILLE, NY 10953
PHONE: (845) 534-5959



CORNWALL,
NY 12518

29-1/213

27446

CHECK DATE October 4, 2000

PAY Twenty Five and 00/100 Dollars

TO Town of New Windsor

AMOUNT \$25.00

555 Union Ave.
New Windsor NY 12553

⑈027446⑈ ⑆021300019⑆ 524 1011080⑈

TECTONIC ENGINEERING CONSULTANTS P.C.

27446

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
100300 2586.01	10/03/00	0046472	25.00			25.00
Town of New Windsor 01 10		Totals	25.00			25.00

if

27445

TECTONIC ENGINEERING CONSULTANTS P.C.

P.O. BOX 37, 70 PLEASANT HILL ROAD
MOUNTAINVILLE, NY 10953
PHONE: (845) 534-5959



CORNWALL,
NY 12518

29-1/213

CHECK DATE October 4, 2000

PAY Twenty Five and 00/100 Dollars

TO Town of New Windsor

AMOUNT \$25.00

555 Union Ave.
New Windsor NY 12553

⑈027445⑈ ⑆021300019⑆ 524 1011080⑈

TECTONIC ENGINEERING CONSULTANTS P.C.

27445

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
10/3/00 2586.01	10/03/00	0046471	25.00			25.00
Town of New Windsor 01 9		Totals	25.00			25.00

CP

TECTONIC ENGINEERING CONSULTANTS P.C.

P.O. BOX 37, 70 PLEASANT HILL ROAD
MOUNTAINVILLE, NY 10953
PHONE: (845) 534-5959



CORNWALL,
NY 12518

29-1/213

27444

CHECK DATE October 4, 2000

PAY Twenty Five and 00/100 Dollars

TO Town of New Windsor

AMOUNT \$25.00

555 Union Ave.
New Windsor NY 12553

⑈027444⑈ ⑆021300019⑆ 524 1011080⑈

TECTONIC ENGINEERING CONSULTANTS P.C.

27444

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
10-3-00 2586.01	10/03/00	0046470	25.00			25.00
Town of New Windsor 01 8		Totals	25.00			25.00

CR

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

(845) 291-1100

FAX (845) 294-3994

October 2, 2000

via Regular Mail

Hon. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Project - New Windsor

Dear Chairman Petro:

In my second piece of correspondence dated September 27, 2000, on behalf of the Bila Family Partnership (the Rosenberg family) regarding the proposed Hannaford project, I questioned the design deficiencies of the access to Route 94 over the right of way across the Monroe Muffler parcel (70-1-2.1). I made an analogy of this right of way to a proposed road in a subdivision and pointed out the design deficiencies from a standpoint of those regulations. A review of the Town Code now makes it quite clear that a private road such as this must conform to the subdivision design regulations even though it may remain private. See Town Code §38-7. This 26' ± wide right of way cannot comply with either the overall or paved width requirements for any kind of street under the subdivision regulations.

Thus, it becomes quickly apparent that the proposed access to Route 94 is legally deficient for at least two reasons: (1) it renders the Monroe Muffler parcel nonconforming as to required side yards, and (2) the width of the proposed access road cannot, under any circumstance, meet the Town's required design criteria.

I note also that this right of way was specially created on January 11, 1995 by agreement of the owners of the vacant 4.3 acre parcel (70-1-16.2) and the Monroe Muffler lot (70-1-2.1), who were essentially the same people (the Slepoy family).¹ Importantly, that event appears to have occurred without input from the Planning Board and at a time after the site plan for the Monroe Muffler Shop was approved by the Planning Board in, I believe, 1992. The terms of this right of way, which call for a forced relocation of assigned parking spaces on the Monroe Muffler lot, may violate that site plan approval or, at the very least, violate the

¹ See Easement Agreement recorded in the Orange County Clerk's Office on January 25, 1995 in Liber 4171 of Deeds at page 217.

(Cont'd)

Hon. James Petro, Chairman
October 2, 2000
Page 2

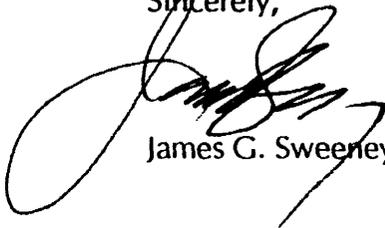
spirit of that approval. These owners unilaterally infused a substantial element into the approved arrangement that was not extant at the time this Board reviewed the Monroe Muffler plan. Indeed, if this right of way was there the lot would not have qualified as a usable lot because, in New Windsor, easements such as this are to be deducted from the gross lot area (See definition of "Lot Area" in §48-37 of the Zoning Law). One wonders if the Planning Board would have ever approved the Monroe Muffler plan with this right of way shown on the plan to begin with.

Both from a legal and design standpoint it does not appear that the right of way can be used in any respect for this proposal

Lastly, it should be pointed out that the right of way across the Monroe Muffler lot does not run to the favor of the Friendly's lot (70-1-16.1). By its own terms it is limited only to the vacant 4.3 acre lot (70-1-16.2) now owned by 4 Acres LLC. In that light how can it be said that the whole of the project site has the lawful right to use the right of way. This unanswered legal ambiguity should be explored by counsel.

Once again, on behalf of the Rosenberg family, I thank you for your time and consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa

cc:

Members of the Town of New Windsor Planning Board
Andrew Krieger, Planning Board Attorney (via fax 562-2407)
Mark Edsall, McGoey Hauser & Edsall (via fax 562-1413)

cc: J.B. (unread)
M. Bebbcock
J. Petrus

Supervisor George Meyers

New Windsor NY

Dear Sir

9-21-00

SEP 25

Hannafords
File

I just read of your opposition to the
Hannaford super market at Vails Gate,
I agree with you completely. And the
real Vails Gate intersection traffic is
yet to come - the new Cornwall High School
on Rt 94, No one will walk to that
school, all will be bused.

What we need is another restaurant.
Three restaurants closed - Perkins, Long John Silver
and the diner next to Dunkin' Donuts, only one new
one has opened - the Buffet. It's more than likely
that if Fandleys closed, it would not rebuild.
Shops Rite and Price Chopper are leaving.
Say NO to Hannafords.

Very
Wm. J. Finigan
95 Bay View Ave
Cornwall NY



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

19 September 2000

**SUBJECT: HANNAFORD FOOD & DRUG SITE PLAN
TOWN OF NEW WINDSOR, NEW YORK (P/B REF. NO. 00-15)**

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for Site Plan approval of the Hannaford Food & Drug Site Plan project located off NYS Routes 32 and 94 within the Town. The project involves the construction of a 55,200 s.f. retail store with related site plan improvements, located on a 5.5 Acre parcel

This letter is written as a request for Lead Agency coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA Review Process, sent to the Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved Agency desire the Lead Agency position, it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

All Involved Agencies
Page 2,
Hannaford Site Plan

Attached hereto is a copy of the submitted site plan drawings, with location plan, for your reference. A copy of the Full Environmental Assessment Form submitted for the project is also included.

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Environmental Conservation, New Paltz
New York State Parks, Recreation and Historic Preservation
NYS Department of Transportation, Poughkeepsie
Orange County Department of Health
Orange County Department of Planning
State Clearing House Administrator
Town of New Windsor Supervisor (w/o encl)
Applicant (w/o encl)
Planning Board Chairman (w/o encl)
Planning Board Attorney (w/o encl)

A:SEQRA.mk



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

- Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhempa@ptd.net

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: HANNAFORD FOOD & DRUG SITE PLAN
PROJECT LOCATION: NYS ROUTES 32 & 94
 SECTION 70 – BLOCK 1 – LOTS 16.1/16.2/2.21
PROJECT NUMBER: 00-15
DATE: 13 SEPTEMBER 2000
DESCRIPTION: THE APPLICATION INVOLVES THE DEVELOPMENT
 OF A 55,200 SF RETAIL STORE ON THE 5.5 +/- ACRE
 SITE. THE PLAN WAS REVEIWED ON A CONCEPT
 BASIS ONLY.

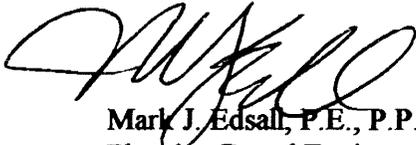
1. The property is located within the Design Shopping (C) Zoning District of the Town. The “required” bulk information on the plan appears correct for the zone and use. My initial review indicates that some corrections may be necessary to the “provided” values in the table. The applicant’s engineer should verify all values.
2. I have made a review of the sketch plan submitted. Some initial comments are as follows:
 - a) Off-street parking appears adequate (meets exact minimum), although there appears to be a deficiency in handicapped spaces, based on state code.
 - b) The access to Rt. 94 is unclear as to fee ownership. In either case, shared use with adjoiningers appears intended. Easement issues will need to be considered.
 - c) Setback dimensions from the building to property lines should be dimensioned on the plans.
 - d) The fire lane along the building appears to be inadequate based on Town Code.
 - e) Typical parking spaces should be indicated at 9’ x 19’ minimum.
 - f) Verify that the “X-ed” out areas in the parking lot are cart return areas.
 - g) Spacing of the parking lot the State Highway 32 appears minimal and should be evaluated.

- h) Grading as depicted appears to extend across the property line.
 - i) The property borders the R-4 zone. Screening will be a concern.
3. Subsequent submittals should include complete utility, traffic access, landscaping, lighting and detail plans.
 4. A Full Environmental Assessment Form with attachments has been submitted. There are other involved agencies for this application. I recommend that the Board authorize the issuance of a Lead Agency Coordination letter for this application.

The applicant should submit an additional ten (10) copies of the application documents to the Planning Board Secretary for this purpose.

5. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed appropriate by the Board.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW00-15-13Sept00.doc

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4611

RECEIPT
#689-2000

09/08/2000

Hannaford Brothers Co. *Application Fee # 00-15*

Received \$ 100.00 for Planning Board Fees, on 09/08/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/08/2000

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/07/2000	REC #1459341 - HANNAFORD	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00



cc: M. Buback
J. Petro
M. Mason ✓
file

00-15

Hannaford hurts its Red Hook plans

Many Red Hook residents are already none too pleased with a proposal to open a Hannaford Brothers supermarket in the town — and officials of the Maine-based chain seem determined to arouse that opposition even more.

On Monday, the town planning board rejected the company's draft environmental impact statement, and with good reason. The three alternative designs included with the document were essentially the same — all featuring the 47,700-square-foot building Hannaford officials want.

Planning board members instructed company officials to return with a revised document that includes three designs that show some real variety. At least one must include a plan for a smaller, 30,000-square-foot building.

A number of townsfolk say the proposal, no matter what the store size, would hurt the look and feel of their community. And they have a point. The supermarket would be on Route 9, just south of the village. On the 17-acre property itself is a picturesque 19th-century structure that once served as an orphanage, St. Margaret's Home.

But Stephen Reilly, an attorney for Hannaford, rejected residents' concerns about the building's fate. The company, he insisted, is under no obligation to include a preservation effort as part of the supermarket project.

Doing what officials ask is good idea

He's right. The company does not have to provide plans that protect the historic building. But neither is the town under any obligation to approve Hannaford's proposal.

However, it certainly won't hurt Hannaford's chances if company officials actually listen to what the town is telling them and try to please its residents. A good start would be to do what planning board members ask, and not reject their requests out of hand. If Hannaford is asked to submit plans for a smaller building, do so. If the company is asked to include a preservation scheme for the former orphanage, do so.

Ray Curran, a senior planner with the Poughkeepsie-based environmental group Scenic Hudson, did these things. At the invitation of the planning board, he presented his own design for a smaller supermarket set behind a village square that would feature St. Margaret's Home. Scenic Hudson has often showed a willingness to prove smart development and environmental protection can go together — and Curran's suggestions are a good example of this.

Yet Hannaford officials objected to the Scenic Hudson presentation, saying the meeting was not a public hearing. No, it wasn't. But the planning board still has the right to request relevant information from expert sources, including Curran.

Rather than criticizing the planning board for reviewing Scenic Hudson's designs, Hannaford officials would be wiser to do exactly what the environmental group has done — provide alternative plans that include a smaller supermarket building and that would protect a historic former orphanage.

THIS DOCUMENT FEATURES A BLUE AND RED BLEND BACKGROUND WITH HIDDEN VOID

P.B. # 00-15 Application



Hannaford
Hannaford Bros. Co.
P.O. BOX 1000
Portland, Maine 04104

52-153
112

1459340

Check No 1459340

RETAIL

207-885-2852

BankBoston
BankBoston (Maine), N.A.
South Portland, ME

PAY

DATE

ONE HUNDRED AND NO/100 DOLLARS ***** 08/28/00 *****100.00

NOT VALID AFTER 180 DAYS

To TOWN OF NEW WINDSOR
The 555 UNION STREET
Order NEW WINDSOR NY 12553
Of

Hannaford Bros. Co.

By

TREASURER
HANNAFORD BROS. CO.

WARNING - THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK

⑈1459340⑈ ⑆011201539⑆ 80 085 998⑈

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/08/2000

PAGE: 1

LISTING OF PLANNING BOARD **FEE**
APPLICATION

FOR PROJECT NUMBER: 0-15
NAME: HANNAFORD FOOD AND DRUG
APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/07/2000	APPLICATION FEE	CHG	100.00		
09/07/2000	REC. CK. #1459340	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

(845) 291-1100

FAX (845) 294-3994

September 27, 2000

via Fax & Regular Mail

Hon. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Project - New Windsor

Dear Chairman Petro:

As you may remember this office represents the interests of the Bila Family Partnership (the Rosenberg family), the owners of the Big V Town Center on Route 32. Quite recently the rehabilitation of that Center was the subject of extensive proceedings before your Board achieving final approvals and the project is now well underway. Your Board was cognizant of the problems associated with a project of that size and dealt with them quite fairly with the result that an older outmoded project will be rebuilt and enhanced, resulting in a quality project for both my client and the Town residents.

My client is now aware that Martin's Food of South Burlington, Inc. intends to build a 54,000± sq. ft. "Hannaford" retail food and drug store not more than 1,000 feet away in the apex of "Five Corners", using the Friendly site as part of the project with a 26 foot easement over the lands of Terry Scott Hughes for access onto Route 94. It is my understanding that this proposal was presented to you at your September 13th meeting and will appear again on your agenda for this evening.

Approval of this project at this site would be a catastrophe not only from my client's view point but from the Town's overall viewpoint. While this proposed food store would compete with one of my client's tenants it is not the aspect of competition that is the primary concern of Rosenberg family but, rather, the horrendous traffic impact this proposal would have on the Five Corners area and the damage it would do to all of the existing business in that area of the Town.

(Cont'd)

Hon. James Petro, Chairman
September 27, 2000
Page 2

A cursory review of the EAF submitted with the proposal shows 516 new traffic movements into this already congested commercial crossroad *per peak hour*. That is enormous. The daily traffic flows to and from this project, which must be correspondingly enormous, are conveniently not shown in the EAF. The current, and resulting, LOS's for the Five Corners Intersection are shown at Level "F" - the very worst they can be - even after a very extensive and expensive reconfiguration of the intersection by NY DOT a few years ago.

Additionally, the entrance lane from Route 34 is proposed via an easement over tax lot 70-1-2.1 which would reduce the side yard setback for the building on that lot to nothing as the entry way would consume and occupy virtually the entire side yard. This seems to be a clear violation of the provisions of 48-7[C] of the Zoning Law and simply prohibited. That being so there would be only one means of ingress and egress from the site onto Route 32 which appears to create an intolerable situation.

The EAF indicates that project will consume 5.5 acres of developed area and could well be considered to be a Type I SEQRA project under the authority of *Syrop v. City of Yonkers*, - Misc.2d - , NYLJ, May 30, 2000, pg 3, column 5. If so, a DEIS is in order with necessary scoping and all attendant SEQRA procedures. The traffic issues and resulting community impact that appears to be present here cries out for exploration in a DEIS under SEQRA. This appears to be true even if the project is considered "unlisted" under SEQRA because of the obviously serious traffic and community impact issues involved. See 6 NYCRR §617.7(c)(1)(i) and (ix). Thus, at a very minimum, I would urge the Board to make a SEQRA positive declaration and proceed to a scoping session in order to target the real environmental concerns here, traffic and community impact being only two. (Federal Wetlands seem to come into play under the new federal regulations that went into effect this past summer). In this regard I note that Part 2 of the applicant's EAF (potential impacts) does not seem to be completed and you cannot make any intelligent SEQRA determinations without that document being completed for your consideration.

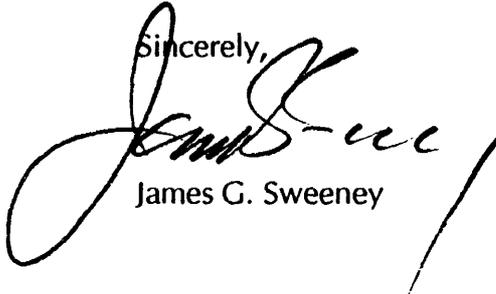
All in all, you have a very serious project in front of you with serious potential adverse impacts on all of the existing businesses in the Five Corners commercial community, and you should address it in a very serious way starting with a SEQRA positive declaration. A failure to do so would leave those of us now in that commercial community in jeopardy. I am sure that when you read the governing criteria for dealing with site plan (§48-19[A]) you and the Planning Board will not want those of us, who now operate in this commercial zone, to be exposed to that kind of jeopardy.

(Cont'd)

Hon. James Petro, Chairman
September 27, 2000
Page 3

Thank you for your time and consideration in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Sweeney". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James G. Sweeney

JGS/aa

cc:

Members of the Town of New Windsor Planning Board
Andrew Krieger, Planning Board Attorney (via fax 562-2407)
Mark Edsall, McGoey Hauser & Edsall (via fax 562-1413)

JAMES G. SWEENEY, P.C.

ATTORNEY AT LAW
ONE HARRIMAN SQUARE
P.O. BOX 806
GOSHEN, NEW YORK 10924

(845) 291-1100

FAX (845) 294-3994

September 27, 2000

via Fax & Regular Mail

Hon. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, NY 12553

Re: Hannaford Project - New Windsor

Dear Chairman Petro:

This letter will supplement my first correspondence of today, September 27, 2000. I apologize to the Board for this fragmented approach but due to my belief that the Hannaford proposal was on the Board's agenda for this evening I was only able to make cursory comments about the proposal on behalf of my client the Bila Family Partnership. I have now taken a closer look at the proposed site plan and the related supporting documents.

You should know that it is the intent of my client to retain qualified traffic experts to refute the materials presented by the applicant. That type of refutation is properly the subject of SEQRA EIS comments which flow from a positive declaration which I have already asked you to make.

More importantly, at the outset is the inadequacy of the proposed site plan itself. It fails to measure up to the criteria set out in §48-19[D] in important respects. It does not include the full measure of the uses on the adjoining properties (Leonardo and House of Apache) in that it fails to disclose the tavern, the florist shop and the gas station at the south east corner of the Route 32 - Route 94 intersection. It fails to disclose the numerous vehicular entrances onto those roads from those sites. The site plan fails to disclose the true owner of the Friendly's site (owned, I believe, by "Gardner and 3 Corp.") and fails to show an owner's approval for that site. Indeed should not Friendly's as the long term lessee of that site join in the application? Perhaps there is truth to the rumor that the Friendly's site will not be part of the proposal.

There is no "key map" which, ordinarily, is a minor site plan element. Due to the many intense uses around this site, not disclosed on the site plan, such should be included. How is the Board able to really appreciate this proposal without such a key map? Indeed, it would be wise for the applicant to provide a detailed sheet showing all uses and curb cuts within a 1,000 foot circumference of the site. Such is the only way the Planning

(Cont'd)

Hon. James Petro, Chairman
September 27, 2000
Page 2

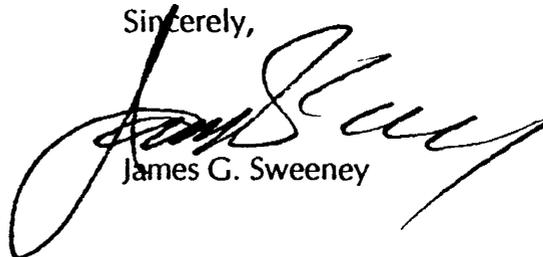
Board can gain a true "picture" of this proposal and how it really impacts on this commercial community.

Lastly, from a design point of view the 26± foot wide easement across the Midas Muffler site, which is proposed to give access to the site from Route 94, besides rendering the Midas Muffler lot nonconforming as to a side yard (as well as the Elite Body shop lot) and being prohibited as such, will only be 25 feet wide. This access road is the equivalent of a "Major Street" for a subdivision designed to carry a very large number of vehicles to and from this large store. As such, from a standpoint of analogy, it should be at least 60 feet wide and paved to a width of 30 feet. Even considering this access road to be analogous to a lesser used Suburban Street it should be at least 50 feet wide and paved to a width of 30 feet. As proposed this major thoroughfare (it will, without question, be used as a means of passing the onerous light at the intersection) will be only 26 feet wide, paved to a width of about 25 feet, and will also double as an access point and side yard for the Midas Muffler lot. In this highly congested commercial area that seems to be very poor planning and would not pass muster under your subdivision regulations. Why then should it pass muster as a site plan? Is there any real difference?

All in all, at this very early stage, it appears that the proposal has serious legal and design problems which hone in on the inadequacy of the proposal to "fit" into this commercial community without doing serious harm to that existing community. Indeed, the Planning Board should think seriously of asking the Town Board to amend the Zoning map in a way that would preclude this massive use in this area, perhaps by rezoning the land out side of the Friendly's lot to residential or to some other less intense use. Upon a closer look it seems that the land is more adaptable to an extension of the Marshall Heights subdivision than to high intensity commercial usage.

Once again thank you for your time and consideration in this regard.

Sincerely,



James G. Sweeney

JGS/aa

(Cont'd)

Hon. James Petro, Chairman
September 27, 2000
Page 3

cc:

Members of the Town of New Windsor Planning Board
Andrew Krieger, Planning Board Attorney (via fax 562-2407)
Mark Edsall, McGoey Hauser & Edsall (via fax 562-1413)
Hon. George Meyers, Supervisor (via fax 563-4693)



TOWN OF CORNWALL

PLANNING BOARD

TEL. (914) 534-9429

FAX (914) 534-4342

October 3, 2000

Town of New Windsor Planning Board
Town Hall
555 Union Avenue
New Windsor, New York 12553

Re: Hannaford Supermarket SEQR review

Dear Board Members:

The Town of Cornwall Planning Board respectfully requests that we be included as an Interested Agency in the SEQR review of the Hannaford Supermarket application on Route 32. We would also like to express our specific concerns regarding the proposed land use, and specifically ask that these be evaluated as part of any SEQR review study performed on the site:

- Traffic conditions are extremely congested in the Vails Gate area during peak periods, and our concern is that this major traffic generator located so close to the existing 5-way intersection will worsen these already difficult conditions, to the detriment of emergency services delivery as well as routine traffic. New York State Route 32 is the second most heavily travelled two lane highway in this area, after Route 9W. Already the PM peak traffic backs up to points between the Ardmore Street and Holleran Road intersections of Route 32, creating traffic bottlenecks on the side streets and many driveways fronting on the highway. The concern is that the proposed supermarket will only make things worse.
- In addition to the previously stated traffic concern, the New Windsor Planning Board may recall that there is a pending 32-lot subdivision ("ADC Orange") in the Town of Cornwall whose traffic would exit on Jacqueline or Ardmore Street at Route 32. There is no other outlet for land uses in the Town of Cornwall on the east side of the highway due to the presence of the Moodna Creek and steep slopes adjoining the same. Traffic conditions are already quite hazardous in the area of Jacqueline and Ardmore Streets and Route 32 due to the heavy traffic on 32 combined with limited gaps in traffic and the absence of a left turn lane at Route 32 and Jacqueline. In addition to accidents that have already occurred there, there have been several near misses reported to

us. The effect on traffic safety for the entire corridor from Vails Gate to Quaker Avenue and Route 32 should be considered in your Board's SEQR analysis, because traffic safety and conditions on that section of highway are clearly linked to conditions at Vails Gate.

We thank you, in advance, for your careful consideration of these concerns, and look forward to receiving future SEQR notices and documentation addressing these matters.

Sincerely yours,

Lorraine Bennett
(per [initials])

Lorraine Bennett, Chairwoman



Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 4, 2000

10/11/00 CC: P.B.
Supervisor
Mark Edsall

Mark J. Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Dear Mr. Edsall:

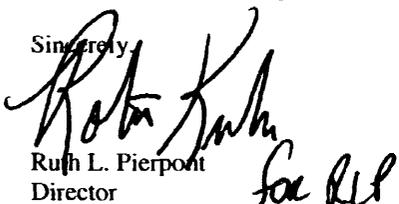
Re: SEORA
Hannaford Food & Drug Store/New Construction/NY
32 & 94
New Windsor, Orange County
00PR4031

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,


Ruth L. Pierpont
Director

RLP:bsd
Enclosure(s)

REQUEST FOR ADDITIONAL INFORMATION BUILDINGS/STRUCTURES/DISTRICTS

PROJECT NUMBER 00 PR 4031

In order for us to complete our evaluation of the historic significance of all buildings/structures/districts within or adjacent to your project area we will need the following additional information:

- Full project description showing area of potential effect.
- Clear, original photographs of buildings/structures *50 years or older*
 within project area, immediately adjacent to the project area, within a one-half mile radius from project site, *keyed to a site map.*
- Clear, original photographs of the surroundings looking out from the project site in all directions, *keyed to a site map.*
- Date of construction.
- Brief history of property.
- Clear**, original photographs of the following:
- Other: *Archaeological Survey Report when it is completed.*

Please provide only the additional information checked above. If you have any questions concerning this request for additional information, please call John A. Bonafide at (518) 237-8643 ext. 3263.

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED
ABOVE WHEN RESPONDING TO THIS REQUEST**



Partners

Charles W. Manning, P.E.
John M. Tozzi, P.E.
Edward V. Woods, P.E.
Donald G. Sovey, P.L.S.

Associates

Shelly A. Johnston, P.E.
Mark A. Sargent

December 26, 2000

Mr. Mark Edsall, P.E.
Planning Board Engineer
Town of New Windsor
555 Union Avenue
New Windsor, New York

**RE: Proposed Hannaford Supermarket
Town of New Windsor, Orange County, New York
CME Project No. 00-002**

Dear Mr. Edsall,

As discussed during our workshop meeting for the proposed Hannaford supermarket on December 6, 2000, Creighton Manning Engineering has completed a sensitivity analysis of the proposed project mitigation and signal operations at the "five corners" intersection.

It was noted during our meeting that while the proposed mitigation improves overall traffic operations by more than two minutes per vehicle, a single lane group (the southbound left turn from Route 300) experiences a change in level of service (LOS) from LOS E to LOS F. This occurs only during the PM peak hour. No lane group LOS degradations occur at the "five corners" intersection during the Saturday peak hour. The sensitivity analysis contained herein was conducted to determine if the proposed improvement is capable of maintaining the LOS for all lane groups at the "five corners" intersection.

The results of the sensitivity analysis are summarized in Table 1 as compared to the previous LOS results contained in the June 26, 2000 traffic impact study for the project. The detailed level-of-service calculations are attached. The analysis shows that the proposed mitigation is capable of improving or maintaining the LOS for all lane groups at the intersection, and that no LOS degradations will occur for any single maneuver, or the intersection as a whole. The subject southbound left turn from Route 300 will remain at LOS E. The overall benefit under this modified signal timing plan will still be significant, at over two minutes per vehicle on average.

Engineers, Planners and Surveyors

Table 1 – Intersection Level of Service Summary

Intersection	Control	PM Peak Hour				
		2000* Existing	2001* No-Build	2001* Build without improvements	2001* Build with improvements	2001 Build** Sensitivity Analysis
"Five Corners" Intersection		Signal				
Rt. 94 EB	L	F(126.6)	F(179.4)	F(179.4)	F(170.1)	F(160.5)
	TR	F(100.2)	F(119.8)	F(160.1)	E(70.1)	F(80.5)
Rt. 94 WB	L	F(82.4)	F(88.7)	F(90.5)	D(54.9)	E(59.3)
	TR	F(180.9)	F(212.0)	F(247.9)	F(90.1)	F(118.0)
Rt. 32 NB (to Rt. 94)	L	F(*)	F(*)	F(*)	---	---
(to Rt. 300)	(L ₂)	---	---	---	F(117.9)	E(56.5)
	(L ₁)	---	---	---	E(65.0)	F(96.2)
	TR	D(45.3)	D(43.7)	D(44.4)	C(29.5)	C(34.2)
Rt. 32 SB	T	F(132.5)	F(174.3)	F(251.6)	F(155.6)	F(161.8)
	R	F(194.3)	F(269.4)	F(269.4)	F(172.7)	F(180.4)
Rt. 300 SB	L	E(55.9)	E(58.4)	E(58.7)	F(121.3)	E(57.0)
	TR	F(120.2)	F(161.3)	F(193.3)	F(101.6)	F(152.0)
Intersection		F(220.4)	F(240.9)	F(290.7)	F(98.4)	F(108.5)

X(Y.Y) = Level of Service (Delay, seconds per vehicle)

(*) = Delay >300 seconds

* Source: Table 4.1 from June 26, 2000 Traffic Impact Study, Hannaford Supermarket, Town of New Windsor, NY

** = Sensitivity Analysis conducted for this letter

The basic conclusion from the original traffic impact study and this sensitivity analysis remains the same; the proposed improvement is capable of fully mitigating project impacts. Please feel free to contact our office if you have any questions.

Respectfully submitted,
 Creighton Manning Engineering, L.L.P.



Mark A. Sargent
 Associate

cc: Akhter Shareef, NYSDOT Planning
 Tom Myers, NYSDOT Traffic and Safety

Attachment A

Level of Service Calculation

PM Peak Hour Build w\ Mitigation

(Source: June 26, 2000 Traffic Impact Study)

Lanes, Volumes, Timings

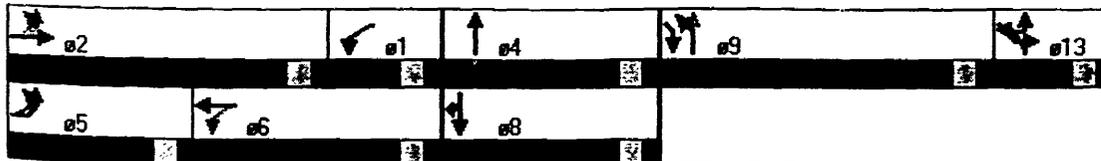
Lane Group	EBL2 SBT	EBL SBR	EBT SBR2	EBR SEL2	WBL SEL	WBT SER	WBR SER2	WBR2	NBL2	NBL	NBT	NBR
Lane Configurations												
Ideal Flow (vphpl)	1900 1900	1900 1900	1900 1900	1900 1900	1900 1900	1900 1900	1900 1900	1900	1900	1900	1900	1900
Lane Width (ft)	12 11	11 11	11 12	12 12	11 12	11 11	12 12	12	12	11	12	12
Grade (%)			0%			0%					0%	
Storage Length (ft)	0%				0%							
Storage Lanes		300 500		0	0 210	0	0			550		0
Total Lost Time (s)	3.0 3.0	3.0 3.0	3.0 3.0	3.0 3.0	3.0 3.0	3.0 3.0	3.0 3.0	3.0	3.0	3.0	3.0	3.0
Leading Detector (ft)	49 49	49 49	49	49	49 49	49 49			49	49	49	
Trailing Detector (ft)	0 0	0 0	0	0	0 0	0 0			0	0	0	
Turning Speed (mph)	14	18 16	9	14	16 18	18 9	16	9	16	18		9
Satd. Flow (prot)	0 1783	1689 1561	1726 0	0 0	1711 1674	1790 1556	0	0	1805	1662	1787	0
Flt Perm.		0.114			0.479 0.520				0.950	0.950		
Satd. Flow (perm)	0 1783	203 1561	1726 0	0 0	863 916	1790 1556	0	0	1805	1662	1787	0
Right Turn on Red			No	No			Yes	No				No
Satd. Flow (RTOR)						4						
Volume (vph)	102 348	209 283	244 31	138 59	146 70	290 387	33 44	4	139	392	454	119
Confl. Peds. (#/hr)												
Peak Hour Factor	0.95 0.95	0.95 0.95	0.95 0.95	0.95 0.95	0.95 0.95	0.95 0.95	0.95 0.95	0.95	0.95	0.95	0.95	0.95
Growth Factor	100% 100%	100% 100%	100% 100%	100% 100%	100% 100%	100% 100%	100% 100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	8% 3%	1% 0%	1% 0%	0% 4%	2% 11%	1% 0%	0% 3%	0%	0%	5%	3%	3%
Bus Blockages (#/hr)	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)	0%		0%		0%	0%					0%	
Lane Group Flow (vph)	0	327	402	0	154	344	0	0	146	413	603	0

Vajls Gate

Turn Type	366 Pm+Pt	331 Pm+Pt	0	0	136 Pm+Pt	453	0	Prot	Prot			
		Prot		Split		Over						
Protected Phases	5	5	2		1	6		13	9	4		
	8	8		13	13	9						
Permitted Phases	2	2			6					9		
Total Split (s)	22.0	22.0	38.0	0.0	13.0	29.0	0.0	0.0	14.0	39.0	26.0	0.0
	26.0	26.0	0.0	14.0	14.0	39.0	0.0					
Lane Grp Cap (vph)		270	447		246	358		153	460	852		
	315	276			142	434						
v/s Ratio Prot		0.18	0.23		0.05	0.19		0.08	0.25	0.13		
	0.21	0.21				0.29						
v/s Ratio Perm		0.14			0.07					0.21		
					0.15							
Critical LG?		Yes				Yes						
		Yes			Yes	Yes						
Act Effct Green (s)		33.7	33.7		26.0	26.0		11.0	36.0	62.0		
	23.0	23.0			11.0	36.0						
Actuated g/C Ratio		0.26	0.26		0.20	0.20		0.08	0.28	0.48		
	0.18	0.18			0.08	0.28						
v/c Ratio		1.21	0.90		0.63	0.96		0.95	0.90	0.71		
	1.16	1.20			0.96	1.04						
Uniform Delay, d1		45.9	46.5		50.0	51.5		59.2	45.2	26.8		
	53.5	53.5			59.3	46.6						
Platoon Factor		1.00	1.00		1.00	1.00		1.00	1.00	1.00		
	1.00	1.00			1.00	1.00						
Incr. Delay, d2		124.2	23.6		4.9	38.7		58.7	19.8	2.7		
	102.1	119.2			62.0	55.1						
Webster Delay		170.1	70.1		54.9	90.1		117.9	65.0	29.5		
	155.6	172.7			121.3	101.6						
Webster LOS		F	E		D	F		F	E	C		
	F	F			F	F						

Area Type: Other
 Cycle Length: 130
 Actuated Cycle Length: 130
 Control Type: Actuated-Uncoordinated
 Total Lost Time: 12
 Sum of Critical v/s Ratios: 0.99
 Intersection v/c Ratio: 1.10
 Intersection Webster Signal Delay: 98.4
 Intersection LOS: F

Splits and Phases: 3: Rt 94 & Rt 32



Attachment B

Level of Service Sensitivity Analysis

PM Peak Hour Build w\ Mitigation

Lanes, Volumes, Timings

Lane Group	EBL2 SBT	EBL SBR	EBT SBR2	EBR SEL2	WBL SEL	WBT SER	WBR SER2	WBR2	NBL2	NBL	NBT	NBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	11	11	12	11	11	12	12	12	11	12	12
Grade (%)	0%		0%		0%		0%				0%	
Storage Length (ft)		300		0	0		0			550		0
Storage Lanes		1		0	1		0			2		0
Total Lost Time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Leading Detector (ft)	49	49	49		49	49			49	49	49	
Trailing Detector (ft)	0	0	0		0	0			0	0	0	
Turning Speed (mph)	14	18		9	16		16	9	16	18		9
Satd. Flow (prot)	0	1689	1726	0	1711	1790	0	0	1805	1662	1787	0
Flt Perm.		0.129			0.446				0.950	0.950		
Satd. Flow (perm)	0	229	1726	0	803	1790	0	0	1805	1662	1787	0
Right Turn on Red				No				No				No
Satd. Flow (RTOR)			No			Yes						
Volume (vph)	102	209	244	138	146	290	33	4	139	392	454	119
Confl. Peds. (#/hr)	348	283	31	59	70	387	44					
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	8%	1%	1%	0%	2%	1%	0%	0%	0%	5%	3%	3%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)	0	0	0	0	0	0	0					
Mid-Block Traffic (%)			0%			0%					0%	
Lane Group Flow (vph)	0	327	402	0	154	344	0	0	146	413	603	0

3: Rt 94 & Rt 32

Timing Plan: F

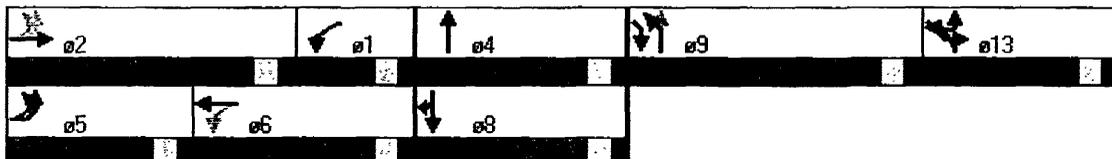
Vails Gate

Build Conditions w/ir

Turn Type	366 Pm+Pt	331 Pm+Pt Prot	0	0	136 Pm+Pt	453 Over	0	Prot	Prot	Prot	
Protected Phases	5	5	2		1	6		13	9	4	
Permitted Phases	8	8		13	13	9				9	
Total Split (s)	22.0	22.0	34.0	0.0	14.0	26.0	0.0	0.0	23.0	34.0	25.0
Lane Grp Cap (vph)	25.0	25.0	0.0	23.0	23.0	34.0	0.0				
v/s Ratio Prot	310	271	0.23		221	384		0.08	0.25	0.13	
v/s Ratio Perm	0.21	0.21			0.06	0.29				0.20	
Critical LG?		Yes			Yes	Yes					
Act Effct Green (s)	22.0	31.0	31.0		23.0	23.0		16.7	31.0	56.0	
Actuated g/C Ratio	0.17	0.24	0.24		0.18	0.18		0.13	0.24	0.44	
v/c Ratio	1.18	1.19	0.95		0.68	1.06		0.61	1.01	0.76	
Uniform Delay, d1	52.4	45.1	47.1		51.0	51.9		51.9	47.9	29.8	
Platoon Factor	1.00	1.00	1.00		1.00	1.00		1.00	1.00	1.00	
Incr. Delay, d2	109.5	115.4	33.4		8.3	66.2		4.6	48.4	4.4	
Webster Delay	161.8	128.1	80.5		5.0	104.6		56.5	96.2	34.2	
Webster LOS	F	F	F		E	F		E	F	C	

Area Type: Other
 Cycle Length: 130
 Actuated Cycle Length: 126.7
 Control Type: Actuated-Uncoordinated
 Total Lost Time: 12
 Sum of Critical v/s Ratios: 0.98
 Intersection v/c Ratio: 1.08
 Intersection Webster Signal Delay: 108.5
 Intersection LOS: F

Splits and Phases: 3: Rt 94 & Rt 32





TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4610
Fax: (845) 563-4693

OFFICE OF THE SUPERVISOR
George J. Meyers
Town Supervisor

January 24, 2001

Mr. Robert A. Dennison III, P.E., Regional Director
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603

SUBJECT: PROPOSED HANNAFORD FOOD & DRUG SITE PLAN
NYS ROUTES 32 and 94- T/ NEW WINDSOR

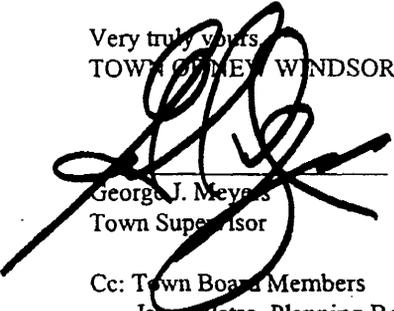
Dear Mr. Dennison;

Hannaford Food & Drug has made application to the Town Planning Board for a site plan approval of a 55,200 s.f. retail store on a 5.4 - acre parcel located off NYS Routes 32 and 94 within the Town of New Windsor. I have received copies of correspondence from Akhter A Shareef and T.A. Myers of your Department in connection with this application.

I am writing to express the Town Board's significant concern regarding traffic congestion in the "Five Corners" area of the town. Existing traffic conditions in that area are already extremely congested and significant backups and delays are encountered in several directions during morning and afternoon peak periods. This poses not only a level of service concern to our residents and the general public but also a safety concern in this congested area. Access to adjoining commercial establishments and town roadways, is severely compromised during these periods. Access for emergency vehicles is also a major concern.

I am writing to note, for the record, our concern that the existing inadequate conditions will be further exacerbated by approval of this project. We ask that the NYSDOT ensure that a complete and proper review be made in cooperation with our Planning Board, and that any and all possible off-site improvements be required before your agency considers the issuance of any permits for this project.

Very truly yours,
TOWN OF NEW WINDSOR


George J. Meyers
Town Supervisor

Cc: Town Board Members
James Petro, Planning Board Chairman
Mark J. Edsall, P.E., Planning Board Engineer
Chief Koury, N.W.P.D.

INTER-OFFICE CORRESPONCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: January 19, 2001

SUBJECT: Hannaford Food & Drug

Planning Board Reference Number: PB-00-15

Dated: 19 January 2001

Fire Prevention Reference Number: FPS-01-008

A review of the above referenced subject site plan was conducted on 19 January 2001.

This site plan is acceptable.

Plans Dated: 17 January 2001



**Robert F. Rodgers
Fire Inspector**



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 00-15

DATE PLAN RECEIVED: _____ RECEIVED

JAN 19 2001

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Hannaford Food + Dry has been

reviewed by me and is approved

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

Water is available per our discussion

HIGHWAY SUPERINTENDENT DATE

Stan D. Davis 1-23-01
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
 Branch Office
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 00-15
 WORK SESSION DATE: 6 Dec 2000 APPLICANT RESUB. REQUIRED: Yes
 REAPPEARANCE AT W/S REQUESTED: Yes
 PROJECT NAME: Hannifords
 PROJECT STATUS: NEW _____ OLD X
 REPRESENTATIVE PRESENT: Doug Boice (Hanniford); Ross; Jeff Shiller; Larry W;
 MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. _____
 ENGINEER _____
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Full EAF w/ Attachments; Board will make decision re (P) or (C) dec.
- New circulation search for out j
- ~~utility materials~~ - also deal w/ T in sewer vs friendly's -
noise visual - short + long term
- post prob w/ new easement for monitor muffer -> lot area ↓
- do any WMs get dedicated? may need to include Truck main
verify w/ D. Dio re loop to Pt 32

Jan
- 4A adopt
- geol content + dire
- thru board review

3 WMs

probably

1st Jan MS

CLOSING STATUS

- Set for agenda
- possible agenda item
- Discussion item for agenda
- ZBA referral on agenda

pbwsform 10MJ98



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 00-15
 WORK SESSION DATE: 18 OCT 00 APPLICANT RESUB. REQUIRED: new plans
 REAPPEARANCE AT W/S REQUESTED: later
 PROJECT NAME: Hannafords
 PROJECT STATUS: NEW _____ OLD X
 REPRESENTATIVE PRESENT: Andy Cowich (H); Larry W; Ross W; Bill Neepoy
 MUNIC REPS PRESENT: BLDG INSP. _____
 FIRE INSP. X
 ENGINEER X
 PLANNER _____
 P/B CHMN. _____
 OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- disc off site work (other lots) not part of SEARA circ. (did not refer to other lots)
- will get 2 add'l apps for other lots - want to recirc all 3 for 4A
- discuss pass case for McDonald
- disc add five corners to plan
- off next agenda
- looking to be on 11/15/00 agenda

CLOSING STATUS

- Set for agenda
- possible agenda item
- Discussion item for agenda
- ZBA referral on agenda

pbwsform 10MJE98



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF NEW WINDSOR P/B # 00-15

WORK SESSION DATE: 4 OCT 00 APPLICANT RESUB. REQUIRED:

REAPPEARANCE AT W/S REQUESTED: Later Later

PROJECT NAME: Hanrattors

PROJECT STATUS: NEW OLD

REPRESENTATIVE PRESENT: Jeffs. Ross W

MUNIC REPS PRESENT: BLDG INSP.
FIRE INSP. X
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- suggest light in only on low, John Silver - + signal conn.
- check shared access thru Monroe Muff-
variances needed - setback?
- Q-seg apps for Monroe/Lay John or same app. ^{single w/multiple apps.}
- parking Monroe back out to thru SCA.
- designate encl. pkg near entrance
- ck zoning re ret walls heights, ←
- show slopes on grading plan (paved areas)
- visibility of signal & Qed cars.
- pass double walls

Concern re aesthetics
pbwsform 10MJE98 both

CLOSING STATUS
 Set for agenda → SEDRA discussion
 possible agenda item
 Discussion item for agenda
 ZBA referral on agenda

landscaping directions
w/Q → report.

no new plans needed.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 00-15
DATE PLAN RECEIVED: _____ RECEIVED
SEP - 7 2000

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
_____ for the building or subdivision of
Hannaford Bros. Co. has been
reviewed by me and is approved L
~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____
There is two water servicing this prop
Call for mark-out -

HIGHWAY SUPERINTENDENT DATE
John D. ... 9-18-00
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE MEMORANDUM

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: September 12, 2000

SUBJECT: Hannaford Bros. Company

Planning Board Reference Number: PB-00-15

Dated: 7 September 2000

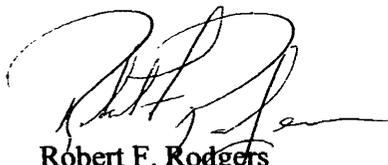
Fire Prevention Reference Number: FPS-00-037

A review of the above referenced subject site plan was conducted on 8 September 2000, with the following being noted.

- 1) Site plan does not show proposed underground utilities such as, sprinklers, domestic water service, or on site hydrants.
- 2) Provide stop bars at all side parking lanes, at intersection with main driving lanes.
- 3) If shopping cart return center to be used, where will they be located.

This site plan is not acceptable at this time.

Plans Dated: 31 August 2000



Robert F. Rodgers
Fire Inspector

RFR/dh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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Branch Office
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Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

00¹⁻³-15

TOWN/VILLAGE OF New Windsor P/B # _____

WORK SESSION DATE: 2 AUG 00 APPLICANT RESUB. REQUIRED: Full

REAPPEARANCE AT W/S REQUESTED: None

PROJECT NAME: HANNAFORDS

PROJECT STATUS: NEW OLD _____

REPRESENTATIVE PRESENT: Ross U. Jeff Skiles Tectone Mark Seager - Crest-Manning
Larry Wilbur

MUNIC REPS PRESENT: BLDG INSP. _____
FIRE INSP.
ENGINEER
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- 55,200 SF.
- (Friendly's 701-16.1) (70-1-16.2 Vacant) (70-1-2.21 Amb Corp)
- Film Clips - traffic off-site drive to c
- Add 5 corners.
- Relationship of Monroe Muttler/Leasement (to be)
- Pkg is of 1/150 SF or 5.5 per 1000
- Retaining walls - ALOT - they think they are limited to fence req's
- Drainage - most across street to wetle-d1-
- Sewer - gravity flow problem
- Friendly's vs Plan-Bnd
- Water - Steve Didio - where to tie in.

	CLOSING STATUS
<input checked="" type="checkbox"/>	Set for agenda
<input type="checkbox"/>	possible agenda item
<input type="checkbox"/>	Discussion item for agenda
<input type="checkbox"/>	ZBA referral on agenda

If full submittal
probably 1st
mtg for
Sept.

TOWN OF NEW WINDSOR

00-15

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan Special Permit _____

Tax Map Designation: Sec. 70 Block 1 Lot 16.1
70 1 2.21

- Name of Project Hannaford Food and Drug
- Owner of Record 4 Acres, LLC, /See Below Phone 516-872-9572
Address: 104 South Central Ave. Suite 20 Valley Stream NY 11580-5461
(Street Name & Number) (Post Office) (State) (Zip)
- Name of Applicant Martin's Foods of South Burlington, Inc. Phone 207-885-2852
Address: P.O. Box 1000 Portland ME 04104
(Street Name & Number) (Post Office) (State) (Zip)
- Person Preparing Plan Tectonic Engineering Phone 534-5959
Address: P.O. Box 37 Mountainville NY 10953
(Street Name & Number) (Post Office) (State) (Zip)
- Attorney Larry Wolinsky, Esq, Jacobowitz & Gubits Phone 778-2121
Address 158 Orange Avenue Walden NY 12586
(Street Name & Number) (Post Office) (State) (Zip)
- Person to be notified to appear at Planning Board meeting:
Ross Winglovitz, PE 534-5959
(Name) (Phone)
- Project Location:
On the East side of New York State Route 32 + 820 feet
(Direction) (Street) (No.)
South of The New York State Route 94 Intersection.
(Direction) (Street)
- Project Data: Acreage ±5.5 Zone C School Dist. Newburgh

*Owner of 70-1-2.21, Terry Scott Hughes c/o North Eastern Auto Sale
981 Little Britain Road
New Windsor, NY 12553

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Description of Project: (Use, Size, Number of Lots, etc.) Construction of a 55,200 S.F. Hannaford Food and Drug Store and related parking facilities on Tax Lots 70-1-16.1, 70-1-16.2 and 70-1-2.21.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no

12. Has a Special Permit previously been granted for this property? yes _____ no

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

25th DAY OF August 192000



APPLICANT'S SIGNATURE

James M. Donnell
NOTARY PUBLIC

Andrew D. Couch
Please Print Applicant's Name as Signed
For: Martin's Foods of South Burlington, Inc.

TOWN USE ONLY
RECEIVED

SEP - 7 2000

DATE APPLICATION RECEIVED

00-15

APPLICATION NUMBER

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Terry Scott Hughes _____, deposes and says that he resides
(OWNER)
18 Ellison Dr.
at ~~981 Little Britain Road~~, Town of New Windsor _____ in the County of Orange
(OWNER'S ADDRESS)

and State of New York _____ and that he is the owner of property tax map

(Sec. 70 Block 1 Lot 2.21)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in

the foregoing application and that he authorizes:

Martin's Foods of South Burlington, Inc., P.O. Box 1000, Portland, ME 04104
(Applicant Name & Address, if different from owner)

Tectonic Engineering, P.O. Box 37, Mountainville, NY 10953
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/30/00.

Terry Scott Hughes
Witness' Signature

Terry Scott Hughes
Owner's Signature

[Signature]
Applicant's Signature if different than owner

[Signature]
Representative's Signature

By: Arnold D. Lee, For. MARTIN'S FOODS OF S. BURLINGTON, INC.

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

William Slepoy (for 4 Acres, LLC), deposes and says that he resides
(OWNER)

at 95 Lake Road, P.O. Box 1031, Town of Warren in the County of _____
(OWNER'S ADDRESS)

and State of Connecticut and that he is the owner of property tax map

(Sec. 70 Block 1 Lot 16.1)
designation number (Sec. 70 Block 1 Lot 16.2) which is the premises described in

the foregoing application and that he authorizes:

Martin's Foods of South Burlington, Inc., P.O. Box 1000, Portland, ME 04104

(Applicant Name & Address, if different from owner)

Tectonic Engineering, P.O. Box 37, Mountainville, NY 10953

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/24/00

[Signature]
Witness' Signature

4 ACRES, LLC
By: [Signature]
Owner's Signature WILLIAM SLEPOY, MEMBER

[Signature] By: ARND D. CACK
Applicant's Signature if different than owner FOR: MEMBER

[Signature]
Representative's Signature

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.

ECC1854
"XX"

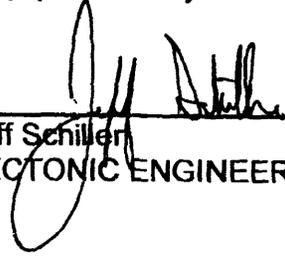
ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

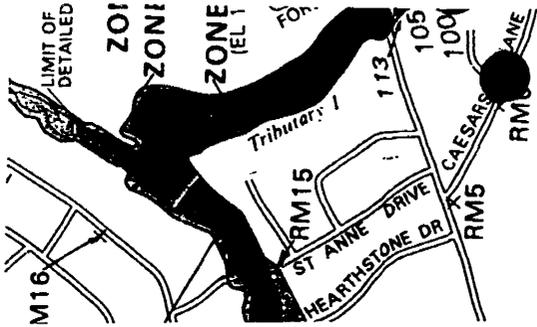
PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

The Hannaford Food and Drug Store that is being proposed to be located within the Town of New Windsor on tax map numbers (SBL) 70-1-16.1, 70-1-16.2 and 70-1-2.21 is **NOT** located within a flood zone as illustrated on the attached Flood Insurance Rate Map (Community Panel Number 360628 0010 B dated 12/15/78).



Jeff Schiller
TECTONIC ENGINEERING CONSULTANTS, PC



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

**TOWN OF
NEW WINDSOR,
NEW YORK
ORANGE COUNTY**

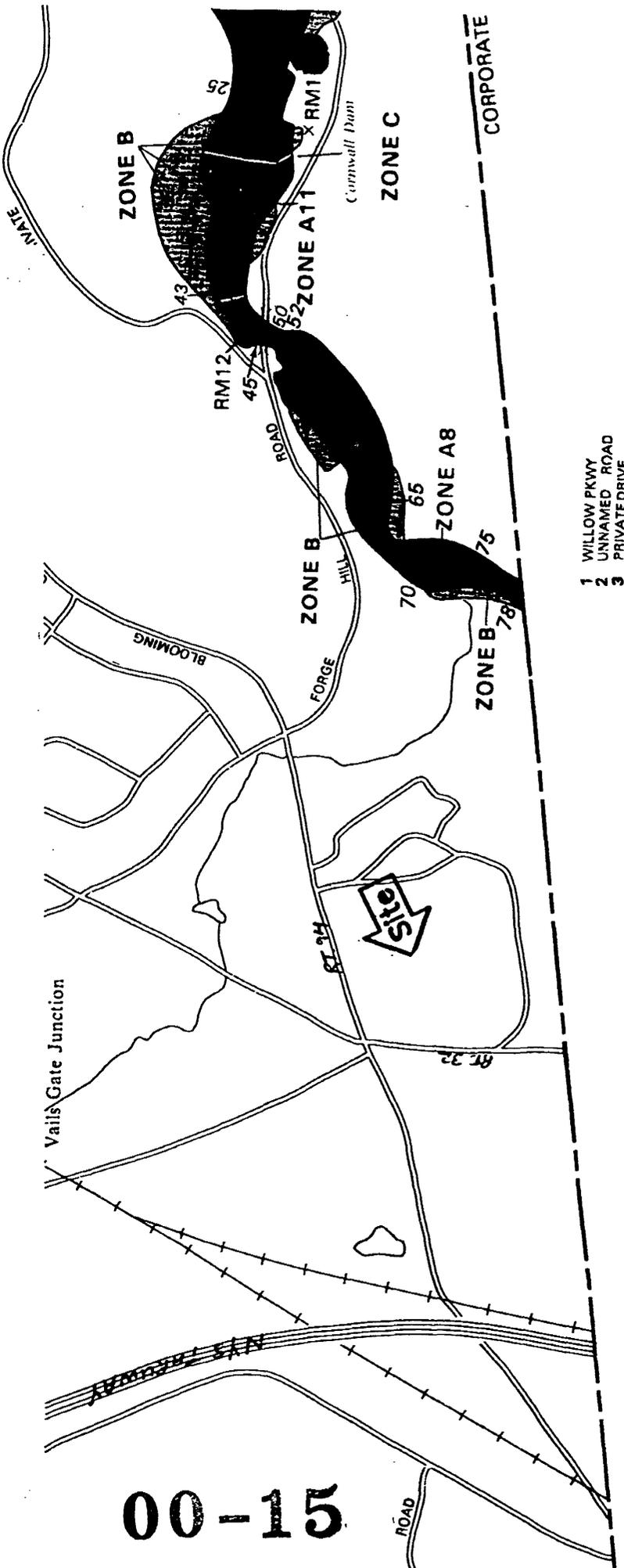
**COMMUNITY-PANEL NUMBER
360628 0010 B**

PAGE 10 OF 10

**EFFECTIVE
DECEMBER 15, 1978**



**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION**



- 1 WILLOW PKWY
- 2 UNNAMED ROAD
- 3 PRIVATE DRIVE

00-15



TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. ✓ Applicant's Name(s)
4. ✓ Applicant's Address
5. ✓ Site Plan Preparer's Name
6. ✓ Site Plan Preparer's Address
7. ✓ Drawing Date
8. ✓ Revision Dates
9. ✓ Area Map Inset and Site Designation
10. ✓ Properties within 500' of site
11. ✓ Property Owners (Item #10)
12. ✓ Plot Plan
13. ✓ Scale (1" = 50' or lesser)
14. ✓ Metes and Bounds
15. ✓ Zoning Designation
16. ✓ North Arrow
17. ✓ Abutting Property Owners
18. ✓ Existing Building Locations
19. ✓ Existing Paved Areas
20. ✓ Existing Vegetation
21. ✓ Existing Access & Egress

PROPOSED IMPROVEMENTS

- | | | |
|-----|-------------|-------------------------------------|
| 22. | <u> *</u> | Landscaping |
| 23. | <u> *</u> | Exterior Lighting |
| 24. | <u> *</u> | Screening |
| 25. | <u> ✓</u> | Access & Egress |
| 26. | <u> ✓</u> | Parking Areas |
| 27. | <u> ✓</u> | Loading Areas |
| 28. | <u> *</u> | Paving Details (Items 25 - 27) |
| 29. | <u> ✓</u> | Curbing Locations |
| 30. | <u> *</u> | Curbing through section |
| 31. | <u> ✓</u> | Catch Basin Locations |
| 32. | <u> *</u> | Catch Basin Through Section |
| 33. | <u> ✓</u> | Storm Drainage |
| 34. | <u> ✓</u> | Refuse Storage |
| 35. | <u> ✓</u> | Other Outdoor Storage |
| 36. | <u> *</u> | Water Supply |
| 37. | <u> *</u> | Sanitary Disposal System |
| 38. | <u> *</u> | Fire Hydrants |
| 39. | <u> ✓</u> | Building Locations |
| 40. | <u> ✓</u> | Building Setbacks |
| 41. | <u> *</u> | Front Building Elevations |
| 42. | <u> NA</u> | Divisions of Occupancy |
| 43. | <u> *</u> | Sign Details |
| 44. | <u> ✓</u> | Bulk Table Inset |
| 45. | <u> ✓</u> | Property Area (Nearest 100 sq. ft.) |
| 46. | <u> ✓</u> | Building Coverage (sq. ft.) |
| 47. | <u> ✓</u> | Building Coverage (% of total area) |
| 48. | <u> *</u> | Pavement Coverage (sq. ft.) |
| 49. | <u> *</u> | Pavement Coverage (% of total area) |
| 50. | <u> *</u> | Open Space (sq. ft.) |
| 51. | <u> *</u> | Open Space (% of total area) |
| 52. | <u> ✓</u> | No. of parking spaces proposed |
| 53. | <u> ✓</u> | No. of parking spaces required |

* To be included in future submissions

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

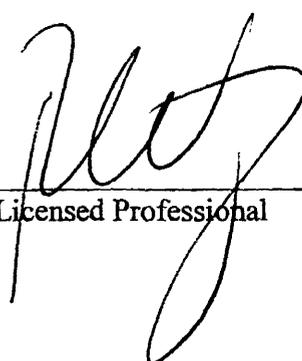
APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leaser shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  _____
Licensed Professional 9/6/00
Date

HANNAFORD BROS. SITE PLAN
RT. 32 (TECTONIC)

00-15

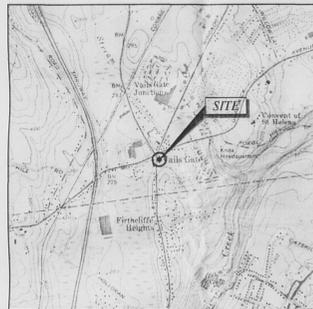
SITE DEVELOPMENT PLANS
FOR
MARTIN'S FOODS OF SO. BURLINGTON, INC.



Hannaford Food & Drug

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

ALSO INCORPORATING SITE DEVELOPMENT
PLANS FOR THE FOLLOWING APPLICATIONS:
AMENDED SITE PLAN, MONRO MUFFLER BRAKE, INC.; AND
AMENDED SITE PLAN, FORMER LONG JOHN SILVER RESTAURANT



LOCATION MAP
SCALE: 1" = 2000'



TAX MAP
SCALE: 1" = 200'

DRAWING SHEET INDEX

SHEET NUMBER	TITLE
1	COVER SHEET
2	BOUNDARY/TOPOGRAPHIC SURVEY
3	DEMOLITION PLAN
4	OVERALL SITE PLAN
5	AMENDED SITE PLAN - MONRO MUFFLER BRAKE, INC.
6	AMENDED SITE PLAN - FORMER LONG JOHN SILVER'S
7	GRADING, DRAINAGE & EROSION CONTROL PLAN
8	UTILITY PLAN
9	LANDSCAPING PLAN
10	LIGHTING PLAN
11	DETAILS
12	DETAILS
13	DETAILS
14	CONCEPTUAL ROADWAY IMPROVEMENT PLAN
15	PROPOSED EXTERIOR ELEVATIONS

APPLICANT

1. MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
P.O. BOX 1000
PORTLAND, MAINE 04104

CONTACTS

- TOWN OF NEW WINDSOR WATER & SEWER DEPARTMENT
STEPHEN DIDO - WATER SUPERINTENDENT
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 561-2250
- TOWN OF NEW WINDSOR BUILDING DEPARTMENT
MICHAEL BARBOCK - BUILDING INSPECTOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4618
- CENTRAL HUDSON ELECTRIC AND GAS
PAUL DANIELS - FIELD ENGINEER
ROUTE 207
NEWBURGH, NY 12550
(845) 563-4663
- CITIZENS COMMUNICATIONS
(FRONTIER)
145 N. MAIN ST.
MORRIS, NY 10950
(845) 783-1400

PARCEL OWNERS

- 70-1-16.1 4 ACRES, LLC
104 SOUTH CENTRAL AVE. SUITE 20
VALLEY STREAM, NY 11580-5451
- 70-1-16.2 4 ACRES, LLC
104 SOUTH CENTRAL AVE. SUITE 20
VALLEY STREAM, NY 11580-5451
- 70-1-2.1 APACHE ASSOCIATES
95 LAKE ROAD
WARREN, CT 06754
- 70-1-2.21 TERRY SCOTT HUGHES C/O
NORTHEASTERN AUTO SALES
981 LITTLE BRITAIN ROAD
NEW WINDSOR, NY 12553
- 69-4-26.12 FRED PLUS 3, LLC
95 LAKE ROAD
WARREN, CT 06754
- 69-4-25 HERBERT SLEPOY & FRED GARDNER
95 LAKE ROAD
WARREN, CT 06754
- 69-4-28 HERBERT SLEPOY & FRED GARDNER
95 LAKE ROAD
WARREN, CT 06754
- 69-4-19.2 CENTRAL HUDSON GAS & ELECTRIC
284 SOUTH AVENUE
POUGHKEEPSIE, NY 12601



TECTONIC PLANNING
ENGINEERING & SURVEYING CONSULTANTS P.C.
P.O. Box 27, 70 Pleasant Hill Road
Mountville, NY 10953
Phone: (845) 834-5959
Fax: (845) 834-5958
www.tectonicengineering.com

HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
01/17/01
WO # 2586.01
REVISED 9/16/02



LOCATION MAP
SCALE: 1" = 2000'

GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, P.C. COMPLETED ON 3/09/00.
- VERTICAL DATUM IS BASED ON MAP REFERENCED IN NOTE 3B, WHICH IS 1.11' BELOW NGVD 29 (APPROXIMATE).
- REFERENCES:
 - DEED: LIBER 3855, PAGE 271; LIBER 4344, PAGE 26.
 - MAP ENTITLED "TOPOGRAPHIC MAP OF LANDS OF SANSTE PROPERTIES, INC., FRED GARDNER & HERBERT SLEPYO D.B.A. APACHE ASSOC." DRAWN BY BRINNER & LARSON, P.C. DATED MARCH, 2 1977; REVISED DECEMBER 22, 1977.
 - MAP ENTITLED "AMOR HOMES (MARSHALL PARK)" DRAWN BY SONEY HORWITZ, OCTOBER, 15 1957; FILE MAP NO. 1735, POCKET 15, FOLDER A FILED IN ORANGE COUNTY CLERK'S OFFICE OCTOBER, 29 1957.
 - MAP ENTITLED "AMOR HOMES (MARSHALL PARK)" DRAWN BY GEORGE E. SHAW, NOVEMBER, 11 1970; FILE MAP NO. 2598, FILED IN ORANGE COUNTY CLERK'S OFFICE DECEMBER, 17 1970.
 - MAP ENTITLED "MAP OF LANDS OF HOUSE OF APACHE PROPERTIES LTD." DRAWN BY BRINNER & LARSON, P.C. APRIL 13, 1994; REVISED MAY 18, 1994.
- AREA OF SUBJECT PARCEL:
 - AREA OF TAX LOT 69-4-19.2 = 8.834 ACRES (PER CHGAE PARCEL NO. 440 MAP)
 - AREA OF TAX LOT 69-4-23 = 0.495 ACRES
 - AREA OF TAX LOT 69-4-23.12 = 1.001 ACRES
 - AREA OF TAX LOT 69-4-28 = 0.128 ACRES
 - AREA OF TAX LOT 70-1-2.1 = 0.916 ACRES
 - AREA OF TAX LOT 70-1-2.21 = 0.071 ACRES
 - AREA OF TAX LOT 70-1-16.1 = 4.270 ACRES
 - AREA OF TAX LOT 70-1-16.2 = 1.173 ACRES
 - TOTAL AREA = 16.914 ACRES
- UNDERGROUND IMPROVEMENTS IF ANY AND NOT VISIBLE AT THE TIME OF THE SURVEY, HAVE NOT BEEN LOCATED IN THE FIELD OR SHOWN HEREON.
- THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN UP TO DATE ABSTRACT OF THE TITLE.
- GROUND SNOW COVER AT TIME OF SURVEY WAS 1'-0".
- TOPOGRAPHIC INFORMATION BETWEEN CURBING AND BUILDING IS APPROXIMATE.

LEGEND

- CONTOUR LINE
- - - INDEX CONTOUR LINE
- ==== EDGE OF PAVEMENT
- ==== CURB
- ==== YELLOW LINE
- ==== WHITE LINE
- ==== OVERHEAD WIRES
- CHAIN LINK FENCE
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- TREE LINE
- LIGHT POLE
- UTILITY POLE
- BOLLARD
- SANITARY SEWER MANHOLE
- MONITORING WELL
- MANHOLE
- DRAINAGE MANHOLE
- WATER VALVE
- GAS VALVE
- HYDRANT
- TREE (minimum 6" diameter)
- MAPLE TREE
- ASH TREE
- LOCUST TREE
- IRON PIN FOUND
- SPIKE FOUND
- NYS MON FOUND
- DOUBLE POLE SIGN
- SINGLE POLE SIGN
- WETLANDS FLAG NUMBER
- GAS TEST MARKER



TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C.
 2570 Route 9W
 Cornwall, NY 12518
 Phone: (845) 534-3450
 Fax: (845) 534-3556
 www.tectonicengineering.com

BOUNDARY/TOPOGRAPHIC SURVEY

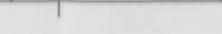
HANNAFORD FOOD & DRUG
 NYS ROUTE 32
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

Date: 3/29/00
 Scale: 1" = 40'
 Work Order: 2586.01
 Drawing No: C-100
 Rev: 5



BENCHMARK #	DESCRIPTION OF BENCHMARK
BM-1	BENCHMARK-BENCHITE SET IN 24" LOCUST EL. 311.62
BM-2	BENCHMARK-BENCHITE SET IN 24" LOCUST EL. 318.08
BM-3	BENCHMARK-BENCHITE SET IN POLE EL. 284.93

Rev	Date	Reason	Approved	Designed by	Drawn by	Checked by	Released by	Date
1	6/29/00	ADDED WETLANDS, ADDITIONAL TOPOGRAPHIC INFORMATION, AND GENERAL REVISIONS			PCL, JK			
2	8/30/00	REVISED TOTAL AREA, ADDED SIGNATURE BLOCK FOR TOWN OF NEW WINDSOR P.B.						
3	11/10/00	ADDED ADDITIONAL TOPD AND IMPROVEMENTS, ADDED WATER LINE						
4	12/12/00	ADDED ADDITIONAL IMPROVEMENTS AND FIRST FLOOR ELEVATIONS						
5	9/16/02	ADDED FIBER OPTICS AND ISSUED FOR PLANNING BOARD SIGNATURE						



ORIGINAL SIZE IN INCHES

BULK REQUIREMENTS

TOWN OF NEW WINDSOR - DESIGN SHOPPING (C)

MINIMUM REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	40,000 SF	240,189 SF
LOT WIDTH	200 FEET	326 FEET
FRONT YARD DEPTH	60 FEET	60 FEET
SIDE YARD/ROTH YARDS	30/70 FEET	59.6/368.3 FEET
REAR YARD DEPTH	30 FEET	50.6 FEET
MAXIMUM ALLOWABLE		
BUILDING HEIGHT	12' FT TO NEAREST LOT LINE = 42'	38 FEET
FLOOR AREA RATIO	0.5	0.224

PARKING REQUIREMENTS

BUILDING AREA: 55,200 SF
 TOTAL SPACES REQUIRED: (5.5 SPACES/1,000 SF) x (55,200 SF) = 304 SPACES
 TOTAL SPACES PROVIDED: 304 (INCLUDING 8 HANDICAPPED)

GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, PC COMPLETED ON 3/08/00.
- AREA OF SUBJECT PARCELS: 5.514± ACRES
- APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
PO BOX 100
PORTLAND, ME 04104
- OWNER: TAX LOTS 70-1-16.1 AND 70-1-16.2
4 ACRES, LLC
104 SOUTH CENTRAL AVE. SUITE 20
VALLEY STREAM, NY 11580-5451
TAX LOT 70-1-2.21
TERRY SCOTT HUGHES C/O
NORTHEASTERN AUTO SALES
881 LITTLE BRITAIN ROAD
NEW WINDSOR, NY 12553
- FOR ALL WORK WITHIN NEW YORK STATE ROUTE 32 AND NEW YORK STATE ROUTE 94 RIGHT-OF-WAYS, SEE PLANS BY CREDITON MANNING ENGINEERING.
- ALL SIGNS TO CONFORM WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- ALL FILL TO BE COMPACTED TO 95% OF ITS MAXIMUM DENSITY AS DETERMINED IN ACCORDANCE WITH ASTM D1557. SEE TECHNICAL SPECIFICATIONS.
- NO SITE WORK SHALL COMMENCE PRIOR TO OBTAINING THE HIGHWAY WORK PERMIT OR A SITE ACCESS PERMIT FROM NYSOT.
- ALL OFF-SITE WORK ON THE RELATED LONG JOHN SILVER SITE PLAN AMENDMENT AND MONRO MUFFLER SITE PLAN AMENDMENT AS WELL AS OTHER OFF-SITE IMPACT MITIGATION MEASURES SHALL BE COMPLETE BEFORE A CERTIFICATE OF OCCUPANCY IS REQUESTED.
- ALL STRIPING SHALL BE TWO COATS REFLECTIVE PAINT.

LEGEND

	EXISTING CONTOUR LINE
	EXISTING INDEX CONTOUR LINE
	EXISTING EDGE OF PAVEMENT
	EXISTING CURB
	EXISTING YELLOW LINE
	EXISTING WHITE LINE
	EXISTING OVERHEAD WIRES
	EXISTING CHAINLINK FENCE
	EXISTING PROPERTY LINE
	EXISTING ADJOINING PROPERTY LINE
	EXISTING LIGHTPOLE
	EXISTING UTILITY POLE
	EXISTING GUY POLE
	EXISTING BALLARD
	EXISTING SANITARY SEWER MANHOLE
	EXISTING MONITORING WELL
	EXISTING MANHOLE
	EXISTING DRAINAGE MANHOLE
	EXISTING WATER VALVE
	EXISTING GAS VALVE
	EXISTING HYDRANT
	EXISTING MAPLE TREE
	EXISTING ASH TREE
	EXISTING LOCUST TREE
	EXISTING IRON PIN FOUND
	EXISTING SPIKE FOUND
	EXISTING NYS MON FOUND
	EXISTING DOUBLE POLE SIGN
	EXISTING SINGLE POLE SIGN
	EXISTING WETLANDS FLAG NUMBER
	DEMOLITION ITEM
	PROPOSED CONTOUR LINE
	PROPOSED INDEX CONTOUR LINE
	PROPOSED EDGE OF PAVEMENT
	PROPOSED CURB
	PROPOSED PAVEMENT MARKINGS
	PROPOSED HEAVY DUTY PAVEMENT
	PROPOSED WOODEN FENCE
	PROPOSED RETAINING WALL
	PROPOSED PARKING SPACE QUANTITY
	PROPOSED STOP SIGN
	PROPOSED HANDICAP SIGN
	PROPOSED EMPLOYEE PARKING ONLY SIGN
	PROPOSED NO PARKING FIRE LANE SIGN
	PROPOSED CURB RADIUS DIMENSION
	PROPOSED CATCH BASIN
	PROPOSED DRAINAGE MANHOLE
	PROPOSED STORM TREATMENT MANHOLE
	PROPOSED OUTLET STRUCTURE
	PROPOSED DRAINAGE PIPE
	PROPOSED DRAINAGE SWALE
	PROPOSED HAYBALE PROTECTION
	PROPOSED SILT FENCE
	PROPOSED 12" WATER MAIN
	PROPOSED HYDRANT
	PROPOSED SEWER SERVICE
	PROPOSED GAS SERVICE
	PROPOSED UNDERGROUND EL & TELE

SITE PLAN APPROVAL NOTES

1. THE HANNAFORD FOOD & DRUG SITE PLAN, NEW WINDSOR PLANNING BOARD (NWPB) APPLICATION 00-15, REQUIRES THE CONCURRENT APPROVAL OF SITE PLAN AMENDMENTS FOR TWO ADJUTING PROPERTIES, IDENTIFIED AS AMENDED SITE PLAN, MONRO MUFFLER BRAKE, INC.; NWPB APPLICATION 00-22, AND AMENDED SITE PLAN, FORMER LONG JOHN SILVER RESTAURANT, NWPB APPLICATION 00-21. ALL SITE IMPROVEMENTS FOR THE THREE APPLICATIONS ARE SHOWN IN THIS DRAWING SET ENTITLED "SITE DEVELOPMENT PLANS FOR MARTIN'S FOODS OF SOUTH BURLINGTON, INC., HANNAFORD FOOD & DRUG, TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK", CONSISTING OF 15 SHEETS, LAST REVISED APRIL 12, 2002. UPON COMPLETION OF ALL CONSTRUCTION, THE HANNAFORD FOOD AND DRUG SITE WILL RETAIN RIGHTS FOR STORMWATER DRAINAGE OVER THE FORMER LONG JOHN SILVER RESTAURANT SITE, AND ACCESS AND UTILITY RIGHTS ENCUMBERING PORTIONS OF THE MONRO MUFFLER BRAKE, INC. SITE.

2. APPROVALS GRANTED FOR THE HANNAFORD SITE PLAN ARE SUBJECT TO MITIGATION REQUIREMENTS NOTED IN THE SEQRA FINDINGS STATEMENT ADOPTED BY THE TOWN OF NEW WINDSOR PLANNING BOARD, AND COMPLIANCE WITH ALL THE MITIGATION MEASURES AND REQUIREMENTS ARE HEREBY DEEMED A CONDITION OF THE SITE PLAN APPROVAL.



TECTONIC Engineering & Surveying Consultants P.C.
 2700 West 37th Road, Pleasant Hill Road
 Mountaineer, NY 10953
 Phone: (845) 534-5888
 Fax: (845) 534-5889
 www.tectoniceengineering.com

SITE PLAN
HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date: 9/26/00
 Scale: 1"=40'
 Work Order: 2586.01
 Drawing No: C-102
 Rev: 5

Rev.	Date	Revision	Approved	Designed By	Drawn By	Checked By	Released By	Date
1	11/5/00	REVISED RT. 94 ENTRANCE, ADDED LONG JOHN SILVER'S ACCESS IMPROVEMENTS		RW/JWS	JWS			
2	01/17/01	GENERAL REMISIONS						
3	4/12/02	GENERAL REMISIONS						
4	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW						
5	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE						

UNAUTHORIZED ALTERATION OR ADDITIONS TO A DOCUMENT BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR IS A VIOLATION OF SECTION 7008 SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS DOCUMENT WITHOUT A FACSIMILE OF THE SIGNATURE AND AN ORIGINAL EMBOSSED SEAL OR ORIGINAL STAMP IN BLUE OR RED INK OF THE PROFESSIONAL ENGINEER OR LAND SURVEYOR SHALL NOT BE CONSIDERED VALID COPIES.

1"=40'
 ORIGINAL SIZE IN INCHES

RW

BULK REQUIREMENTS

TOWN OF NEW WINDSOR - DESIGN SHOPPING (C)
USE: B-5 - SERVICE REPAIR GARAGE*

MINIMUM REQUIREMENTS	REQUIRED	10/13/93 APPROVAL	PROPOSED
LOT AREA	40,000 SF	39,844 SF **	39,844 SF **
LOT WIDTH	200 FEET	192 FEET **	192 FEET **
FRONT YARD DEPTH	60 FEET	71 FEET	71 FEET
SIDE YARD	30 FEET	25 FEET **	25 FEET **
TOTAL BOTH YARDS	70 FEET	89 FEET	89 FEET
REAR YARD DEPTH	30 FEET	115 FEET	115 FEET
STREET FRONTAGE	NA	161 FEET	161 FEET
MAXIMUM ALLOWABLE			
BUILDING HEIGHT	4'-FT TO NEAREST LOT LINE	20 FEET **	20 FEET **
FLOOR AREA RATIO	0.5	0.11	0.11

* BY SPECIAL PERMIT OF THE PLANNING BOARD

** DENOTES VARIANCES OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS ON MARCH 22, 1993

*** DENOTES VARIANCES OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS ON MAY 23, 2002

PARKING REQUIREMENTS

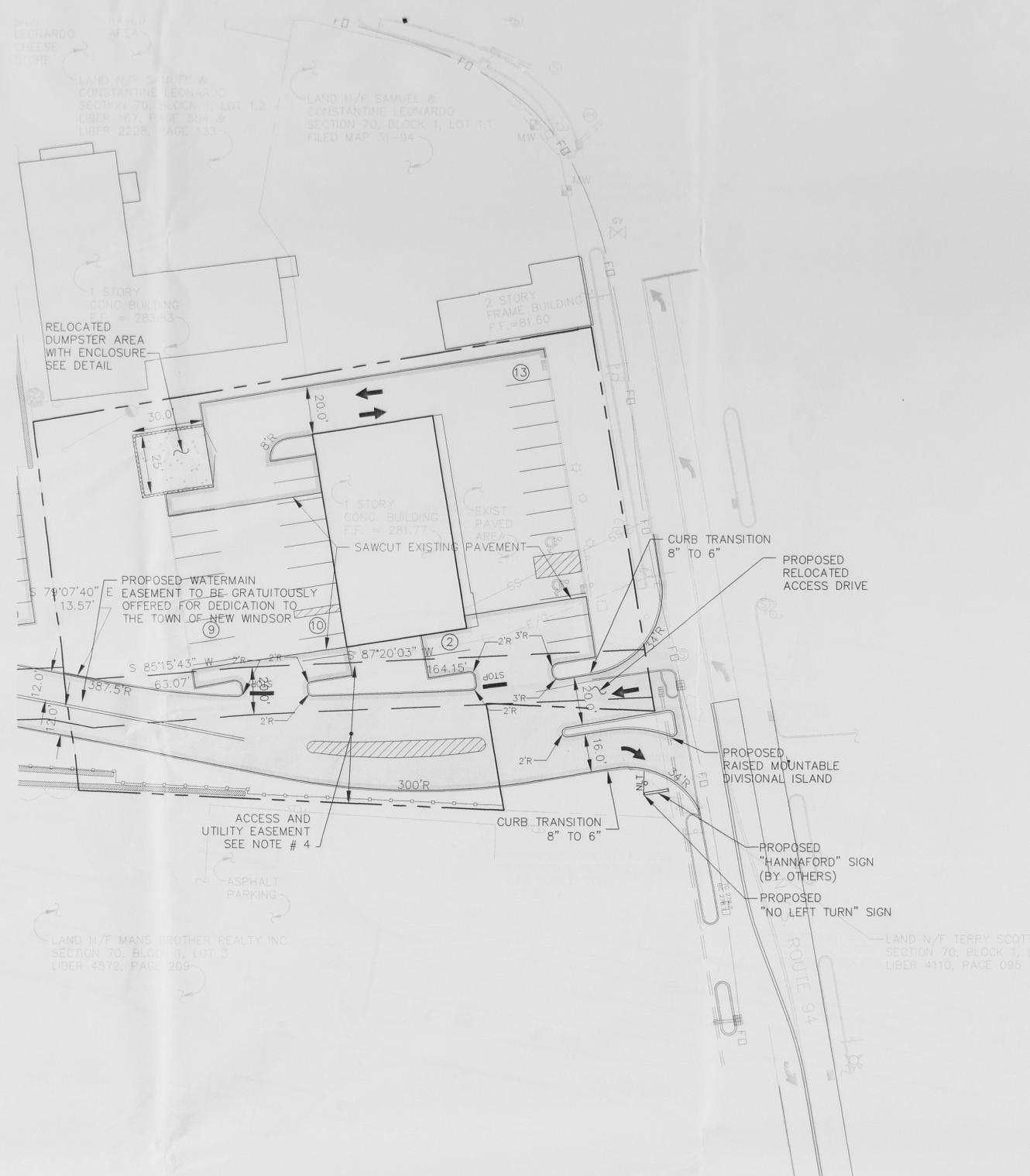
MINIMUM REQUIREMENTS	REQUIRED	10/13/93 APPROVAL	PROPOSED
SERVICE REPAIR GARAGE 4 PER EACH SERVICE BAY, PLUS 1 PER 300 SF OF FLOOR AREA OUTSIDE OF SERVICE AREAS			
- 6 SERVICE BAYS	24 SPACES	24 SPACES	24 SPACES
- OUTSIDE OF SERVICE AREAS (2,280 SF/300 SF PER SPACE)	8 SPACES	9 SPACES	10 SPACES
TOTAL SITE PARKING	32 SPACES	33 SPACES	34 SPACES

GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, PC COMPLETED ON 3/08/00 AND THE APPROVED SITE PLAN PREPARED BY SHAW ENGINEERING DATED 03/31/93 LAST REVISED 8/10/93.
- APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC.
PORTLAND, ME 04104
- OWNER: TAX LOTS 70-1-21 APACHE ASSOCIATES
95 LAKE ROAD WARREN, CT 06754
TAX LOT 70-1-221 TERRY SCOTT HUGHES C/O NORTHEASTERN AUTO SALES
981 LITTLE BRITAIN ROAD NEW WINDSOR, NY 12553
- LOT 70-1-21 SHALL BE ENCUMBERED BY AN EASEMENT WHICH BENEFITS LOTS 70-1-16.1, 70-1-16.2 AND 70-1-221 FOR VEHICULAR ACCESS AND FOR UTILITY SERVICES, INCLUDING DRAINAGE. LOT 70-1-221 SHALL BE ENCUMBERED BY AN EASEMENT WHICH BENEFITS LOT 70-1-21 FOR VEHICULAR ACCESS AND FOR DRAINAGE. EASEMENT DOCUMENTS SHALL BE RECORDED CONCURRENT WITH THE FILING OF THE AMENDED SITE PLANS BEARING THE APPROVAL STAMP SIGNIFYING THE APPROVAL OF THE PROJECT BY THE NEW WINDSOR PLANNING BOARD.

LEGEND

- EXISTING CONTOUR LINE
- EXISTING RIWER CONTOUR LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING CURB
- EXISTING YELLOW LINE
- EXISTING WHITE LINE
- EXISTING OVERHEAD WIRES
- EXISTING CHAINLINK FENCE
- EXISTING PROPERTY LINE
- EXISTING ADJOINING PROPERTY LINE
- EXISTING LIGHTPOLE
- EXISTING UTILITY POLE
- EXISTING GUY POLE
- EXISTING BOLLARD
- EXISTING SANITARY SEWER MANHOLE
- EXISTING MONITORING WELL
- EXISTING MANHOLE
- EXISTING DRAINAGE MANHOLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING HYDRANT
- EXISTING MAPLE TREE
- EXISTING ASH TREE
- EXISTING LOCUST TREE
- EXISTING IRON PIN FOUND
- EXISTING SPIKE FOUND
- EXISTING NYS MON FOUND
- EXISTING DOUBLE POLE SIGN
- EXISTING SINGLE POLE SIGN
- EXISTING WETLANDS FLAG NUMBER
- PROPOSED CONTOUR LINE
- PROPOSED INDEX CONTOUR LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB
- PROPOSED PAVEMENT MARKINGS
- PROPOSED WOODS FENCE
- PROPOSED RETAINING WALL
- PROPOSED PARKING SPACE QUANTITY
- PROPOSED STOP SIGN
- PROPOSED HANDICAP SIGN
- PROPOSED EMPLOYEE PARKING ONLY SIGN
- PROPOSED CURB RADIUS DIMENSION
- PROPOSED CATCH BASIN
- PROPOSED DRAINAGE MANHOLE
- PROPOSED STORM TREATMENT MANHOLE
- PROPOSED OUTLET STRUCTURE
- PROPOSED DRAINAGE PIPE
- PROPOSED DRAINAGE SWALE
- PROPOSED HAYBALE PROTECTION
- PROPOSED SILT FENCE
- PROPOSED 12" WATER MAIN
- PROPOSED HYDRANT
- PROPOSED SEWER SERVICE
- PROPOSED GAS SERVICE
- PROPOSED UNDERGROUND EL. & TELE



SITE PLAN APPROVAL NOTES

- THE HANNAFORD FOOD & DRUG SITE PLAN, NEW WINDSOR PLANNING BOARD (NWPB) APPLICATION 00-15, REQUIRES THE CONCURRENT APPROVAL OF SITE PLAN AMENDMENTS FOR TWO ADJUTING PROPERTIES, IDENTIFIED AS AMENDED SITE PLAN, MONRO MUFFLER BRAKE, INC., NWPB APPLICATION 00-22, AND AMENDED SITE PLAN, FORMER LONG JOHN SILVER RESTAURANT, NWPB APPLICATION 00-21. ALL SITE IMPROVEMENTS FOR THE THREE APPLICATIONS ARE SHOWN IN THIS DRAWING SET ENTITLED "SITE DEVELOPMENT PLANS FOR MARTIN'S FOODS OF SOUTH BURLINGTON, INC., HANNAFORD FOOD & DRUG, TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK", CONSISTING OF 15 SHEETS, LAST REVISED APRIL 12, 2002. UPON COMPLETION OF ALL CONSTRUCTION, THE HANNAFORD FOOD AND DRUG SITE WILL RETAIN RIGHTS FOR STORMWATER DRAINAGE OVER THE FORMER LONG JOHN SILVER RESTAURANT SITE, AND ACCESS AND UTILITY RIGHTS ENCUMBERING PORTIONS OF THE MONRO MUFFLER BRAKE, INC. SITE.
- THE IMPROVEMENTS SHOWN HEREON ARE AN OFF-SITE OBLIGATION OF THE HANNAFORD SITE PLAN, AND ALL WORK SHALL BE COMPLETE PRIOR TO THE REQUEST FOR A CERTIFICATE OF OCCUPANCY AT THE HANNAFORD BUILDING.



TECTONIC PLANNING ENGINEERING SURVEYING CONSTRUCTION MANAGEMENT
TECTONIC Engineering & Surveying Consultants P.C. Phone: (845) 534-5999
P.O. Box 37, 70 Pleasant Hill Road Fax: (845) 534-5999
Monticello, NY 12553 www.tectonicengineering.com

AMENDED SITE PLAN
MONRO MUFFLER BRAKE INC.
NYS ROUTE 94
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date: 11/2/00 Work Order: 2586.01 Drawing No: C-102A Rev: 4
Scale: 1"=20'

Rev.	Date	Revision	DRAWING CONTROL			
			Designed by:	Drawn by:	Checked by:	Rev.
1	01/17/01	GENERAL REVISIONS				
2	4/12/02	GENERAL REVISIONS				
3	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW				
4	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE				



BULK REQUIREMENTS

TOWN OF NEW WINDSOR - DESIGN SHOPPING (C)
USE: RESTAURANT

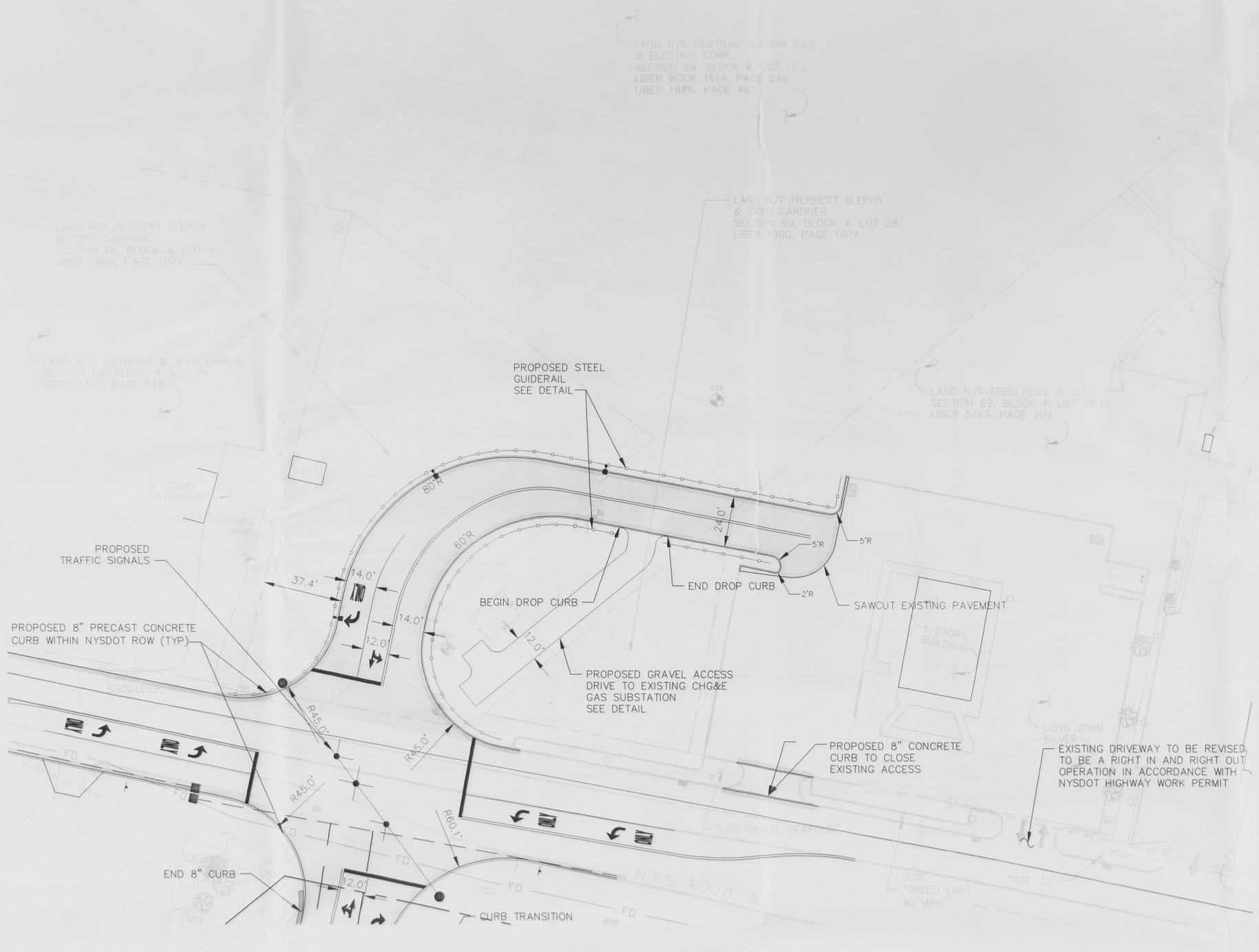
MINIMUM REQUIREMENTS	REQUIRED	8/11/76 APPROVAL	PROPOSED
LOT AREA	40,000 SF	46,827 SF	46,827 SF
LOT WIDTH	200 FEET	200 FEET	200 FEET
FRONT YARD DEPTH	60 FEET	60 FEET	60 FEET
SIDE YARD	30 FEET	78 FEET	78 FEET
TOTAL BOTH YARDS	70 FEET	90 FEET	90 FEET
REAR YARD DEPTH	30 FEET	113 FEET	113 FEET
STREET FRONTAGE	NA	200 FEET	200 FEET
MAXIMUM ALLOWABLE			
BUILDING HEIGHT	30 FEET	17 FEET	17 FEET
FLOOR AREA RATIO	0.5	0.03	0.03

PARKING REQUIREMENTS

MINIMUM REQUIREMENTS	REQUIRED	8/11/76 APPROVAL	PROPOSED
RESTAURANTS, EATING AND DRINKING ESTABLISHMENTS 1 SPACE FOR EACH 3 SEATING CAPACITY	40 SPACES	40 SPACES	40 SPACES

GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, PC COMPLETED ON 3/08/00 AND AN APPROVED SITE PLAN PREPARED BY HUDSON VALLEY ASSOCIATES DATED 8/12/76 LAST REVISED 9/7/76.
- APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC. PO BOX 1000 PORTLAND, ME 04104
- OWNER: TAX LOT 69-4-26-12 FRED PLUS 3, LLC 95 LAKE ROAD WARREN, CT 06754
TAX LOT 69-4-25 HERBERT SLEPOY & FRED GARDNER 95 LAKE ROAD WARREN, CT 06754
TAX LOT 69-4-28 HERBERT SLEPOY & FRED GARDNER 95 LAKE ROAD WARREN, CT 06754
TAX LOT 69-4-19-2 CENTRAL HUDSON GAS & ELECTRIC 284 SOUTH AVENUE Poughkeepsie, NY 12601



LEGEND

- EXISTING CONTOUR LINE
- EXISTING INDEX CONTOUR LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING CURB
- EXISTING YELLOW LINE
- EXISTING WHITE LINE
- EXISTING OVERHEAD WIRES
- EXISTING CHAINLINK FENCE
- EXISTING PROPERTY LINE
- EXISTING ADJOINING PROPERTY LINE
- EXISTING LIGHTPOLE
- EXISTING UTILITY POLE
- EXISTING GUY POLE
- EXISTING BOLLARD
- EXISTING SANITARY SEWER MANHOLE
- EXISTING MONITORING WELL
- EXISTING MANHOLE
- EXISTING DRAINAGE MANHOLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING HYDRANT
- EXISTING MAPLE TREE
- EXISTING ASH TREE
- EXISTING LOCUST TREE
- EXISTING IRON PIN FOUND
- EXISTING SPIKE FOUND
- EXISTING NYS MON FOUND
- EXISTING DOUBLE POLE SIGN
- EXISTING SINGLE POLE SIGN
- EXISTING WETLANDS FLAG NUMBER
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SITE PLAN APPROVAL NOTES

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Phone: (845) 534-9959 Fax: (845) 534-9998 www.tectoniceengineering.com

AMENDED SITE PLAN

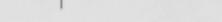
FORMER LONG JOHN SILVER RESTAURANT
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date: 11/9/00	Work Order: 2586.01	Sheeting No.: C-102B	Rev: 4
Scale: 1"=20'			

Rev	Date	Revision	Approved	Designed by: RW/280	Drawn by: JMS	Checked by: RW	Released by:	Date:
1	01/17/01	GENERAL REVISIONS						
2	4/12/02	GENERAL REVISIONS						
3	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW						
4	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE						

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GENERAL NOTES

1. THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, P.C. COMPLETED ON 3/08/00.

LEGEND

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ZONE DESIGN SHOPPING (C)
ZONE R-4 (SUBURBAN RESIDENTIAL)

DRAINAGE STRUCTURE TABLE

STRUCTURE #	ELEVATION	INVERT IN	INVERT OUT	
TD-1	294.50	NA	291.50	
CB-1	294.00	291.17	290.87	
CB-2	300.50	289.14	289.14	
CB-3	298.30	286.77	286.27	
CB-4	297.50	285.81	285.81	
CB-5	295.00	284.23	284.23	
CB-6	295.00	283.63	283.63	
CB-7	295.00	283.04 (CB-1)	283.00	
CB-3	CB-4	24	1.0%	46
CB-4	CB-5	24	1.0%	158
CB-6	CB-6	24	1.0%	59
CB-6	CB-7	24	1.0%	59
CB-7	STMH-1	24	1.0%	4
TD-2	CB-19	12	1.0%	76
CB-19	CB-18	18	1.0%	198
CB-18	CB-8	18	1.0%	147
CB-8	CB-7	18	1.0%	59
CB-9	CB-10	12	1.0%	60
CB-10	CB-11	12	1.0%	60
CB-11	CB-12	15	1.0%	70
CB-13	CB-12	12	1.0%	60
CB-12	STMH-2	15	1.0%	31
STMH-2	DET-1	18	1%	(17)
OS-1	CB-17	15	1.0%	154
ECB-2	CB-17	15	1.0%	28
DMH-3	DMH-3	15	0.5%	17
DMH-3	CB-16	15	0.5%	125
CB-16	CB-15	15	0.5%	22
CB-14	CB-14	15	0.1%	42
CB-14	CB-15	15	0.25	80
CB-15	STMH-3	15	0.5%	10
STMH-3	DET-2	30	0.5%	2
OS-2	DMH-2	18	0.5%	6
FES-3	CB-21	15	4%	48
FES-1	FES-2	12	6.5%	23
FES-3	CB-21	12	4.0%	6
CB-21	CB-22	12	4.0%	20
CB-22	FES-4	12	4.0%	15

STORM DRAINAGE PIPE TABLE

DIRECTION	SIZE	SLOPE	LENGTH	
FROM	TO	(IN)	(FT)	
TD-1	CB-1	12	1.0%	33
CB-1	CB-2	18	1.0%	153
CB-2	CB-3	18	1.0%	237
CB-3	CB-4	24	1.0%	46
CB-4	CB-5	24	1.0%	158
CB-6	CB-6	24	1.0%	59
CB-6	CB-7	24	1.0%	59
CB-7	STMH-1	24	1.0%	4
TD-2	CB-19	12	1.0%	76
CB-19	CB-18	18	1.0%	198
CB-18	CB-8	18	1.0%	147
CB-8	CB-7	18	1.0%	59
CB-9	CB-10	12	1.0%	60
CB-10	CB-11	12	1.0%	60
CB-11	CB-12	15	1.0%	70
CB-13	CB-12	12	1.0%	60
CB-12	STMH-2	15	1.0%	31
STMH-2	DET-1	18	1%	(17)
OS-1	CB-17	15	1.0%	154
ECB-2	CB-17	15	1.0%	28
DMH-3	DMH-3	15	0.5%	17
DMH-3	CB-16	15	0.5%	125
CB-16	CB-15	15	0.5%	22
CB-14	CB-14	15	0.1%	42
CB-14	CB-15	15	0.25	80
CB-15	STMH-3	15	0.5%	10
STMH-3	DET-2	30	0.5%	2
OS-2	DMH-2	18	0.5%	6
FES-3	CB-21	15	4%	48
FES-1	FES-2	12	6.5%	23
FES-3	CB-21	12	4.0%	6
CB-21	CB-22	12	4.0%	20
CB-22	FES-4	12	4.0%	15

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Rev	Date	Revision	Approved	Designed	Drawn	Checked	Reviewed
1	01/17/01	REVISED RT. 94 ENTRANCE. ADDED LONG JOHN SILVER'S ACCESS IMPROVEMENTS					
2	4/12/02	GENERAL REVISIONS					
3	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW					
4	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE					

TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C.
 1000 Mountainville, NY 10953
 Phone: (845) 534-5559
 Fax: (845) 534-5559
 www.tectonicengineering.com

GRADING, DRAINAGE & EROSION CONTROL PLAN

HANNAFORD FOOD & DRUG
 NYS ROUTE 32
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

Date: 9/26/00
 Work Order: 2586.01
 Drawing No: C-103
 Rev: 4

NEW WINDSOR PLANNING BOARD SHEET 7 OF 15

GENERAL NOTES

1. THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, PC COMPLETED ON 3/08/00.

LEGEND

- EXISTING CONTOUR LINE
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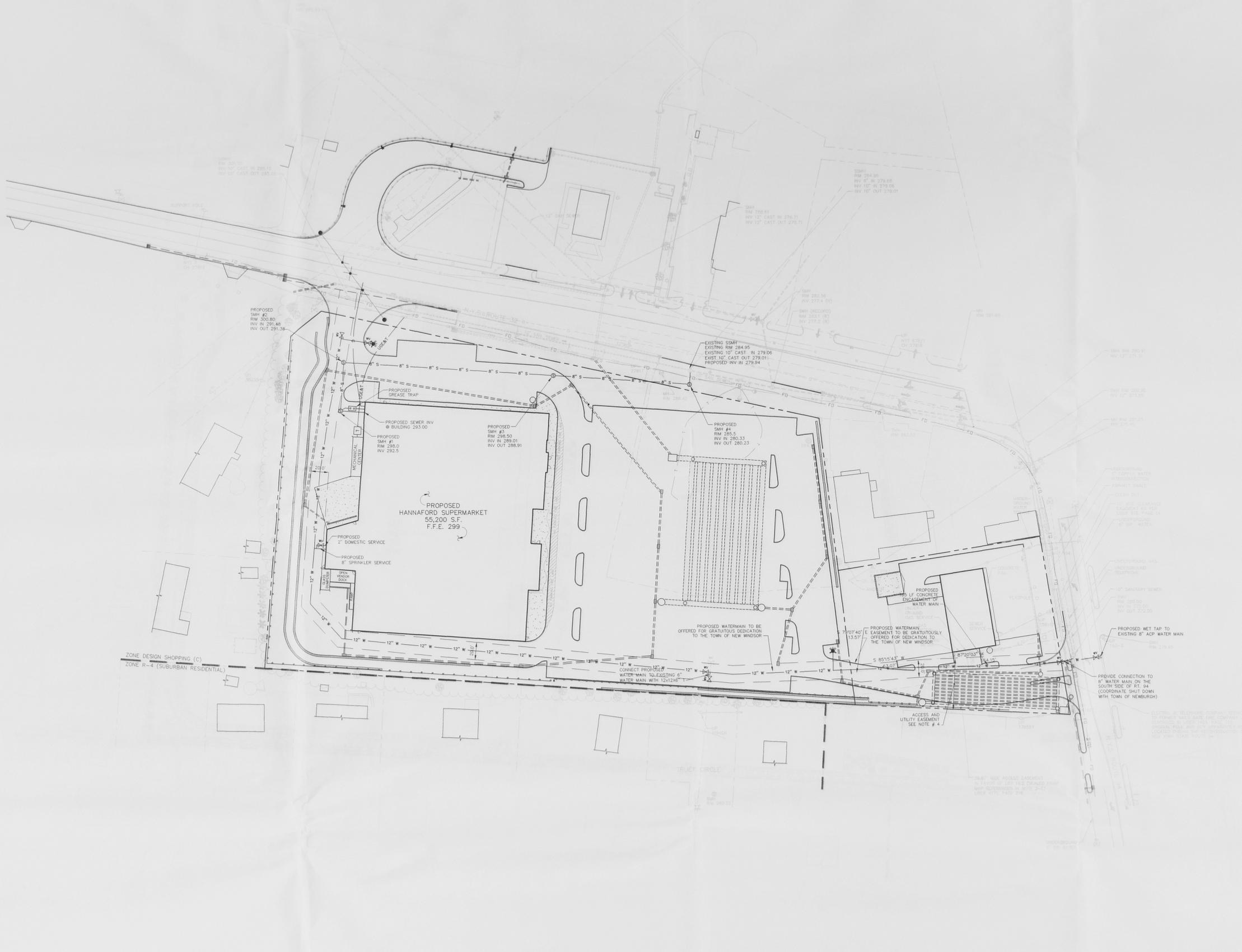
UTILITY PLAN			
HANNAFORD FOOD & DRUG NYS ROUTE 32 TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK			
Date	Mark Order	Drawing No.	Rev.
03/17/04	2586.01	C-104	3
Scale: 1"=40'			

Rev	Date	Revision	Approved	DRAWING CONTROL			
				Designed by	Drawn by	Checked by	ESB
1	4/12/02	GENERAL REVISIONS			JMS		
2	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW					
3	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE					

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ORIGINAL SIZE IN INCHES



ZONE DESIGN SHOPPING (C)
 ZONE R-4 (SUBURBAN RESIDENTIAL)

CONNECT PROPOSED WATER MAIN TO EXISTING 6\"/>

PROVIDE CONNECTION TO 8\"/>

EXISTING 4\"/>

16\"/>

TOWN OF NEW WINDSOR
 PLANNING BOARD APPROVAL BLOCK

GENERAL NOTES

1. THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, P.C. COMPLETED ON 3/08/00.

PLANT MATERIAL SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	CONDITION
○	O	Quercus palustris	Pin Oak	8	2 1/2" - 3"	B+8
○	S	Spiraea japonica	Spiraea	42	18" - 24"	CONT
○	F	Ficus virens	Fig	3	2" - 2 1/2"	B+8
○	D	Cornus florida	Dogwood	10	2" - 2 1/2"	B+8
○	F	Fraxinus pennsylvanica	Dogwood Fr	8	5" - 6"	B+8
○	W	Pinus strobus	White Pine	28	5" - 6"	B+8
○	N	Picea canadensis	Norway Spruce	77	6" - 8"	B+8
○	V	Viburnum opulus	Viburnum	41	18" - 24"	B+8
○	PN	Parthenociss	Seasonal Parthenociss	NA		CONT/RELI
○	BB	Eucalyptus globulus compacta	Dwarf Burning Bush	19	24" - 30"	B+8
○	BA	Malva pennsylvanica	Bokery	6	24" - 30"	B+8
○	RB	Cercis canadensis	Red Bud	10	6" - 8"	B+8
○	H	Hamamelis v.	Holly	95	2" - 4"	B+8
○	Y	Taxus media	Yellow Pine	19	24" - 30"	B+8
○	SU	Rhus aromatica	Sweetgum	NA	18" - 24"	CONT
○	CB	Fagus sylvatica stratiocarpa	Copper Beech	1	3" - 4"	B+8
○	J	Juniperus horizontalis	Juniper	295	18" - 24"	CONT
○	HL	Hemerocallis sp.	Day Lily	NA		B+8
○	P	Thuja occidentalis	Arborvitae	22	2" - 4"	B+8
○	N	Desmodium illinoense	Black Money Locust	13	2-1/2" - 3"	B+8

LEGEND

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- PROPOSED DRAINAGE SWALE
- PROPOSED HAYBALE PROTECTION
- PROPOSED SILT FENCE
- 12" W PROPOSED 12" WATER MAIN
- 8" S PROPOSED 8" SEWER
- G PROPOSED GAS SERVICE
- U&E&T PROPOSED UNDERGROUND EL & TELE

TOWN OF NEW WINDSOR
PLANNING BOARD APPROVAL BLOCK

APPROVAL QUARTER SEALS FOR COMMENTS

DATE: 01/17/01

BY: [Signature]

TECTONIC ENGINEERING & SURVEYING CONSULTANTS P.C.

PLANNING
SURVEYING
LANDSCAPING
CONSTRUCTION MANAGEMENT

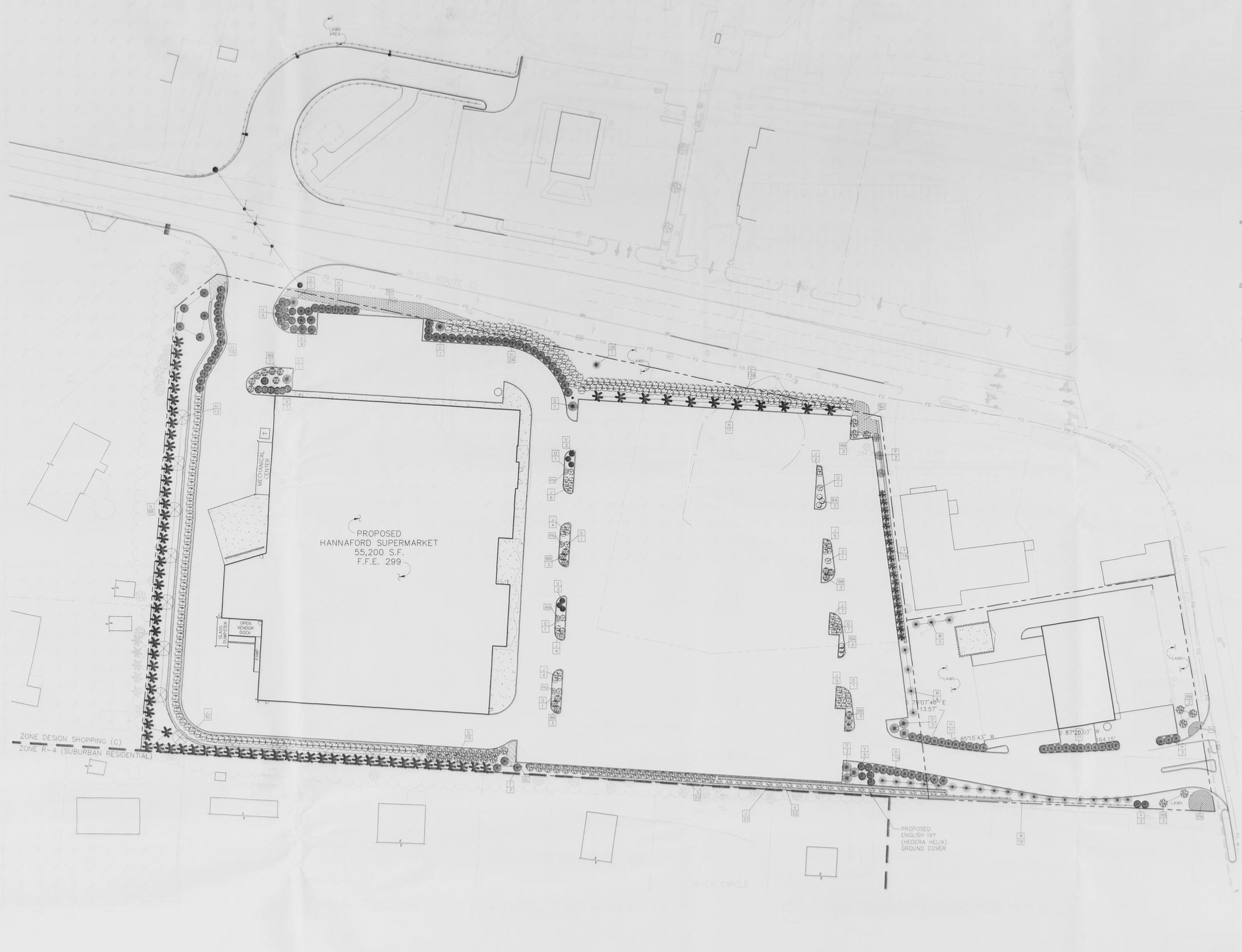
P.O. Box 37, 70 Pleasant Hill Road
Mountville, NY 13953

Phone: (845) 534-5999
Fax: (845) 534-5999
www.tectonicengineering.com

LANDSCAPING PLAN

HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date	01/17/01	Sheet	2586.01	Sheet No.	C-105	Rev.	2
Scale	1"=30'						



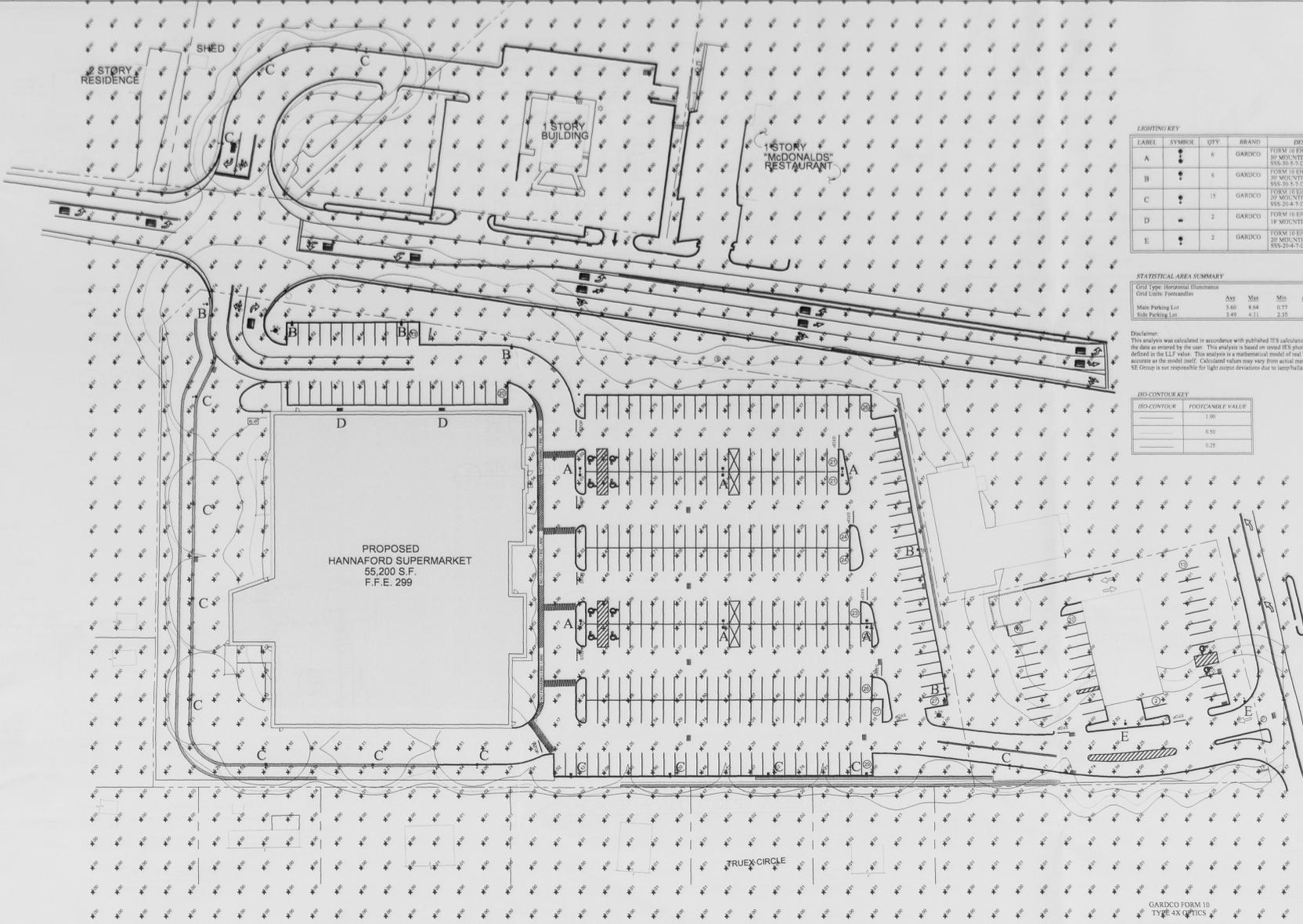
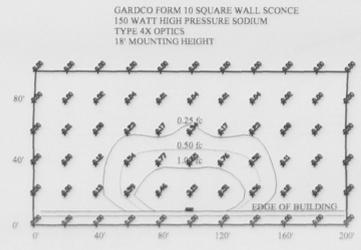
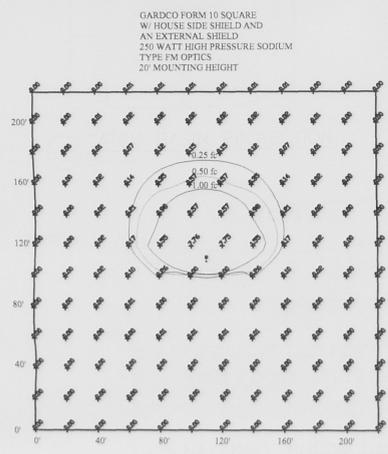
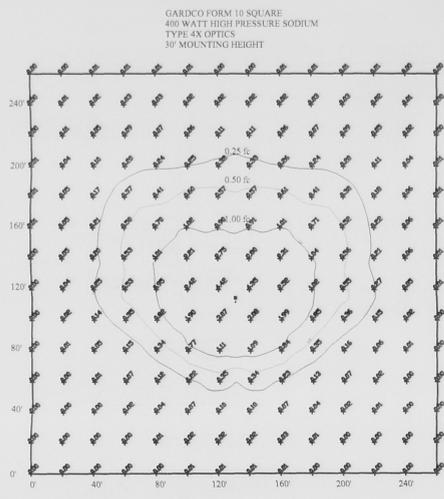
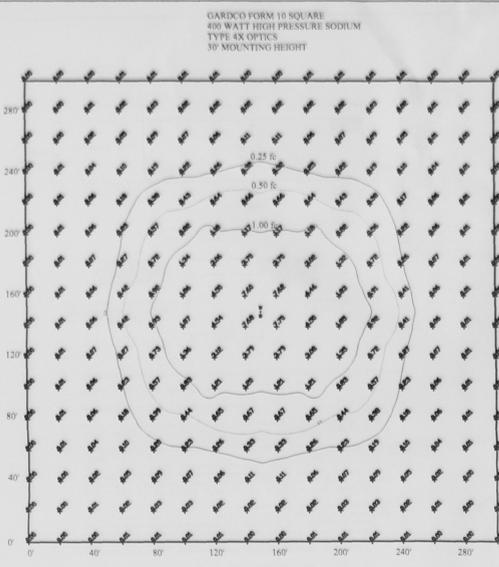
Rev	Date	Revision	Approved	DRAWING CONTROL			
1	4/12/02	GENERAL REVISIONS		Designed By	Drawn By	Checked By	Reviewed By
2	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE		Purpose	Released by	Date	
				For Comment			
				For Approval			
				For Bid			
				For Construction			

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ORIGINAL SIZE IN INCHES

207



LIGHTING KEY

LABEL	SYMBOL	QTY	BRAND	DESCRIPTION	CONFIGURATION	DISTRIBUTION	LAMP WATTAGE
A	●	6	GARDCO	FORM 10 EH 30' MOUNTING HEIGHT SS-35-57-D3-BEP-DK	2@180'	TYPE 4X	400 WATT High Pressure Sodium
B	●	6	GARDCO	FORM 10 EH 30' MOUNTING HEIGHT SS-35-57-D3-BEP-DK	SINGLE	TYPE 4X	400 WATT High Pressure Sodium
C	●	15	GARDCO	FORM 10 EH 30' MOUNTING HEIGHT SS-35-57-D3-BEP-DK	SINGLE	TYPE FM w/ HSS & External Shield	250 WATT High Pressure Sodium
D	●	2	GARDCO	FORM 10 EH 18' MOUNTING HEIGHT	SINGLE	TYPE 4X	150 WATT High Pressure Sodium
E	●	2	GARDCO	FORM 10 EH 30' MOUNTING HEIGHT SS-35-57-D3-BEP-DK	SINGLE	TYPE 4X	400 WATT High Pressure Sodium

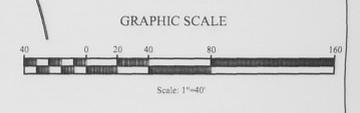
STATISTICAL AREA SUMMARY

Grid Type: Horizontal Illuminance	Ave	Max	Min	Ave/Min	Max/Min
Main Parking Lot	3.60	8.44	0.77	4.48	11.17
Side Parking Lot	3.49	6.31	2.35	1.48	1.74

Disclaimer:
This analysis was calculated in accordance with published IES calculation methods and procedures with the data as entered by the user. This analysis is based on tested IES photometric data, light loss factors as defined in the IES file. The analysis is a mathematical model of real life situations, and it can be only as accurate as the model itself. Calculated values may vary from actual measurements in certain situations. SE Group is not responsible for light output deviations due to lamp failure conditions or other variables.

IES-CONTOUR KEY

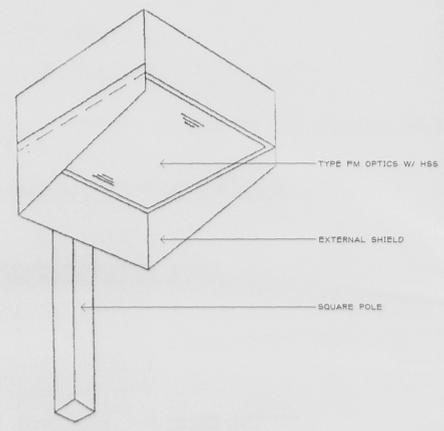
IES-CONTOUR	FOOTCANDLE VALUE
—	1.00
—	0.50
—	0.25



LIGHT POLE ELEVATION
SCALE: 1/4"=1'-0"



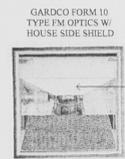
LIGHT POLE ELEVATION
SCALE: 1/4"=1'-0"



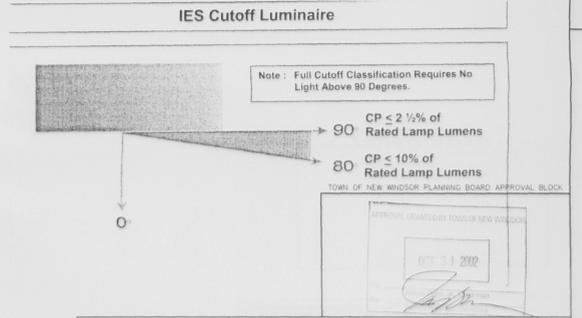
ISOMETRIC VIEW: EXTERNAL SHIELD
N.T.S.



Type 4X optics produce an asymmetrical distribution pattern that directs the majority of the light forward and equally on both sides of the luminaire.



INTERNAL HOUSE SIDE SHIELD (HSS)
Type FM optics distribute the majority of light in front of the luminaire with sharp cut-off of the pattern behind the luminaire.



TOWN OF NEW WINDSOR
PLANNING BOARD APPROVAL BLOCK

Rev	Date	Reason	Approved	Designed by	Drawn by	Checked by
1	03/19/02	Add three light fixtures along entry drive from Route 94.	m.w.			
2	03/31/02	Add three poles to new access drive off from NYS Route 32.	m.w.			
3	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE				

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ORIGINAL SIZE: 36 INCHES

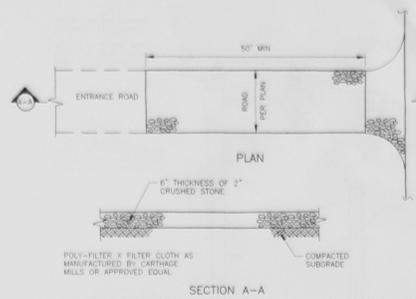
TECTONIC ENGINEERING CONSULTANTS P.C.
P.O. Box 37, 70 Pleasant Hill Road
Mountville, NJ 10953 (845) 534-5859

SE GROUP
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LIGHTING PLAN
HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date: 12/12/00
Scale: 1"=40'
Work Order: 2586.01
Drawing No.: C-106
Rev: 3

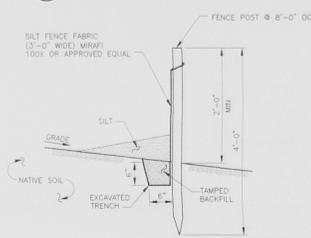
NEW WINDSOR PLANNING BOARD SHEET 10 OF 15



- NOTES:**
- STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT
 - LENGTH - NOT LESS THAN 50 FEET
 - THICKNESS - NOT LESS THAN SIX INCHES
 - WIDTH - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. 24 FOOT W SINGLE ENTRANCE TO SITE.
 - FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE
 - SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE, IF PIPING IS IMPRACTICAL A MOUNTAINABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
 - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRED PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
 - WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
 - PERIODIC INSPECTIONS AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE

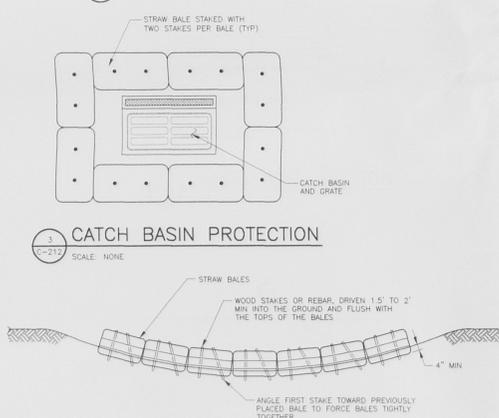
SCALE: N.T.S.



- NOTES:**
- SILT FENCE TO BE MAINTAINED IN PLACE DURING CONSTRUCTION AND SOIL STABILIZATION PERIOD.

SILT FENCE

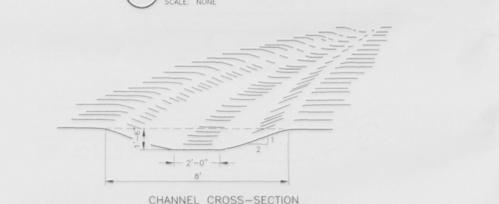
SCALE: NONE



- NOTES:**
- BIND ALL BALES SECURELY WITH WIRE OR STRING AND INSTALL SO THE BRIDGES ARE ORIENTED HORIZONTALLY AROUND THE BALES.
 - EXTEND BARRIER SO THAT THE BOTTOM OF THE END BALES ARE HIGHER IN ELEVATION THAN THE TOP OF THE LOWEST MIDDLE BALE OR EXTEND TO THE TOP OF THE BANK, WHICHEVER IS LESS.
 - INSPECT BALE DIVES FREQUENTLY AND REMOVE SEDIMENT ACCUMULATIONS WHEN THE SEDIMENT REACHES A DEPTH OF 1/2 THE BALE DOME HEIGHT.

HAY BALE CHECK DAM

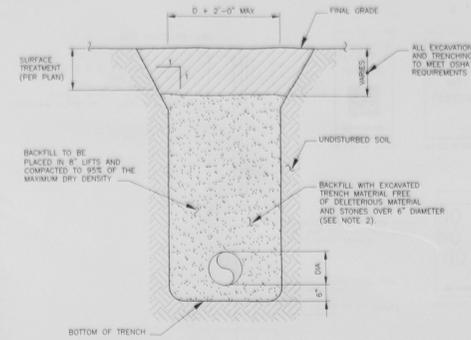
SCALE: NONE



- CONSTRUCTION SPECIFICATIONS:**
- ALL TREES, BRUSH, STUMPS, OBSTRUCTIONS AND OTHER OBJECTIONABLE SHALL BE REMOVED AND DISPOSED OF 50' AS NOT TO INTERFERE WITH THE PROPER FUNCTIONING OF THE WATERWAY.
 - THE WATERWAY SHALL BE ENLARGED OR SHAPED TO LINE GRADE AND CROSS SECTION AS REQUIRED TO MEET THE CRITERIA SPECIFIED HEREIN, AND BE FREE OF BANK PROJECTIONS OR OTHER IRREGULARITIES WHICH WILL IMPIDE NORMAL FLOW.
 - ALL EARTH REMOVED AND NOT NEEDED IN CONSTRUCTION SHALL BE SPREAD OR DISPOSED OF 50' THAT IT WILL NOT INTERFERE WITH THE FUNCTIONING OF THE WATERWAY.
 - FILL SHALL BE COMPACTED AS NEEDED IN CONSTRUCTION TO PREVENT UNEQUAL SETTLEMENT THAT WOULD CAUSE DAMAGE IN THE COMPLETED WATERWAY.
 - STABILIZATION SHALL BE DONE ACCORDING TO THE APPROPRIATE STANDARDS AND SPECIFICATIONS FOR VEGETATIVE PRACTICES. SEEDING AND MULCHING SHALL BE USED FOR ESTABLISHMENT OF THE VEGETATION. VEGETATION PROVIDED SHALL BE REED CANNAROGOS, TALL FESCUE, KENTUCKY BLUEGRASS OR AN APPROVED EQUAL.

GRASSED SWALE DETAIL

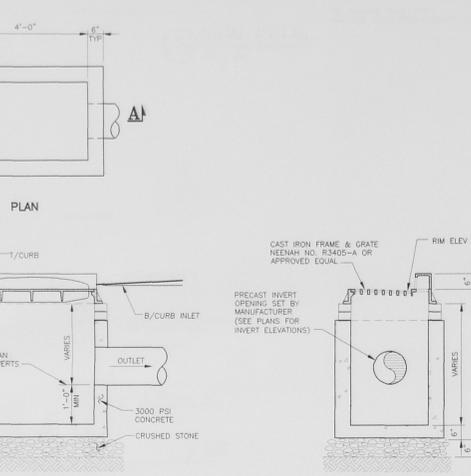
SCALE: NONE



- NOTES:**
- ALL FILL BELOW GRADE AND PAVEMENT TO BE COMPACTED TO 95% MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557
 - BACKFILL UNDER ALL PAVED AREAS SHALL BE RUN-OF-BANK GRAVEL FOR THE FULL DEPTH.
 - ALL DRAINAGE PIPE SHALL BE HDPE WITH A SMOOTH INVERT.

DRAINAGE PIPE TRENCH

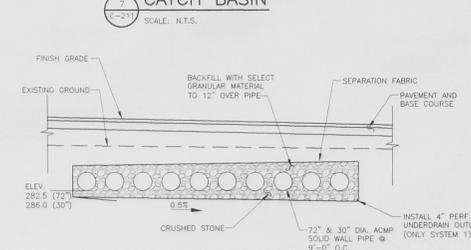
SCALE: N.T.S.



- NOTES:**
- BACKFILL AROUND CATCH BASIN TO BE COMPACTED IN MAX 9" LIFTS
 - PRECAST ALUMINUM STEPS SHALL BE PROVIDED FOR ALL BASINS GREATER THAN FOUR FEET IN DEPTH.
 - FOR CATCH BASINS LOCATED IN LANDSCAPE AREAS USE FLAT INLET CAMPBELL FOUNDRY NO. 3433 OR EQUAL.

CATCH BASIN

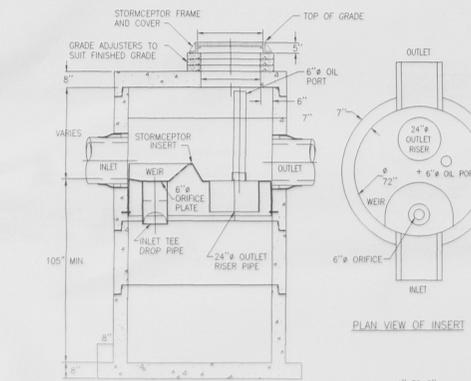
SCALE: N.T.S.



- NOTES:**
- INSTALL 4\"/>

SECTION THRU DETENTION AREA PIPING

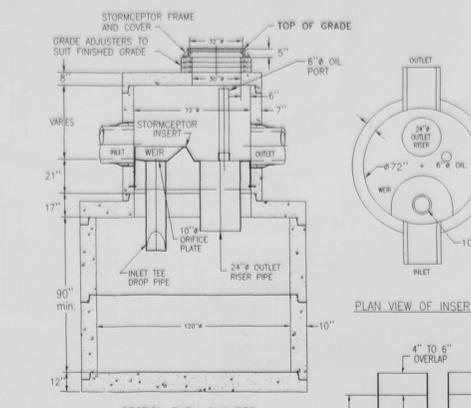
SCALE: N.T.S.



- NOTE:**
- THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
 - THE COVER SHOULD BE POSITIONED OVER THE 24\"/>

STORMWATER TREATMENT STRUCTURE STC 1800

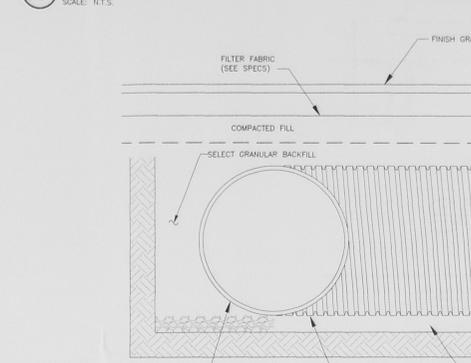
SCALE: N.T.S.



- NOTE:**
- THE USE OF FLEXIBLE CONNECTIONS IS RECOMMENDED AT THE INLET AND OUTLET WHERE APPLICABLE.
 - THE COVER SHOULD BE POSITIONED OVER THE 24\"/>

STORMWATER TREATMENT STRUCTURE STC 4800

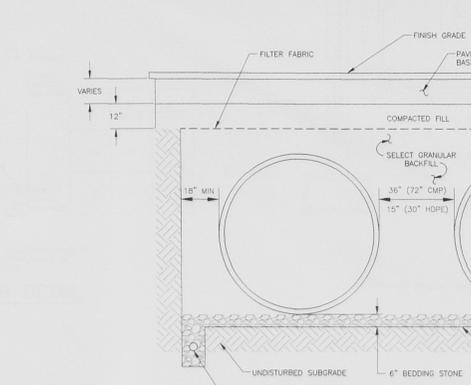
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- NOTES:**
- 72\"/>

HEADER & TEE ACCESS RISER DETAIL

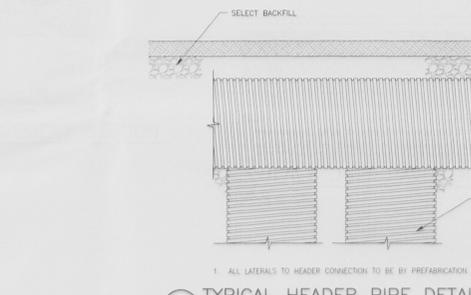
SCALE: N.T.S.



- NOTES:**
- ALL LATERALS TO HEADER CONNECTION TO BE BY PREFABRICATED.

TYPICAL SUBSURFACE STORAGE CROSS SECTION

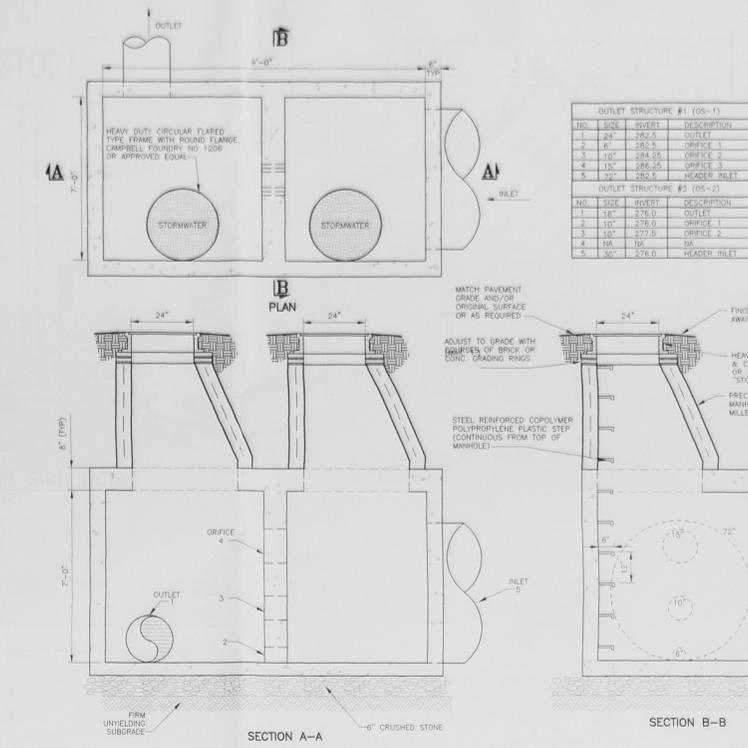
SCALE: N.T.S.



- NOTES:**
- 72\"/>

TYPICAL HEADER PIPE DETAIL

SCALE: N.T.S.



- NOTES:**
- OUTLET STRUCTURE SHALL BE 4000 PSI PRE-CAST CONCRETE CAPABLE OF WITHSTANDING H=20 LOADINGS.
 - PRECAST ALUMINUM STEPS SHALL BE PROVIDED FOR ALL BASINS GREATER THAN FOUR FEET IN DEPTH.

DETENTION SYSTEM OUTLET STRUCTURE

SCALE: N.T.S.

EROSION AND SEDIMENTATION CONTROL NOTES

- SITE DISTURBANCE SHALL BE LIMITED TO THE MINIMUM NECESSARY GRADING AND VEGETATION REMOVAL REQUIRED FOR CONSTRUCTION.
- TEMPORARY EROSION CONTROL MEASURES, INCLUDING SILT FENCES AND/OR STRAW BALE DIKES, DRAINAGE STRUCTURES, AND RIP-RAP PROTECTION SHALL BE INSTALLED PRIOR TO GROUND DISTURBANCE FOR GRADING AND CONSTRUCTION.
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED AS SOON AS PRACTICAL FOLLOWING DISTURBANCE TO STABILIZE BARE SOIL AND PROMOTE THE PROMPT RE-ESTABLISHMENT OF VEGETATION.
 - AN ADEQUATE SEEDBED SHALL BE PREPARED BY SCARIFYING COMPACTED SOIL AND REMOVING SURFACE DEBRIS AND OBSTACLES.
 - LIME SHALL BE APPLIED SUFFICIENTLY TO ATTAIN A SOIL ACIDITY PH OF 6.0 TO 7.0.
 - FERTILIZER (5-10-10 MIXTURE OR EQUIVALENT) SHALL BE APPLIED PER SOIL TEST RESULTS OR AT A RATE OF 600 LBS. PER ACRE.
 - DISTURBED AREAS WHICH WILL REMAIN TEMPORARILY FALLOW FOR PERIODS GREATER THAN 30 DAYS SHALL BE SEEDED AT THE FOLLOWING RATE TO PRODUCE TEMPORARY GROUND COVER: 30 LBS. RYEGRASS (ANNUAL OR PERENNIAL) PER ACRE. DURING THE WINTER, USE 100 LBS. CERTIFIED "AROSTOOK" WINTER RYE (CEREAL RYE) PER ACRE.
 - PERMANENT SEEDING SHALL BE APPLIED ON 4\"/>
- ALL DISTURBED AREAS SHALL BE STABILIZED SUBSEQUENT TO SEEDING BY APPLYING 2 TONS OF STRAW MULCH PER ACRE. STRAW MULCH SHALL BE ANCHORED BY APPLYING 750 LBS OF WOOD FIBER MULCH PER ACRE WITH A HYDROSEEDER, OR TUCKING THE MULCH WITH SMOOTH DISCS OR OTHER MULCH ANCHORING TOOLS TO A DEPTH OF 3\"/>
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES AND DRAINAGE STRUCTURES SHALL BE INSPECTED FOLLOWING EVERY RAIN EVENT, AND MAINTENANCE AND REPAIRS SHALL BE PERFORMED PROMPTLY TO MAINTAIN PROPER FUNCTION. TRAPPED SEDIMENT SHALL BE REMOVED AND DEPOSITED IN A PROTECTED AREA IN A PROPER MANNER WHICH WILL NOT RESULT IN EROSION.
- TEMPORARY CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED AND GROUND COVER IS COMPLETELY REESTABLISHED. FOLLOWING STABILIZATION, TEMPORARY MEASURES SHALL BE REMOVED TO AVOID INTERFERENCE WITH DRAINAGE.
- ALL STORM INLETS TO BE PROTECTED FROM SEDIMENTATION DURING CONSTRUCTION.
- SYNTHETIC OR ORGANIC SOIL STABILIZERS MAY BE USED UNDER SUITABLE CONDITIONS AND IN SUFFICIENT QUANTITIES.
- MULCH NETTING SUCH AS PAPER, JUTE, EXCELOR, COTTON OR PLASTIC MAY BE USED. STABLE IN PLACE OVER HAY OR STRAW MULCH. USE A DEGRADABLE NETTING IN AREAS TO BE MOWED.
- STABILIZATION OF STEEP SLOPES SHALL BE ACHIEVED BY APPLYING LIME AND FERTILIZER AS SPECIFIED ABOVE, AND SEEDING WITH THE FOLLOWING MIXTURE:

MATERIAL	lbs./ACRE
PERENNIAL RYE GRASS	30
CROWN VETCH	12
SPREADING FESCUE	25
- OPTIMUM SEEDING PERIODS ARE 3/15-6/1 AND 8/1-10/15.

Rev	Date	Revision	Approved	DRAWING CONTROL
1	4/12/02	ISSUED WITHOUT REVISION		Designed by: RW/JWS Drawn by: JWS Checked by: RW
2	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW		Purpose: Released by: Date:
3	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE		For Comment: Approved: For Bid: For Construction:

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Scale: ORIGINAL SIZE IN INCHES

TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL BLOCK

DATE: 11/17/01

WORK ORDER: 2566.01

DRAWING NO: C-111

REV: 3

TECTONIC

TECTONIC Engineering & Surveying Consultants P.C.
 37-70 Pleasant Hill Road
 Mountaineer, NY 10863

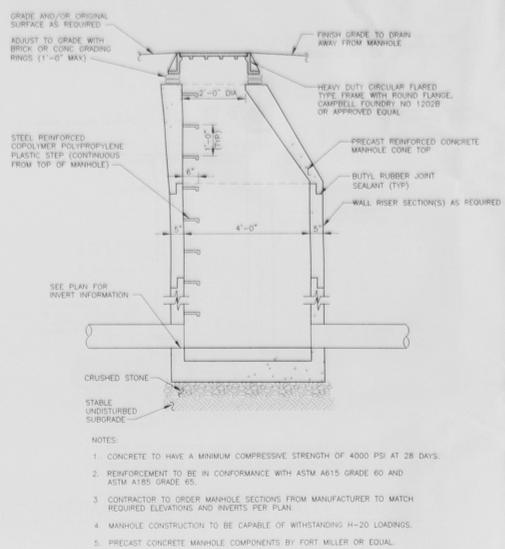
PLANNING
 ENGINEERING
 CONSTRUCTION MANAGEMENT

Phone: (845) 534-8888
 Fax: (845) 534-8989
 www.tectonicengineering.com

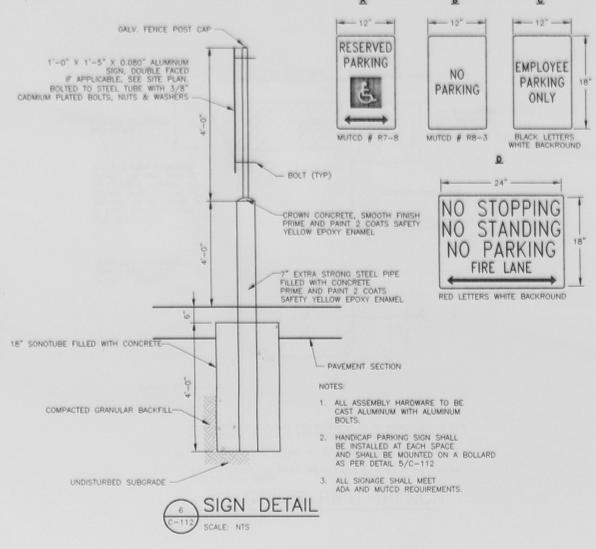
DETAILS

HANNAFORD FOOD & DRUG
 NYS ROUTE 32
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK

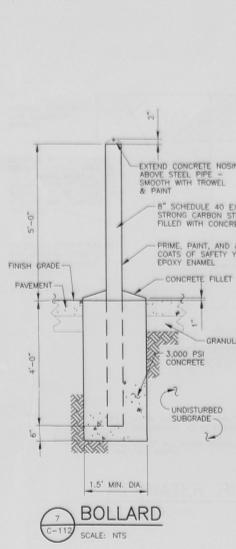
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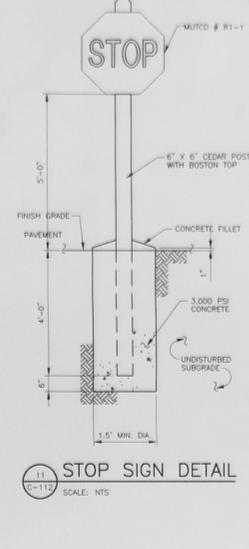
1 DRAINAGE MANHOLE
SCALE: 1/2" = 1'-0"



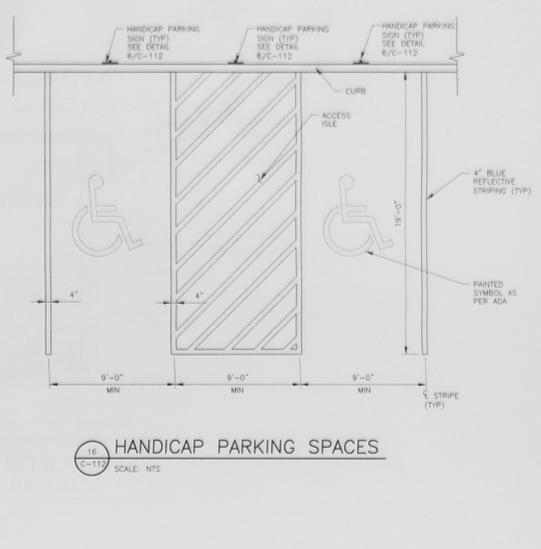
6 SIGN DETAIL
SCALE: NTS



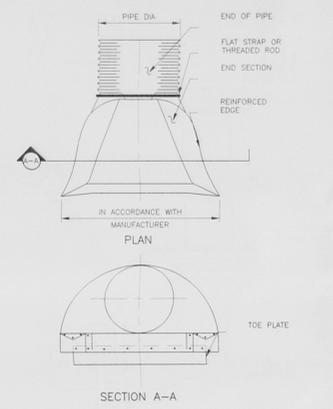
7 BOLLARD
SCALE: NTS



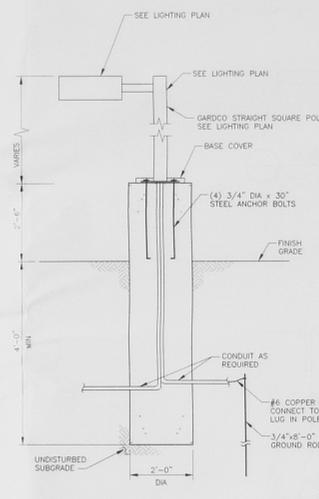
11 STOP SIGN DETAIL
SCALE: NTS



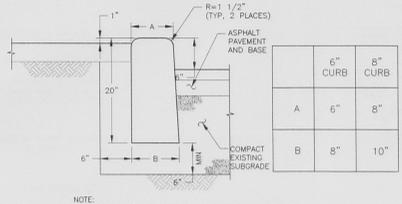
18 HANDICAP PARKING SPACES
SCALE: NTS



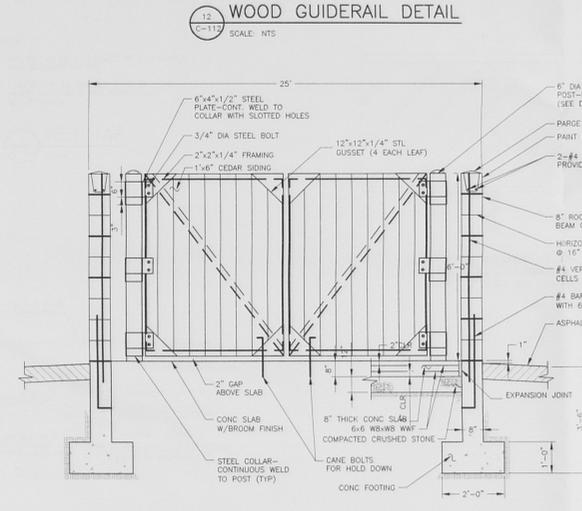
2 FLARED END SECTION
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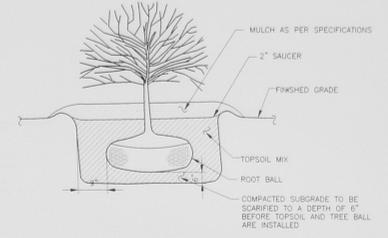
4 LIGHT BASE DETAIL
SCALE: NTS



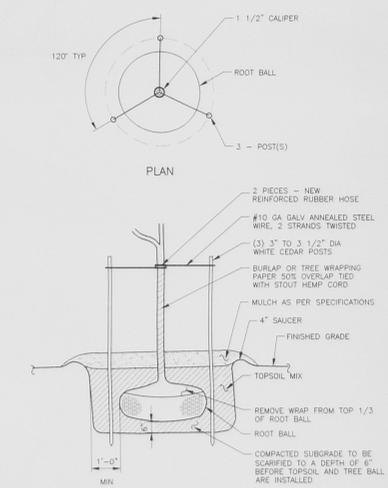
9 CONCRETE CURB DETAIL
SCALE: 1" = 1'-0"



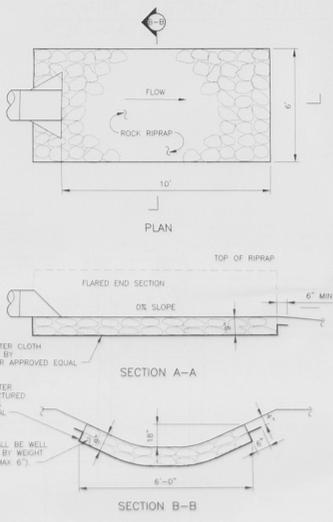
12 WOOD GUIDERAIL DETAIL
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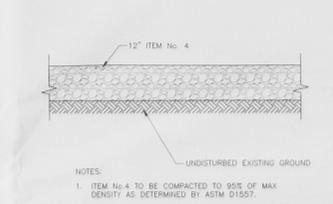
17 SHRUB DETAIL
SCALE: NTS



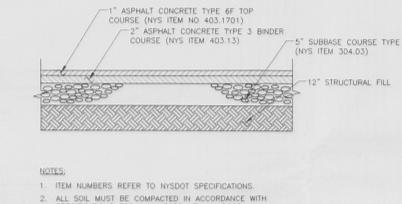
18 TYPICAL TREE PLANTING DETAIL
SCALE: NTS



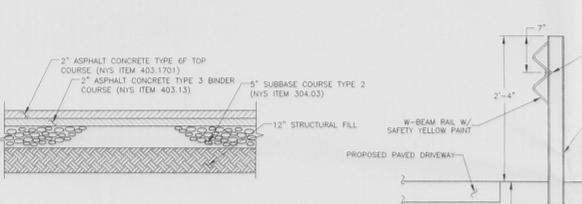
15 FES OUTLET PROTECTION
SCALE: NTS



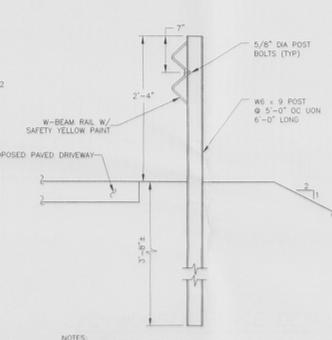
5 GRAVEL ROADWAY SECTION
SCALE: NONE



10 LIGHT DUTY PAVEMENT SECTION
SCALE: NTS



14 HEAVY DUTY PAVEMENT SECTION
SCALE: NTS



16 STEEL GUIDERAIL
SCALE: NTS

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Rev	Date	Revision	Approved	Checked	RB
1	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW			
2	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE			

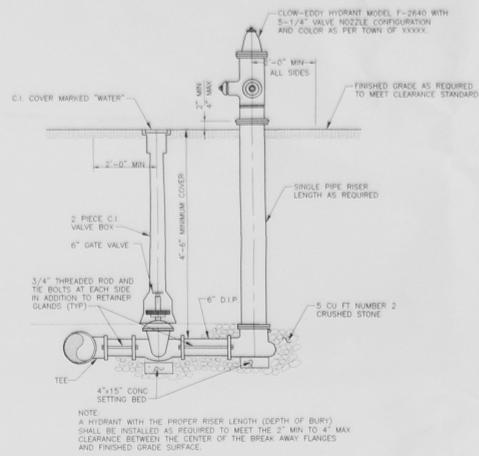
DRAWING CONTROL	
Designed by: RW/JWS	Drawn by: JWS
Checked by: RB	Released by: RB
For Comment:	Date:
For Approval:	
For Construction:	

TECTONIC PLANNING ENGINEERING & SURVEYING CONSULTANTS P.C.
P.O. Box 37, 70 Pleasant Hill Road, Mountville, NY 10903
Phone: (845) 534-9299 Fax: (845) 534-9899 www.tectonicengineering.com

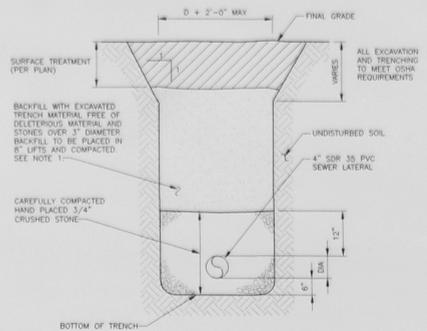
DETAILS

HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

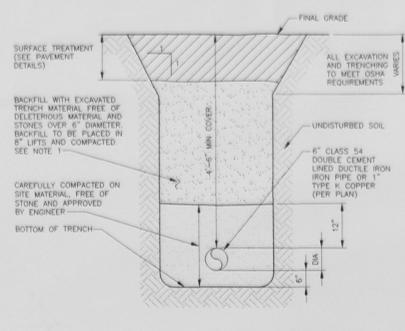
Date: 4/12/02 Work Order: 2586.01 Drawing No: C-112 Rev: 2



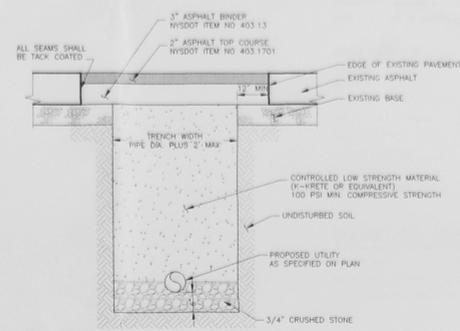
1 HYDRANT AND HYDRANT VALVE DETAIL
SCALE: NTS



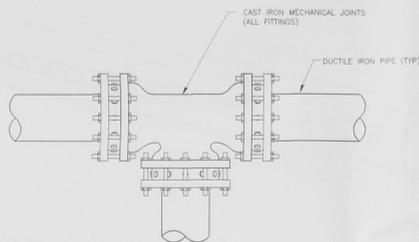
4 SEWER PIPE TRENCH
SCALE: NTS



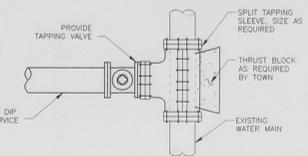
8 WATER PIPE TRENCH
SCALE: NTS



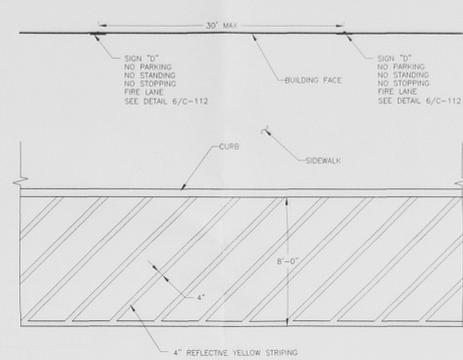
12 TRENCH DETAIL - WITHIN EXISTING PAVEMENT
SCALE: 1" = 1'-0"



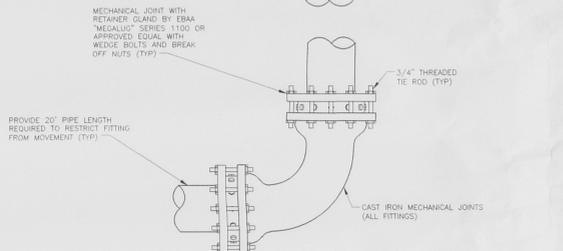
5 SEWER SERVICE CONNECTION
SCALE: NTS



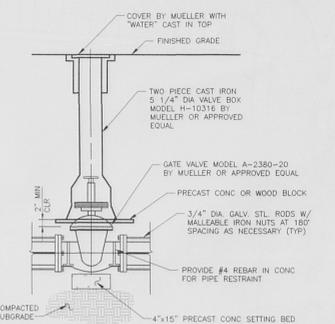
9 WET TAP
SCALE: NTS



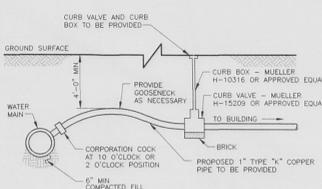
15 FIRELANE STRIPING DETAIL
SCALE: NTS



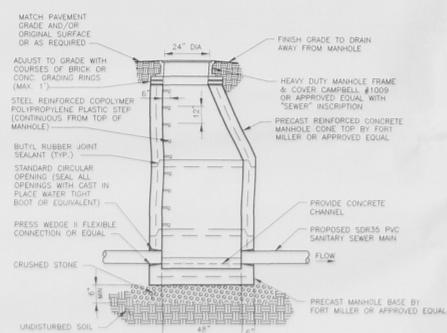
2 PIPE RESTRAINT DETAIL
SCALE: NTS



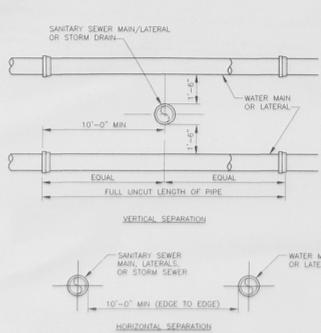
6 VALVE AND VALVE BOX DETAIL
SCALE: NTS



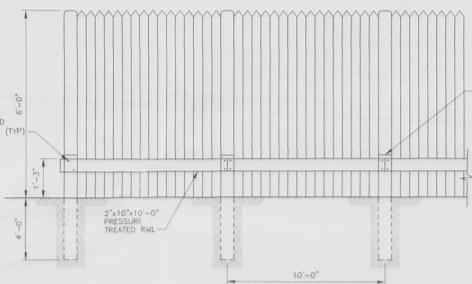
10 WATER SERVICE CONNECTION
SCALE: NTS



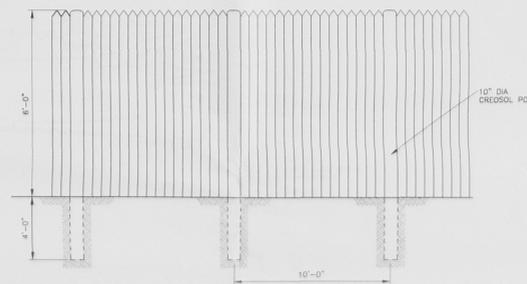
3 SEWER MANHOLE
SCALE: NTS



7 WATER/SEWER SEPARATION REQUIREMENTS
SCALE: NTS



11 WOODEN FENCE WITH GUIDERAIL DETAIL
SCALE: NTS



14 WOODEN FENCE DETAIL
SCALE: NTS



Rev	Date	Revision	Approved	Designed by	Drawn by	Checked by
1	4/12/02	REISSUED WITHOUT REVISION		RW/JWS	JWS	RW
2	7/23/02	REVISED PER ENGINEER AND CLIENT REVIEW				
3	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE				

TECTONIC Engineering & Surveying Consultants P.C.
 1 PLANNING
 2 DESIGNING
 3 SURVEYING
 4 CONSTRUCTION MANAGEMENT

2586.01
 C-113
 3

BULK REQUIREMENTS

TOWN OF NEW WINDSOR - DESIGN SHOPPING (C)

MINIMUM REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	40,000 SF	240,1894 SF
LOT WIDTH	200 FEET	3264 FEET
FRONT YARD DEPTH	60 FEET	60 FEET
SIDE YARD/BOTH YARDS	30/70 FEET	698/3818 FEET
REAR YARD DEPTH	30 FEET	508 FEET
MAXIMUM ALLOWABLE		
BUILDING HEIGHT	12' FT TO NEAREST LOT LINE = 42'	38 FEET
FLOOR AREA RATIO	0.5	0.224

PARKING REQUIREMENTS

BUILDING AREA: 55,200 S.F.
 TOTAL SPACES REQUIRED: (5.5 SPACES/1,000 S.F.) x (55,200 S.F.) = 304 SPACES
 TOTAL SPACES PROVIDED: 304 (INCLUDING 8 HANDICAPPED)

GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY TECTONIC ENGINEERING CONSULTANTS, PC COMPLETED ON 3/28/02
- AREA OF SUBJECT PARCELS: 5.514± ACRES
- APPLICANT: MARTIN'S FOODS OF SOUTH BURLINGTON, INC. PO BOX 1000 PORTLAND, ME 04104
- OWNER: TAX LOTS 70-1-16.1 AND 70-1-16.2 4 ACRES, LLC 104 SOUTH CENTRAL AVE SUITE 20 VALLEY STREAM, NY 11580-2443
 TAX LOT 70-1-2.21 TERRY SCOTT HUGHES C/O NORTHEASTERN AUTO SALES 981 LITTLE BRITAIN ROAD NEW WINDSOR, NY 12553

LEGEND

- EXISTING CONTOUR LINE
- EXISTING INDEX CONTOUR LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING CURB
- EXISTING YELLOW LINE
- EXISTING WHITE LINE
- EXISTING OVERHEAD WIRES
- EXISTING CHAINLINK FENCE
- EXISTING PROPERTY LINE
- EXISTING ADJOINING PROPERTY LINE
- EXISTING LIGHTPOLE
- EXISTING UTILITY POLE
- EXISTING GUY POLE
- EXISTING BOLLARD
- EXISTING SANITARY SEWER MANHOLE
- EXISTING MONITORING WELL
- EXISTING MANHOLE
- EXISTING DRAINAGE MANHOLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING HYDRANT
- EXISTING MAPLE TREE
- EXISTING ASH TREE
- EXISTING LOCUST TREE
- EXISTING IRON PIN FOUND
- EXISTING SPIKE FOUND
- EXISTING NYS MON FOUND
- EXISTING DOUBLE POLE SIGN
- EXISTING SINGLE POLE SIGN
- EXISTING WETLANDS FLAG NUMBER
- DEMOLITION ITEM
- PROPOSED CONTOUR LINE
- PROPOSED INDEX CONTOUR LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB
- PROPOSED PAVEMENT MARKINGS
- PROPOSED HEAVY DUTY PAVEMENT
- PROPOSED WOODEN FENCE
- PROPOSED RETAINING WALL
- PROPOSED PARKING SPACE QUANTITY
- PROPOSED STOP SIGN
- PROPOSED HANDICAP SIGN
- PROPOSED EMPLOYEE PARKING ONLY SIGN
- PROPOSED NO PARKING FIRE LANE SIGN
- PROPOSED CURB RADIUS DIMENSION
- PROPOSED CATCH BASIN
- PROPOSED DRAINAGE MANHOLE
- PROPOSED STORM TREATMENT MANHOLE
- PROPOSED OUTLET STRUCTURE
- PROPOSED DRAINAGE PIPE
- PROPOSED DRAINAGE SWALE
- PROPOSED HAYBALE PROTECTION
- PROPOSED SILT FENCE
- PROPOSED 12" WATER MAIN
- PROPOSED HYDRANT
- PROPOSED SEWER SERVICE
- PROPOSED GAS SERVICE
- PROPOSED UNDERGROUND EL. & TELE.



TECTONIC
 Planning
 Engineering
 Surveying
 Construction Management

Tectonic Engineering & Surveying Consultants P.C.
 P.O. Box 27, 70 Pleasant Hill Road
 Mount Airy, NY 10853 Phone: (845) 534-5999
 Fax: (845) 534-5999
 www.tectonicingeering.com

CONCEPTUAL ROADWAY IMPROVEMENT PLAN

HANNAFORD FOOD & DRUG
NYS ROUTE 35
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

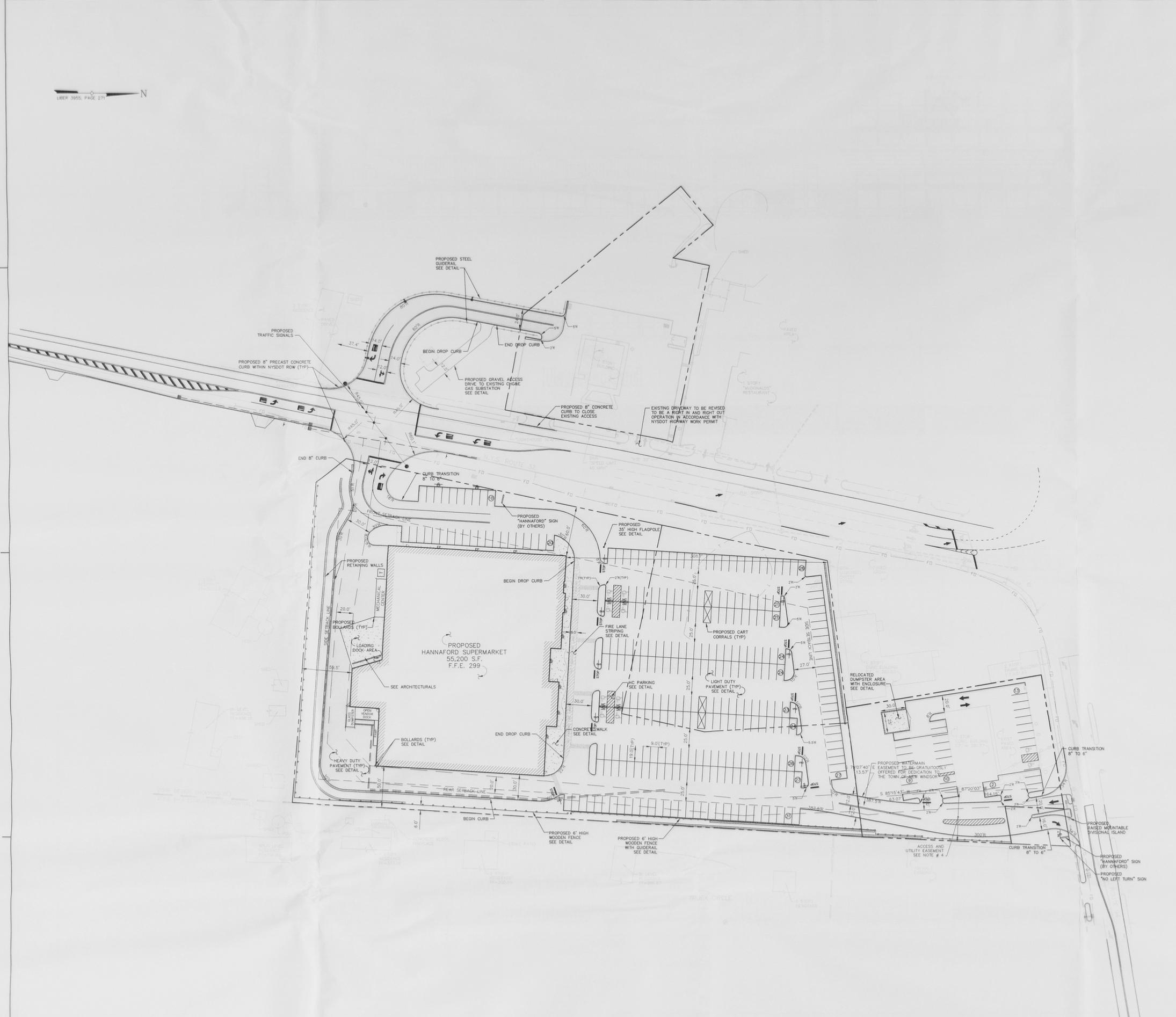
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 Scale: 1"=40'

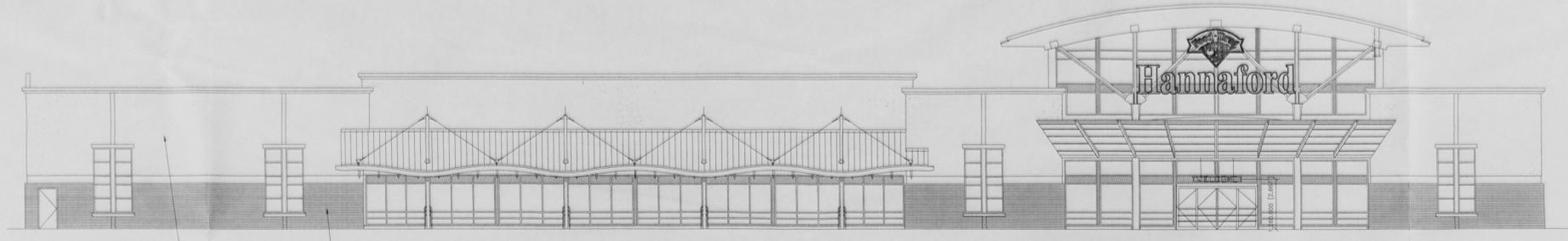
Rev	Date	Revision	Approved	Designed By	Drawn By	Checked By	Released By	Date
1	9/16/02	ISSUED FOR PLANNING BOARD SIGNATURE		RW/JMS	JMS			

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ORIGINAL SIZE IN INCHES





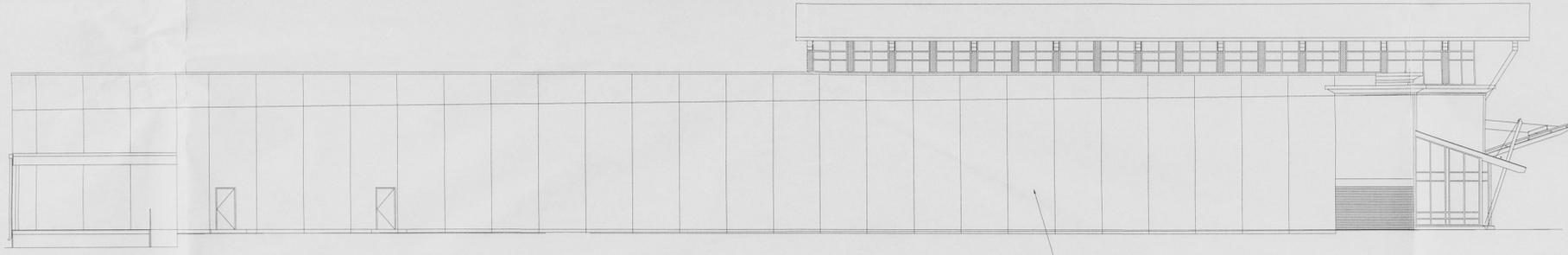
FRONT ELEVATION



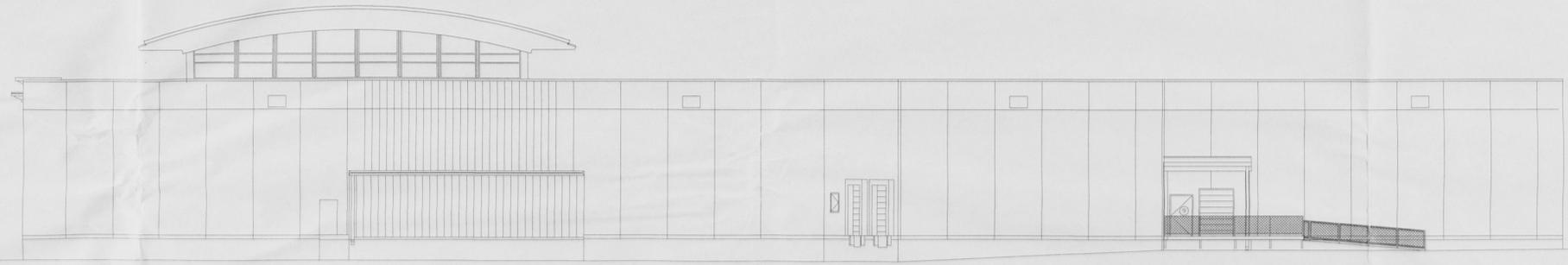
RIGHT SIDE ELEVATION



PYLON SIGN



LEFT SIDE ELEVATION



REAR ELEVATION



NO.	REVISIONS	DATE	BY
1	ISSUED FOR SUBMITTAL	1-16-01	JET

NO.	REVISIONS	DATE	BY
1	ISSUED FOR SUBMITTAL	1-16-01	JET

PROJECT TITLE
Hannaford Food & Drug
New Windsor, New York

SHEET TITLE
PROPOSED EXTERIOR
ELEVATIONS

SCALE	NTS	JET	JET	JET	JET
DESIGN	NTS	NTS	NTS	NTS	NTS
CHECKED	NTS	NTS	NTS	NTS	NTS
DATE	NTS	NTS	NTS	NTS	NTS

SK1

TOWN OF NEW WINDSOR
PLANNING BOARD APPROVAL BLOCK

BUILDING EXTERIOR ELEVATIONS
HANNAFORD FOOD & DRUG
NYS ROUTE 32
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Date	Work Order	Drawing No.	Rev.
01/17/01	2586.01	SK-1	0

NEW WINDSOR PLANNING BOARD SHEET 15 OF 15

