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

----- X
In the Matter of

HUGGINS II
(2014-23)

7 Todd Lane & 35 Cocoa Lane
Section 34; Block 2; Lots 24 & 90
R-2 Zone

----- X

CONTINUED PUBLIC HEARING
SUBDIVISION & LOT LINE CHANGE

Date: January 15, 2015
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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HUGGINS II

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of January 15, 2015.

At this time I'll ask for a roll call starting with Ken Mennerich.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including the State Environmental Quality Review Act, otherwise known as SEQRA, issues.

I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

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MR. RUGGIERO: Paul Ruggiero, Town of
Newburgh Town Council.

MR. PROFACI: Thank you.

At this time I'll turn the meeting over
to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones
or on vibrate. Thank you.

MR. PROFACI: The first item on
tonight's agenda is a continuing public hearing
for a subdivision and lot line change. Since it
is a public hearing, I'll ask Michael Donnelly,
Attorney, to explain the purpose of a public
hearing.

MR. DONNELLY: As some of you are back
here again, the purpose of the public hearing is
for you, the members of the public, to bring to
the attention of the Planning Board issues and
concerns that perhaps the Planning Board is
unaware of. As before, Mr. Brown will give a
presentation, a brief one I'm sure, of what is
proposed. The Chairman will then ask those who

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wish to speak to raise your hand. When you are recognized, would you please come forward, tell us your name, spell it if you would for the Stenographer. Direct your comments to the Board. If there are questions that can be easily answered, the Chairman may ask either the applicant's representative or one of the Town's consultants to answer it.

MR. BROWN: Thank you, Mike.

MR. PROFACI: The first item tonight is the Huggins II property, project 2014-23, located at 7 Todd Lane and 35 Cocoa Lane, Section 34, Block 2, Lots 24 and 90, located in the R-2 Zone and represented by Charles Brown.

MR. BROWN: Thank you, Joe.

Again, this is a lot line and a subdivision to create a new building lot. The lot line would be taking property off of the Cocoa Lane piece in exchange for fifty foot to the Huggins' lot. That fifty-foot, they use that for access to Cocoa Lane for the new proposed lot.

The proposed lot is for a single-family home, and it would be on an individual well and

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septic.

CHAIRMAN EWASUTYN: Thank you. Any questions or comments from the public at this time?

MR. VANVOORHIS: My name is Bob VanVoorhis. What was the outcome after you gentlemen thought about what we had at our last meeting? Do you think you have the right to take -- okay a street off a private road?

CHAIRMAN EWASUTYN: At this point, Bob, I'll turn to Mike Donnelly, the Planning Board Attorney, to respond to your question.

MR. DONNELLY: I wouldn't frame the question the way you did because you can extend a private road. But in answer to the question that we had before us at the last meeting, Charlie has submitted a road maintenance agreement to me and I have, by letter, notified him that it does not demonstrate the right for the new parcel to use that road. There may be other information he can get, and I think Charlie is going to ask for more time to consult either an attorney or a title company. But thus far what has been presented to this Board does not demonstrate a right of

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HUGGINS II

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access.

MR. VANVOORHIS: I don't know if you answered my question or not. Yes, it's been approved by the Town or no?

MR. DONNELLY: Nothing has been approved. That's an easy one to answer.

MR. VANVOORHIS: I mean I live on a private road also, which is Todd Lane, where I live. What you're saying is if the Town wants to come in there and give him a piece of property alongside of mine, you have the right to take Todd Lane to his house?

MR. DONNELLY: No, I'm not saying that.

MR. VANVOORHIS: Yes, you are. Up there.

MR. DONNELLY: I'm not. What I'm saying is the applicant has not demonstrated the right to use the road.

MR. VANVOORHIS: He has not?

MR. DONNELLY: He has not. At this time he has not demonstrated that right.

MR. VANVOORHIS: How long are you going to keep this going? I mean to find out what you people are thinking in your head.

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MR. DONNELLY: That will come at the end of the hearing, what the Board decides to do. They have several options. They can keep the public hearing open. We don't know how long the applicant needs to research the issue. One of the suggestions is we close the public hearing, and when the applicant comes back and reports his findings, if it appears to the Board that it would warrant the public commenting again, we could re-notice it for another public hearing and mail notices to all of you again.

MR. VANVOORHIS: Explain to me how you could make this where we couldn't comment. That's what you're saying, you're going to make a private hearing.

MR. DONNELLY: No. If the Board thinks it's important to hear from the public again, if, as and when Mr. Brown comes forward with additional information, they could re-notice the hearing, send you another letter, publish another notice and hear from the public yet again. That would be one option.

MR. VANVOORHIS: You know, my problem is not with him, it's with you people.

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MR. DONNELLY: I'm sorry to hear that.

MR. VANVOORHIS: Because I think you're going overboard. You have no right -- you're doing things you have no right to do.

MR. DONNELLY: I don't think we've done anything yet.

MR. VANVOORHIS: We'll see where it goes from here. He's a good neighbor. I'm not -- I don't have anything against him. You people take it upon yourself to get into something that's none of your damn business.

MR. DONNELLY: I'm not sure what you mean, but okay.

MR. BROWN: Mike, I'd like to add a couple things to that. Since we talked earlier today, I had my surveyor grab all the filed maps that pertain to Cocoa Lane. There are actually four subdivisions up there. The first one back in '86 created the east end of Cocoa Lane with a cul-de-sac. The next one, which was the Sound Associates subdivision, created seven lots. On that map lots 1 through 5 were to be not further subdivided. The subdivision didn't apply to lot 6 or 7. This lot right here, as part of this

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application, is part of lot 7. I'm sorry, lot --
yeah, lot 7. The next one that followed was to
split lot 7 into two lots. Both of those two
subdivisions, Doce & Associates had notes on the
plans saying that a maintenance agreement was to
be put together for all the property owners, and
also stipulate that all the owners of the
subdivision had access through the right-of-way
and were required to maintain it. The fourth
one, the last one, refers to a maintenance
agreement that was supposedly filed September
12th of '86, and I've got the liber and page.
Again, I just got this information this
afternoon.

MR. DONNELLY: If there is one that
changes --

MR. BROWN: That was the re-subdivision
of lot 6 which is right across. So lot 6 was
re-subdivided based upon that maintenance
agreement. Again, I'm not a lawyer but you can
infer from that that the maintenance agreement
allowed the subdivision, the parcels on the road.
So again, we are digging through this. We do
need some more time.

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I ask the Planning Board, to give an idea, to either close the public hearing in which case I'm willing to waive the sixty-two days, or hold it open if that's the Planning Board's choice.

CHAIRMAN EWASUTYN: Thank you. Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Eric, you came in a little later. Do you have any questions or comments? Do you want to introduce yourself?

MR. SHAPIRO: I'm Eric Shapiro. I live on Cocoa Lane.

We originally created the road maintenance agreement specifically for the purpose of just maintaining the road, just basically potholes and plowing. There was nothing in it -- it wasn't written -- it was reviewed by an attorney, it certainly wasn't written by an attorney. It was just our best shot at doing it to, you know, keep the property values up and maintain the road. There was definitely nothing in it about allowing anybody to subdivide or not subdivide.

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CHAIRMAN EWASUTYN: And since you came in a moment or two late, which is fine, Mike Donnelly will review what he has in hand, what we're trying to say to Bob and how this is all trying to -- pieces come together.

Mike, one more time.

MR. SHAPIRO: I appreciate that.

MR. DONNELLY: The agreement that you are referring to I believe is the one that Charlie has given to me. I don't have a signature page so I don't know who signed it. I have only an addendum signature page signed by Robert, and I forget the name, Mary Smith, but by the Smiths. The agreement gives rights to people, not to lots. So the answer to the question is if the basis of the argument is that the Huggins' lot has the right to access Cocoa Lane, unless Huggins is a signatory to the agreement he would have no right.

MR. SHAPIRO: They are not.

MR. DONNELLY: Okay. Charlie is now saying that there might also be a recorded private roadway easement and maintenance agreement which may say something different.

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I'll need to see that.

MR. SHAPIRO: Thank you for reviewing that.

MR. DONNELLY: The real question is whether or not the conveyance of a strip of land to the Huggins' lot to give it frontage onto Cocoa Lane also gives to the owner of that lot the right to utilize Cocoa Lane. We'll have to see what this agreement says about that.

CHAIRMAN EWASUTYN: Questions from Board Members. Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

MR. WARD: No questions.

MR. SHAPIRO: Do we possibly know who that map was filed by?

MR. BROWN: Yes. It was filed by Vince Doce. This is a copy. It's a map that references the maintenance agreement. It's filed map number 222-93 filed March 23rd of '93. I do have a copy of the full map but I only have one copy of this map.

MR. DONNELLY: John, I have several

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copies of the letter I gave to the Planning Board. If you think it's appropriate, I can leave those with members of the public.

CHAIRMAN EWASUTYN: Please.

Eric, would you be kind enough to get a copy of Mike Donnelly's letter?

MR. DONNELLY: I have three of them. You can distribute them as you see fit.

MR. BROWN: The liber and page are on there but I'll get the document. Thank you.

CHAIRMAN EWASUTYN: Are you Mr. Huggins? Do you need a copy?

MR. HUGGINS: We have it.

CHAIRMAN EWASUTYN: Comments from our consultants. Pat Hines?

MR. HINES: I don't have any outstanding comments. I did suggest that a title search or deed search be performed, which I believe we're heading in that direction now. That's all we have.

MR. BROWN: I did talk to the Smiths' attorney today. She has drafted the agreement between the parties and she was going to pull the title report or -- I'm sorry, go for a title

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report right away. So the timing is actually good because -- and now she's aware of this and she's going to talk to the title company about it.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance Officer?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public? Bob?

MR. VANVOORHIS: I'm not wording this right. I know I'm not. You people don't understand me. The people originally -- I don't care if it was one family or ten families -- originally made that road. They took their blood, sweat and tears and made themselves a blacktop road. They paid for every penny of it. The Town gave them nothing. And now I know for a fact, I've been up there recently, it's in dire need of some repairs.

MR. SHAPIRO: Portions of it.

MR. VANVOORHIS: Is that right?

MR. SHAPIRO: Big time. Some are good but --

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MR. VANVOORHIS: I'm not saying it's all gone.

MR. SHAPIRO: It definitely needs some work.

MR. VANVOORHIS: If for example you should decide this is the way it should go, how is he going to pay his share to fix that road?

MR. DONNELLY: Well --

MR. VANVOORHIS: I live on a private road too and we just do it as a mutual agreement. I go knock on doors and say I need \$150 for snowplowing, or whatever the case may be. We buy fill every year and fill holes and so on. It's a gentlemen's agreement.

MR. DONNELLY: If the applicant is able to demonstrate the right to use the road, and if the Planning Board approved the subdivision, it would require that the applicant sign into that agreement paying his fair share of the cost of upkeep of the road.

MR. VANVOORHIS: Now another question. Say there's ten homes. I don't know how many homes there are. Everybody has contributed say \$10,000. Are you going to make that man pay

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\$10,000?

MR. DONNELLY: That's a private issue. All the Town wants to know is do you have the right to use it and will you contribute to it's upkeep. Beyond that, that's for the private people to work out.

MR. VANVOORHIS: You're going to fight with somebody to help --

MR. SHAPIRO: Good point.

CHAIRMAN EWASUTYN: I think, just for the courtesy of the meeting, when you do speak, mention your name again because in the minutes there would be no way of anyone identifying.

MR. SHAPIRO: Eric Shapiro again. Thank you.

That's an excellent point. Is it the Town's -- is it within the Town's responsibility and ability to say that a lot that is not accessible to Cocoa Lane has access to it or is it the homeowners that live on Cocoa Lane, is it their -- within their parameters to say yes or no, this different lot can have access to Cocoa Lane?

MR. DONNELLY: In New York we are a

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record State, meaning whatever rights and interests exist in real property are those that exist in the Orange County Clerk's office. So the answer is determined by the state of the record, not by what you want or what the Town Board wants. If rights exist, they exist. The Town merely honors them. If they don't exist, we won't allow the subdivision to be approved.

MR. SHAPIRO: Excellent. Thank you.

MR. VANVOORHIS: I guess I don't -- I guess this is going to continue.

CHAIRMAN EWASUTYN: Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Board to close the public hearing on the subdivision and lot line change of Huggins subject to the applicant waiving the sixty-two day timeframe for making a decision.

MR. BROWN: We do that.

CHAIRMAN EWASUTYN: Okay. That being said, I'll move for the motion.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Okay.

Just so Bob can leave, and Eric, with an understanding, any recommendations or suggestions from Mike Donnelly or anyone on how we would, at a later date, notice the people that it's going to be another agenda item?

MR. DONNELLY: Well I assume Charlie Brown is going to now send me what he believes to be a recorded private roadway easement and maintenance agreement.

MR. BROWN: Yes.

MR. DONNELLY: After I've reviewed it, I'll provide my analysis of it to the Planning Board. If it appears to you at a Board Business session, or how ever you want to handle it, that

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it warrants hearing from the public again, then we can re-notice and re-mail and re-publish the hearing on a continued date. If, for instance, the answer is there is no right of access, then the applicant is either going to withdraw the application or it will be disapproved and there's no need to inform the public. I think it depends upon what the agreement says.

CHAIRMAN EWASUTYN: Eric, since you represent a body of people on Cocoa Lane, would you mind then being in touch with Charlie Brown and you could be the point person to coordinate how far along this is and when he may be coming back?

MR. SHAPIRO: Sure.

CHAIRMAN EWASUTYN: Charlie, either through e-mail or --

MR. BROWN: I can carbon copy Eric on all the e-mails. Sure.

CHAIRMAN EWASUTYN: Maybe you could network with Bob and also have a way of linking this all up.

MR. SHAPIRO: Sure.

CHAIRMAN EWASUTYN: All right, Bob.

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HUGGINS II

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Somehow we'll --

MR. VANVOORHIS: We are going to be notified if you have a meeting or what?

CHAIRMAN EWASUTYN: Yes. That's the purpose of it. And that way, you know, you can be present and -- you know, we may vary somewhat from the normal agenda if it's not an actual public hearing. We will allow for the courtesy of, you know, some open questions. Sure. Thanks.

MR. VANVOORHIS: I'm sorry. Do you have any idea when this is going to be? I mean six months, three months?

MR. BROWN: No. One, two at the most.

CHAIRMAN EWASUTYN: We have a meeting scheduled. Our next meeting is the 5th of February. It will be fourteen days thereafter, so it could be between the 5th and the 19th.

All right. Thank you.

(Time noted: 7:16 p.m.)

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

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

DATED: January 29, 2015

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

----- X

In the Matter of

LAXMI ESTATES
(2006-23)

5277 Route 9W
Section 40; Block 2; Lot 20
B Zone

----- X

SITE PLAN

Date: January 15, 2015
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: JAMES GILLESPIE

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

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MR. PROFACI: The next item on tonight's agenda is Laxmi Estates, project 2006-23, located at 5277 Route 9W, Section 40, Block 2, Lot 20, located in the B Zone. It's a site plan being represented by -- you are?

MR. GILLESPIE: Jim Gillespie from Bohler Engineering.

MR. PROFACI: You are not Bloom or Bloom.

MR. GILLESPIE: Good evening. Again, I'm Jim Gillespie from Bohler Engineering. I'm representing the owner of the property, Mr. Fell from Laxmi Estates, LLC, on his application for the redevelopment of his property located at 5277 Route 9W here in Newburgh.

The site is currently a vacant 3,900 square foot building which formerly had a car wash, three car wash bays behind it. It's been vacant for quite some time. It has quite a long history here, this project, with the Planning Board and with the Town. I'm not sure how many -- I know the Chairman was on the Board. I'm not sure how many of you guys were on the Board, but we were last here back in 2008.

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The plan was a little bit different back then. We had proposed the demolition of the entire building and the construction of an approximately 2,000 square foot Dunkin Donuts. We came pretty far with that plan. We received a conditional approval. We did not meet those conditions. The project was dropped at that time for personal reasons of the property owner.

He's back now and he's looking at another plan where he could make it a little more cost effective for himself and reuse the existing building. He would tear down the car wash bays and completely renovate the interior and exterior of the building. There would be new parking and access drives. He would utilize the existing curb cuts and there would be a new septic system, similar to the previous application. A lot of the things would be carried over from the previous application as far as landscaping, stabilizing the large slope behind the facility, a new septic system, lighting and landscaping, striping, things like that.

So, you know, the plan right now is at a very early stage. It's going to require an

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area variance in the front. So tonight we just wanted to present the plan to the Board, re-introduce it, and we'd also like to respectfully request a referral to the Zoning Board for a determination of use.

We understand that there was a similar application recently before the Town with a very similar use, and that it was deemed a convenience store use. We're proposing the same use. We have the same type of facility, the same type of services, and, you know, that use could be very beneficial to our project. So we'd like to present that to the Zoning Board as well and hopefully get that same determination, as well as, you know, request an area variance for the existing nonconforming building.

So I'm here tonight to answer any questions and hopefully move the project forward.

MR. DONNELLY: John --

CHAIRMAN EWASUTYN: Thank you for your presentation.

MR. DONNELLY: -- if I could on that use issue, just while you mentioned it. I think the building inspector is prepared, if you give

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us a very specific, concise narrative of the uses that will be carried out together with the floor plan, --

MR. GILLESPIE: Okay.

MR. DONNELLY: -- and if in the building inspector's judgment that is the equivalent of the other Dunkin Donuts that already received an interpretation from the Zoning Board that such a use would be a convenience store, then I believe the building inspector will rule that your use is allowed. And only if he finds that yours is in some way different will you need to go to the Zoning Board for that type of interpretation.

In terms of the setback variance, you will certainly need that if you propose to keep the building where it is.

MR. GILLESPIE: Great. That would be very helpful. We'll put that letter together and hopefully we'll get that determination.

CHAIRMAN EWASUTYN: That's how I was going to start.

The other thing is you will have to respond to -- I believe you received Ken

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Wersted's memo on traffic.

MR. GILLESPIE: That's correct. We received that today, so we'll prepare a response to that and resubmit it the next time we're before the Board.

CHAIRMAN EWASUTYN: Jerry, anything else you'd like to add?

MR. CANFIELD: Just one issue, Jim, that we had discussed. You're right, this does have an extensive history, it goes back to 2006. It's got a 2006 project number. We believe that somewhere in the narrative we read that the proposal is for a drive-through but the plans do not reflect that. So could you clarify that?

MR. GILLESPIE: Yes. There's no drive-through proposed.

MR. CANFIELD: There is no drive-through.

MR. GILLESPIE: I think we filed a new narrative. If the drive-through is in that narrative, it's by mistake. I'll take a look at that. I'll file a new narrative along with a response to Ken's comments and we'll clear that up. There's no drive-through proposed.

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MR. CANFIELD: Very good. Then the zoning issue. It is non-existent like Mike had said. To maintain consistency with the previous determination the Zoning Board has made, you will have to display that will be the case with this existing building. The only referral to the Zoning Board will be for the front yard setback.

MR. DONNELLY: Which is 44. What's required? 50?

MR. CANFIELD: I believe so, Mike.

MR. HINES: Yes.

MR. GILLESPIE: Yes, 50 is required.

CHAIRMAN EWASUTYN: And that referral will be made once, Jerry, you have received the written narrative explaining the use; correct?

MR. CANFIELD: Yeah. I believe, John, that would be the correct way to verify that we are consistent with the use. So once the Planning Board refers something to the ZBA, it's one stop, it's complete.

CHAIRMAN EWASUTYN: Should we make that a Board Business item for the 5th of February? I assume you'll have that narrative prepared and to Jerry and then cc us, and I'll make copies.

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MR. GILLESPIE: Sure.

MR. CANFIELD: One thing. Consistent with that would be the floor plan and equipment used. The suggestion may be, for your reference you may want to speak with the Zoning Board to look at previous determinations. We have made previous applicants submit a detailed floor plan with detailed equipment information. Again, we're talking about this being deemed a convenience store --

MR. GILLESPIE: Yes.

MR. CANFIELD: -- and no cooking or food preparing taking place. We need to maintain that consistency.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: At the time for the Board meeting, if you could have the corrected narrative for no drive-through, just to make sure, before it goes to the ZBA, they'll look all around at the project, so they know this is the project.

CHAIRMAN EWASUTYN: I think we'll make it an actual agenda item rather than a Board Business item. It's easier to discuss in an open

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forum.

MR. DONNELLY: I will not send any referral letter until that meeting is held.

Just so I'm clear, this is an existing deficiency and setback, it's not a proposed one?

MR. CANFIELD: Correct. Existing nonconforming.

CHAIRMAN EWASUTYN: Additional questions or comments from Board Members?

(No response.)

MR. CANFIELD: I think Pat has technical items.

MR. HINES: Ken Wersted's memo with the parking requirements. It's a bit of a catch 22, so you have to address that.

MR. GILLESPIE: Okay.

CHAIRMAN EWASUTYN: Anything else, Pat?

MR. HINES: We'll review the site plan as the detailed plans are developed.

This one I believe had a surface discharge for the septic previously.

MR. GILLESPIE: Yes.

MR. HINES: Is that still going to be --

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MR. GILLESPIE: Yes, that's correct.

MR. HINES: Has that SPDES permit been maintained or --

MR. GILLESPIE: It has not. We'd have to re-file that.

MR. HINES: That will require DEC approval for that surface discharge. There are some DOT issues you'll have to resolve. You've been through it.

MR. GILLESPIE: We've been through it before.

MR. HINES: You know where you're headed.

MR. GILLESPIE: We've have to revisit it.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: I'm just confused. Are we going to make sure the use thing is resolved through Jerry's office before we send --

MR. DONNELLY: So we don't send it twice. We'll send it once only for whether it's one or two things.

MR. HINES: They're going to come back on the 5th, the next meeting.

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MR. MENNERICH: Okay.

MR. DONNELLY: Jerry will have made his ruling by then.

MR. GILLESPIE: Sounds good. Thank you.

MR. DONNELLY: We couldn't have taken action because there's no County referral. Once it's obtained we'll reschedule it.

CHAIRMAN EWASUTYN: You'll contact him, Pat.

MR. HINES: We'll put him on for the 5th again.

MR. DONNELLY: If you think he'll have it.

MR. HINES: He may, he may not.

CHAIRMAN EWASUTYN: Do you want to be safe and do it on the 19th?

MR. HINES: They're not in a hurry. It's more of an enforcement issue they're trying to contend with.

CHAIRMAN EWASUTYN: We'll consider it for the 19th.

(Time noted: 7:26 p.m.)

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

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

DATED: January 29, 2015

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

----- X
In the Matter of

NEWBURGH TOYOTA
(2009-15)

Route 17K, across from Stewart Airport
Section 89; Block 1; Lot 67.0
IB Zone

----- X

AMENDED SITE PLAN - PARKING

Date: January 15, 2015
Time: 7:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
PAUL RUGGIERO

----- X

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

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NEWBURGH TOYOTA

35

MR. PROFACI: Next is Newburgh
Toyota.

MR. WARD: Do you want me to check
outside?

CHAIRMAN EWASUTYN: Why don't you.
(Pause in the proceedings.)

MR. WARD: There's no one out there.

CHAIRMAN EWASUTYN: I'm surprised no
one is here.

What do we do, Michael?

MR. DONNELLY: There's not much you
can do. I guess we can write them a letter and
say they didn't appear but we couldn't have
taken action because there's no County
referral. Once it's obtained we'll reshedule
it.

CHAIRMAN EWASUTYN: You'll contact
them, Pat?

MR. HINES: Yeah, I can do that.
We'll put him on the agenda again.

MR. DONNELLY: If you think he'll
have it.

MR. HINES: He may.

CHAIRMAN EWASUTYN: Do you want to

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just be safe and do it on the 19th?

MR. HINES: Do it on the 19th. I don't think they're in a hurry.

(Time noted: 7:28 p.m.)

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

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

DATED: January 29, 2015

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

----- X
In the Matter of

- 1. REAPPOINTMENT OF LANDSCAPE ARCHITECT,
KAREN ARENT, RLA
- 2. REAPPOINTMENT OF TELECOMMUNICATIONS CONSULTANT,
MICHAEL MUSSO, P.E.

----- X

BOARD BUSINESS

Date: January 15, 2015
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD
PAUL RUGGIERO

----- X

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

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BOARD BUSINESS

MR. PROFACI: We have two items of Board Business. One is the reappointment of Landscape Architect Karen Arent. This is going to be tabled because we haven't received a letter from her at this point.

The second is the reappointment of Telecommunications Consultant Michael Musso, P.E.

CHAIRMAN EWASUTYN: I'll move for a motion to appoint Michael Musso, HDR, Telecommunications Consultant to the Planning Board.

MR. WARD: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion

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carried.

That's it for this evening. I'll move for a motion to close the Planning Board meeting of January 15th.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. WARD: Aye.

MR. PROFACI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:30 p.m.)

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

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DATED: January 29, 2015