

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- - - - - X

In the Matter of

U.S. CRANE & RIGGING  
(2016-14)

18 Route 17K  
Section 97; Block 1; Lot 21.2  
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: February 2, 2017  
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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON  
JOHN CAPPELLO

- - - - - X

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

CHAIRMAN EWASUTYN: At this point I'd like to welcome everyone to the Planning Board meeting of February 2, 2017. Tonight's agenda has five items. The second item on the agenda we have a public hearing. At the start of the public hearing Mike Donnelly, Planning Board Attorney, will speak to the audience as to the purpose of a public hearing.

At this time we'd like to call the meeting to order with a roll call vote.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

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.

CHAIRMAN EWASUTYN: At this point we'll  
turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the  
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please put your cell  
phones on vibrate or silent.

CHAIRMAN EWASUTYN: The first item this  
evening is U.S. Crane & Rigging located on Route  
17K in an IB Zone, Interchange Business. It's  
being represented by Maser Consulting. I believe  
Andrew Fetherston is speaking on behalf of the  
applicant.

MR. FETHERSTON: Good evening, Mr.  
Chairman. We had made an appearance before the  
Town Board seeking the LHI Overlay District as  
directed.

The Town Board requested that we do a  
number of things. Number one, they thought it  
would be a great idea if we met with the public.  
We're seeking that meeting now. We're looking at  
an off-site location, not at the Town Hall but a  
location to invite the public over and discuss  
the project, let them know what we're doing, what  
we're proposing. So we're working on that.

The second thing they wanted me to do

1 was -- I told the Town Board that I had made  
2 minor changes to the plan based on conversations  
3 with the Town Board members, with the town  
4 attorney, with the town engineer, just thinking  
5 about the project a little more, and with our  
6 traffic engineer and some of the comments we got  
7 from your consultants. I did two things. The  
8 original plan that I was seeking sketch plan on  
9 back in September, quite awhile back, we were  
10 proposing an access off of Stewart Avenue for at  
11 that time what I told you was going to be the  
12 employees' cars. We had an office on -- a bumped  
13 out office on this side of the building, we had  
14 parking. We were proposing to use that for just  
15 the employees to come in, kind of separate the  
16 traffic. We're no longer proposing that. We  
17 don't want to do anything different, anything new  
18 to Stewart Avenue. We don't want to touch it.

20 The other thing I was doing was the  
21 owner has twenty large truck cranes or large  
22 cranes and always a fleet of flatbeds and Lowboys  
23 to transport tower cranes, and weights, and  
24 elevators and that type of equipment around. I  
25 was proposing to park them back in this area.

What the applicant is proposing to do is lease between 10 and 15 acres back to Auto Auction for five years. I think the pavement is about 25 acres of pavement out there, the parking lot. They were going to give them 15 acres for some period of time, I think it was five years, and have enough for his operation. All we were doing was swapping the areas. I was going to take this area for the cranes and the Lowboys, the flatbeds, the trailers, but because that's the closest to Stewart Avenue let's keep the cars there. The cars are there now, they're not causing a big problem as far as I know. We can put the cars over on this side. That was about 200 feet away from the closest home. This is about 800 feet away from the closest home. Behind our large building is the residences in this area. Generally the subdivision is about here and there are more residences that line Stewart Avenue. I moved our proposed truck and crane storage area and I got rid of the drive onto Stewart Avenue. I'm trying to show the folks on Stewart Avenue that we're doing everything in our power to not be obtrusive, to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

not change anything. So that's all I did.

We're advancing the plans now in anticipation of meeting with the public per the Town Board, going back to the Town Board and seeking the LHI, and I'm advancing the plans for full engineering plans and stormwater, water and sewer and everything, so we can come back to your Board immediately thereafter.

That's where I'm at.

CHAIRMAN EWASUTYN: We'll open it up for questions. John Ward?

MR. WARD: Are you storing any material at all?

MR. FETHERSTON: The operation, as I'm understanding it now from the owner, is we want the cranes to come in, go right into the building. We could line up three tractor trailers easily front to back in here. The building is 345 feet long, a football field plus the end zones. It's plenty long. They would come in one side, either be loaded or the load would be removed, there's going to be a mobile crane inside to remove those loads, and then an empty truck would come around, come all the way

1 around the building and park the empty trailer  
2 here. Or, if they're going out tomorrow morning,  
3 let's say, and they loaded them up during the  
4 day, they take an empty one in, load them up with  
5 what he's going to take, bring them around and  
6 park a fully loaded trailer here, then the truck  
7 driver would come in, park his car, walk over to  
8 the truck, take the truck and take it out. The  
9 operation is really going to be going out onto  
10 17K, 300 and getting on either the Thruway or 84.

11 MR. WARD: And the operation basically,  
12 as I was told, would be early, early in the  
13 morning?  
14

15 MR. FETHERSTON: They want to get these  
16 things -- if he's going down to New York City,  
17 he's got to be there early. He's got to beat  
18 rush hour and start getting set up before time.  
19 I think all of the noise for loading cranes and  
20 weights and hoists and the like onto a flatbed is  
21 going to be done inside. This isn't something  
22 you're lifting up with a forklift, you know.  
23 It's lifted with a crane and put in place,  
24 fastened down. What I've got is I've got  
25 something where you don't have to back up. The

1 truck can come into the building, go out, come  
2 all the way around, front face here, ready to go  
3 out again. If the truck is just coming in and  
4 doesn't have to unload anything, it could park.  
5 If it's just somebody dropping off steel or parts  
6 or something, he can come in, come out and leave  
7 the site. So I mean just the nature of the site,  
8 the way it was used all of these years with the  
9 Auto Auction and their car carriers coming in and  
10 out, it's perfect.

11  
12 MR. WARD: With the entrance, have you  
13 taken our suggestions with anything?

14 MR. FETHERSTON: I saw Ken from -- the  
15 traffic engineer -- I almost said Ken Mennerich.

16 CHAIRMAN EWASUTYN: I make that mistake  
17 all the time.

18 MR. FETHERSTON: Your traffic engineer  
19 noted the width of this thing. I think we can  
20 neck it down. I think we can put the sidewalk  
21 out there and neck it down and clean it up a  
22 little bit. I think we can do that. Right now  
23 it's divided with a guide rail. They use only  
24 the in lane for both in and out because it's just  
25 not a lot of traffic. Not that there would be a



1 lot of traffic with us either. It's periodic  
2 truck travel. It's not in and out all the time.  
3 I wish Ken was here. Maybe when the minutes are  
4 available he can understand it better from when  
5 the owner was describing the project. He just  
6 wasn't there that night.  
7

8 MR. WARD: Thank you.

9 CHAIRMAN EWASUTYN: Dave Dominick?

10 MR. DOMINICK: You mentioned that up in  
11 the northwest quadrant you moved the cars that  
12 would be parked there for the Auto Auction down  
13 more centrally located and further away from the  
14 residents; right?

15 MR. FETHERSTON: The trailers and the  
16 cranes I was going to park here. We took from  
17 there and we put over here. My client has really  
18 free reign of the property. He's going to assign  
19 some spot to be leased. It's all pavement. He  
20 was going to assign some space to Auto Auction  
21 and keep some space for himself. It really  
22 doesn't matter where. The Auto Auction is using  
23 the whole site all over anyway.

24 MR. DOMINICK: So you envision that  
25 northwest property corridor to be the Auto

Auction?

MR. FETHERSTON: Cars. Cars are there now. Cars are inherently going to be less noisier than a tractor trailer getting hooked up and pulled out. Actually, when I had it back here I was proposing to back them in and then pull them out. The less backing I have to do, the less beep, beep, beep I'm going to have. If I have this kind of motion, I don't have to worry about back-up beepers.

MR. DOMINICK: The other question, we discussed in work session that if a crane leaves Newburgh to New York City for example, drops the crane off in New York City, comes back, that tractor trailer, what is he bringing back? Is he bringing back other types of equipment that would be stored there? Is he coming back empty?

MR. FETHERSTON: Could be.

MR. DOMINICK: Could be --

MR. FETHERSTON: I mean it depends. I mean if somebody is going to a job, they'll be taking the crane and perhaps coming back empty and then just parking the truck for the next job. Perhaps if he's dropping off something, maybe

sequentially drop this off and hit over here and pick something up. It could be.

MR. DOMINICK: He could possibly be bringing other items back other than cranes?

MR. FETHERSTON: Well cranes, hoists, elevators, tower cranes is the business. There's nothing really besides that. The elevators that run up the sides of high rises, tower cranes, hoists to lift equipment up. He's got dereks. I'm starting to understand the difference between all of these lifting -- heavy lifting things. That's really the business. There's nothing besides that. The fabrication shop is fabricating steel to tie the elevator to the building or tie the tower crane to the building. That's how I'm understanding it.

MR. DOMINICK: Okay. That's it, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Andrew, the heavy equipment overlay zone, is the applicant applying for the entire property --

MR. FETHERSTON: Yeah.

MR. MENNERICH: -- to be covered under that?

1  
2 MR. FETHERSTON: We were. The back is  
3 -- mostly the back is DEC wetland. It just can't  
4 be built on. I don't see putting a line across.  
5 It doesn't really make any sense. Might as well  
6 do the whole site.

7 MR. CAPPELLO: It's more from a  
8 surveying point of view to survey and cut out  
9 half. You're not going to be able to use that  
10 likely anyway, but then you would have  
11 potentially a lot or an area of a lot zoned  
12 different in wetlands. I think it just would be  
13 cleaner surveying wise. The Town Board may  
14 eventually determine otherwise. I mean our  
15 proposal is just to have the whole parcel  
16 included.

17 MR. MENNERICH: Thank you.

18 CHAIRMAN EWASUTYN: Jerry Canfield?

19 MR. CANFIELD: Just a couple of points.  
20 I know we're looking at a preliminary plan. We  
21 haven't got to the level of detail yet. Just for  
22 informational purposes, the 61,000 square foot  
23 building will be required to be sprinklered.  
24 That's going to be an additional expense to your  
25 client.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Also Andrew, the plan depicts that that building is 35 feet in height which is the requirement there. For what you're saying that's going to take place in that building, is that an accurate 35 feet?

MR. FETHERSTON: I think so. I think so. There's an architect on the team. There's a general contractor on the team. We went over foundations, footings, retaining walls today, drainage, utilities, stuff like that. I didn't get the architect on the phone today but we have an architect. In the plans I show the office over here. I didn't bring them yet.

MR. CANFIELD: The reason why I mention that is just be mindful that the requirement is 35 feet for both the IB Zone and the LHI.

MR. FETHERSTON: I think it's forty percent is the height requirement.

MR. CANFIELD: The LHI is 35 as the table says.

MR. FETHERSTON: Okay.

MR. CANFIELD: If you find that you're going to be over that, then it would be a referral for a height variance. So you need to be

1 aware of that. Just perhaps work that detail  
2 out.  
3

4 The other thing, also I ask that you  
5 just review aerial access. Again the building  
6 being over 35 feet, there are special  
7 requirements for aerial access. It looks like it  
8 will be having two-side accessibility, which will  
9 be the east and probably the north side, 26 foot  
10 driving lane. Just take a look at that section  
11 of the Fire Code that we apply there.

12 MR. FETHERSTON: Do you think it's  
13 going to require emergency access to Stewart?

14 MR. CANFIELD: I think I know where the  
15 Town Board is going with it and I think it was  
16 part of the negotiations to remove that because  
17 of the sensitivity of the residential area  
18 adjacent to this site. So I think what we have  
19 in the front -- I'll review it with the  
20 jurisdictional fire department but the front  
21 accessibility may be acceptable. I will review it  
22 with them as details become more available.

23 MR. FETHERSTON: There's 30 foot side  
24 yard. The building is 31 feet away -- 31.5 or so  
25 feet away is what we're proposing. I could get a

1 drive aisle over here physically. I'd have to  
2 pull the fence and lose a lot of -- there's brush  
3 there right now. There's screening there now  
4 we were going to leave. I'm trying to keep --  
5 right now the whole game plan with this is not  
6 making it more impervious than it is. I mean  
7 it's mostly impervious. Right now I'm making it  
8 greener with islands essentially.

9  
10 MR. CANFIELD: The building, a steel  
11 building or --

12 MR. FETHERSTON: I believe so.

13 MR. CANFIELD: Like a Butler style?

14 MR. FETHERSTON: Yeah.

15 MR. CANFIELD: That's all I have at  
16 this time, John.

17 CHAIRMAN EWASUTYN: Pat Hines?

18 MR. HINES: I just have comments  
19 identifying the changes that Mr. Fetherston has  
20 identified on the plans.

21 At work session we discussed the LHI  
22 Zone, whether it was for the whole parcel or for  
23 some portion.

24 Just during the review either by the  
25 Town Board or the Planning Board, you're before

1                   us right now for a certain intensity of use  
2                   based on that LHI Zone. Any changes to that  
3                   intensity of use based on the number of cranes,  
4                   trailers or areas that you're using for that use  
5                   will need to come back. We'll probably need  
6                   notes on the plans at some point so the 25 or 30  
7                   acres of the area don't morph into becoming 35  
8                   acres of green parking without any review of  
9                   that. Either at the Town Board level or during  
10                  site plan review that this is the intensity of  
11                  the use, here are the areas used by U.S. Crane or  
12                  the areas used by your tenant, the Auto Auction,  
13                  and if that changes substantially it will need --  
14                  if it changes at all I think it will need to come  
15                  back for a review based on increased use of the  
16                  site and intensity.

17  
18                   MR. FETHERSTON: Any way I could show  
19                   -- you know, things change over time of course.

20                   MR. HINES: That's why we're bringing  
21                   it up now. If you do need more, maybe box out an  
22                   area, here's where you're going to do that. I  
23                   mean you've shown it in detail now with the  
24                   parking. If you do need more --

25                   MR. FETHERSTON: So maybe show that



1 we're minimizing or we're keeping the larger  
2 vehicles as far away from residential areas as  
3 possible, possibly show, look, this is to be  
4 leased to Auto Auction today. If they no longer  
5 need that property, then we will put cranes only  
6 in these areas perhaps. Something like that.

7  
8 MR. HINES: I think we need to  
9 define --

10 MR. FETHERSTON: Consistently show --

11 MR. HINES: -- the intensity of use.  
12 Ken Wersted's comments are based on X number of  
13 traffic movements on the site. I think we can  
14 somehow manage that. There is the concern that  
15 it is a large site, it is very paved, and we want  
16 to make sure that that use doesn't expand in  
17 intensity without the knowledge of the Board or  
18 the review of the Board.

19 MR. FETHERSTON: Okay. Maybe I'll show  
20 more than what he has right now.

21 MR. HINES: Show worst case than what  
22 you're planning on.

23 MR. CANFIELD: Just one comment on  
24 that. Also Andrew, the site as it develops and  
25 once eventually signed, then it becomes my

1 enforcement tool. Identification of areas is  
2 paramount.  
3

4 MR. FETHERSTON: Understood.

5 MR. CANFIELD: That's what we talked  
6 about at the work session as well.

7 MR. HINES: I'm familiar with your  
8 client having another application in the County,  
9 and that involves some C&D processing. We want  
10 to make sure that that's not what's proposed on  
11 this site.

12 MR. FETHERSTON: That's not this  
13 location.

14 MR. HINES: Right. That's why you're  
15 getting some comments about material and where  
16 the trucks are coming from and what's on the  
17 trucks.

18 MR. FETHERSTON: I'm going to meet your  
19 office tomorrow and the DPW tomorrow.

20 CHAIRMAN EWASUTYN: Mike Donnelly,  
21 Planning Board Attorney?

22 MR. DONNELLY: No. Andrew, the Town  
23 Board is going to require that we closeout SEQRA  
24 before they take action. Of course that will  
25 require a higher level of detail.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. FETHERSTON: Which we're eighty percent done with now, so --

MR. DONNELLY: Unless the Town Board is inclined to do it on an uncoordinated review basis. Generally they would like to see us closeout SEQRA first.

MR. CAPPELLO: We discussed a bit. I think what we're looking for now is -- the Town Board wanted to make sure we came to you for some guidance on the changes, that this was okay to go to a public informational meeting, then they would hold their formal hearing. Hopefully we would get -- if we can't get a vote because of SEQRA, we would at least get some kind of indication whether they're happy or not with the potential and come back to your Board for SEQRA, then go back to them for the zoning and then back to you for the final approval of everything.

CHAIRMAN EWASUTYN: So I guess this evening we would poll the Board Members to see if they are in favor of this concept, then Mike Donnelly would prepare a letter referring that on to the Town Board. Is that part of the procedure?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CAPPELLO: Yes.

MR. FETHERSTON: That's great.

MR. DONNELLY: Do we need to make any mention of the clarification that we thought we might need to seek as to whether the application is for the entire parcel or just a portion? I think that issue has gone away. I don't think we need to mention it.

CHAIRMAN EWASUTYN: Because of what John had mentioned, surveying the property.

MR. DONNELLY: We talked earlier about asking the Town to make sure they clarify whether the application was for the entire parcel or only a portion. That issue seems to have gone away.

MR. HINES: I think we're going to resolve it in the site plan process.

MR. FETHERSTON: We never contemplated a partial. It was never talked about on our side.

MR. HINES: It's probably cleaner than drawing a line on the map saying this is zoned this. The whole parcel will get the Overlay Zone. The site plan will be the controlling factor on what the intensity of use on the site

is.

MR. FETHERSTON: Okay.

CHAIRMAN EWASUTYN: I'll poll the Board Members to see if they are in favor of the concept provided by Maser Engineering.

MR. MENNERICH: I think this concept is better than the first concept we saw. I'm in favor.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree with Ken. I think it's much better, keeping it especially away from the residents. It flows a little nicer.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Myself also.

I will move for a motion to have Mike Donnelly, Planning Board Attorney, prepare a letter to the Town Board noting that the Planning Board is in favor of the concept plan that was presented this evening.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

Dave Dominick. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, at this time do we have enough detail to circulate to the Orange County Planning Department? I don't believe we've done that yet.

MR. HINES: They're going to ask questions on lighting and drainage. Probably at the next submission when that's complete we can circulate it.

MR. FETHERSTON: Great. Thank you very much.

MR. CAPPELLO: We're hoping to have the public informational meeting within the next two to three weeks max. We will provide you notice if you are so inclined to --

CHAIRMAN EWASUTYN: I would appreciate that. Is there an informational letter that's being sent out?

MR. CAPPELLO: Yes. I actually just

1 sent it to Andy to take a look at. We hope to  
2 have that finalized and will have a copy of the  
3 -- an 8 by 14 or something copy of the plan and  
4 the summary that we had provided the Board.  
5

6 MR. HINES: If you're going to go  
7 through that process, it may make sense to send  
8 out -- because this was a concept concept, to  
9 send out the required planning notification too  
10 with that. There's a requirement that we do  
11 inform the neighbors as well.

12 MR. CAPPELLO: Okay.

13 MR. HINES: You may be able to do both.  
14 You can work with Andy to make sure.

15 MR. CAPPELLO: Okay. We'll send you  
16 what we had proposed and anything you want to add  
17 to it.

18 MR. HINES: It would just be a separate  
19 sheet of paper you can put in there. We have a  
20 standard form. It just saves another mailing.

21 MR. CAPPELLO: Thank you.

22  
23 (Time noted: 7:19 p.m.)  
24  
25

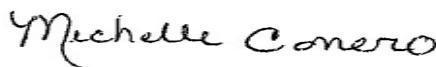
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of February 2017.



---

MICHELLE CONERO



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- - - - - X

In the Matter of

BROPHY SUBDIVISION  
(2016-22)

River Road & Anchor Drive  
Section 4; Block 3; Lot 58.3  
R-1 Zone

- - - - - X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: February 2, 2017  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

CHAIRMAN EWASUTYN: The second item on this evening's agenda is the Brophy Subdivision. It's a public hearing on a two-lot subdivision located on River Road and Anchor Drive. The property is zoned R-1. Talcott Engineering is the representative for the subdivision. Charles Brown is the engineer.

At this time I'll have Ken Mennerich read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Brophy Two-Lot Subdivision, project 2016-22, for a two-lot subdivision on River Road and Anchor Drive in the Town of Newburgh, designated on the Town tax maps as Section 9, Block 3, Lot 58.3. The public hearing will be held on the 2nd day of February 2017 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of

Newburgh Planning Board. John P. Ewasutyn,  
Chairman, Planning Board Town of Newburgh.  
Dated 12 January 2017."

CHAIRMAN EWASUTYN: At this point I'd  
like to turn to Mike Donnelly, for the public, to  
speak on behalf of the meeting and the purpose of  
a public hearing.

MR. DONNELLY: Certain types of  
applications require public hearings under New  
York law. Subdivision applications are one of  
the kind that does. This is not a new  
application, it's been before the Board before.  
The purpose of the hearing is for the members of  
the public to bring to the attention of the  
Planning Board issues or concerns that the  
Planning Board might not be aware of that the  
neighbors would understand because they live in  
the area. After Mr. Brown gives a presentation,  
the Chairman will ask those members of the public  
who wish to be heard to raise your hand. When  
you're recognized would you step forward please,  
tell us your name, spell it if you would for our  
Stenographer so we get it down in the record  
correctly, and give us an idea of where you live

in relation to the project. Direct your comments to the Board. If you have a question that can easily be answered, the Chairman will ask either a member of the Town's team or Mr. Brown to answer that question.

CHAIRMAN EWASUTYN: Thank you.

Mr. Brown.

MR. BROWN: Thank you. Charles Brown, I'm the engineer for the applicant.

This project is a piece of property on River Road just north of Anchor Drive. It actually has frontage on Anchor Drive now too. It consists of two parcels, one is 3.59 acres, that's the main piece here, and the other parcel is .21 acres. That was a piece of the right-of-way for Anchor Drive that the Town didn't want to take ownership of because it contained a stone pillar and they didn't want to maintain that.

It's a two-lot subdivision to be served by wells and in-ground septic.

One lot, lot number 1, has its access off of Anchor Drive right across from Mariner's Court. Lot 2, the one my client intends on

1 building on, has a driveway off of River Road.  
2 That driveway location is already there. It was  
3 servicing a house in the back. That has been  
4 terminated at the property line and a new  
5 driveway was constructed for the house behind us.  
6

7 CHAIRMAN EWASUTYN: Questions or  
8 comments from the audience? Please.

9 MR. FETTER: Bill Fetter, 29 Rockwood  
10 Drive. Nothing pertinent to the subdivision but  
11 I think the notice said section 9 as read and the  
12 agenda says section 4. I'm not sure which is  
13 correct.

14 MR. BROWN: It is 9.

15 MR. HINES: It is 9. The notice is  
16 correct.

17 CHAIRMAN EWASUTYN: Sir.

18 MR. BROMLEY: Chris Bromley, 733 River  
19 Road. Where is the original structure on that  
20 map? I'm far enough away. The original property  
21 had one home on it.

22 MR. CANFIELD: The Moroney house.

23 MR. HINES: It looks like it is. The  
24 Moroney house is on an adjoining lot.

25 MR. BROMLEY: These are two lots that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

have been subdivided off the Moroney property?

MR. BROWN: The parent parcel was subdivided off the Moroney property. This was Moroney's driveway. I don't know when that was done. Fairly recently, though; right? Anyway, there is no structure on this property right now.

MR. BROMLEY: So the proposal is a two-lot subdivision with two structures; correct?

MR. BROWN: Correct.

MR. BROMLEY: And the acreage was, again, 3 --

MR. BROWN: It was 3.59 plus .21. That's 3.8. Lot 1 is going to be 1.4 acres and lot 2 is going to be 2.4.

MR. BROMLEY: Lot 1 again?

MR. BROWN: 1.4.

MR. BROMLEY: Is there a precedent on River Road for the minimum size acreage for a subdivision?

CHAIRMAN EWASUTYN: The zone -- I'll let Mr. Canfield speak on that, but this is an R-1 Zone. The R-1 Zone has an overall district. I'll let Mr. Canfield speak about the size.

MR. CANFIELD: The minimum lot size

required in an R-1 Zone is 40,000 square feet,  
which these two lots proposed exceed that  
minimum.

MR. BROMLEY: Right. Thank you.

MR. HINES: Just under an acre.

MR. BROMLEY: Thanks.

CHAIRMAN EWASUTYN: Further comments or  
questions from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this  
point we'll turn to Pat Hines, our drainage and  
planning consultant.

MR. HINES: We reviewed the plans. We  
had previously commented on some well and septic  
designs on the site. Those have been revised.  
There is a remnant of that one well that needs to  
come off on the final plans on lot 1. I'm not  
sure that that's been removed yet. That was  
based on our previous comments.

The highway superintendent has reviewed  
the driveways. Similarly, he had the same  
comment, he believed the Moroney house was on  
what is proposed as lot 2. If you look on the  
Google Earth Map it looks like it is but it is on

1 a separate lot. He went back out and took a look  
2 at the driveways. He's okay with both driveway  
3 locations.  
4

5 The lots, as was stated, do meet the  
6 zoning requirements.

7 The wells and septic meet the  
8 appropriate requirements.

9 We don't have any outstanding comments.

10 CHAIRMAN EWASUTYN: Jerry Canfield,  
11 Code Compliance?

12 MR. CANFIELD: I have nothing  
13 outstanding.

14 CHAIRMAN EWASUTYN: Thank you.  
15 John Ward?

16 MR. WARD: No comments.

17 CHAIRMAN EWASUTYN: Dave Dominick?

18 MR. DOMINICK: No comments.

19 MR. MENNERICH: No questions.

20 CHAIRMAN EWASUTYN: Any final thoughts  
21 or comments from the public before we --

22 MR. FETTER: Again, Bill Fetter from  
23 Rockwood Drive. Have the wells been proven?  
24 They've been drilled and tested?

25 MR. BROWN: No.



1  
2 MR. HINES: If it was a major  
3 subdivision that would be a requirement of the  
4 County. On a minor subdivision, less than five  
5 lots, that's typically not done. The idea is  
6 that the minimum zoning, just under an acre  
7 zoning, takes into account the need to provide  
8 the adequate water and sewer services on that lot  
9 size.

10 MR. CANFIELD: And the separations.  
11 The separations, the distance.

12 CHAIRMAN EWASUTYN: Any further  
13 questions or comments from the public?

14 (No response.)

15 CHAIRMAN EWASUTYN: We'll move for a  
16 motion then to close the public hearing on the  
17 Brophy Two-Lot Subdivision located on River Road  
18 and Anchor Drive.

19 MR. MENNERICH: So moved.

20 CHAIRMAN EWASUTYN: Motion by Ken  
21 Mennerich.

22 MR. WARD: Second.

23 CHAIRMAN EWASUTYN: Second by John  
24 Ward. I'll ask for a roll call vote starting  
25 with Ken Mennerich.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

At this time Mike Donnelly, Planning  
Board Attorney, will present to the Board the  
final resolution for the two-lot subdivision.

MR. DONNELLY: The resolution will be  
for final subdivision approval. We closed out  
SEQRA in January. There was no requirement that  
this be sent to the Orange County Planning  
Department. The highway superintendent signed  
off on the driveway locations. Pat has no  
outstanding issues.

There is only one condition, that is  
parkland fees for the one new lot in the  
subdivision be paid before the map is signed.

CHAIRMAN EWASUTYN: Thank you, Mr.  
Donnelly.

Having heard those conditions, I'll  
move for a motion to grant final subdivision  
approval for the Brophy Subdivision.

MR. DOMINICK: I'll make a motion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Motion by Dave  
Dominick.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken  
Mennerich. Roll call vote starting with Ken  
Mennerich.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

Thank you for attending the public  
hearing.

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

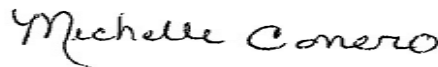
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of February 2017.



---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ELEGANT SPA

37

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

- - - - - X  
In the Matter of

ELEGANT SPA  
(2016-17)

5177 Route 9W  
Section 43; Block 1; Lot 6  
B Zone

- - - - - X

AMENDED SITE PLAN

Date: February 2, 2017  
Time: 7:29 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

CHAIRMAN EWASUTYN: The third item

on this evening's agenda is Elegant Spa. It's an amended site plan located on Route 9W in the B Zone. It's being represented by Talcott Engineering. Charles Brown is the engineer representing the project.

MR. BROWN: This is an existing commercial building on Route 9W. We were before the Board for a referral to the Zoning Board for the proximity of the sign to the front property line and rear yard setback to the building itself. We went to the Zoning Board, got those variances.

The only change, in addition to noting that the variances were granted, is we did reconfigure the parking to provide the parking required per code.

We're here to hopefully move this along.

CHAIRMAN EWASUTYN: Jerry Canfield, comments?

MR. CANFIELD: Just one thing, Charlie. What this is here for is for the site plan because it's a change of use.

MR. BROWN: Right.

1  
2 MR. CANFIELD: After you get through  
3 this process and you apply -- the applicant  
4 applies for a building permit, you need to be  
5 aware of the requirements in 185-67 that's  
6 affiliated with these type of establishments and  
7 the licensing requirements.

8 MR. BROWN: I wouldn't have taken the  
9 job if they didn't produce the license to me.  
10 They do have it.

11 MR. DONNELLY: More important that they  
12 show Jerry, though.

13 MR. BROWN: Yes.

14 CHAIRMAN EWASUTYN: Pat Hines?

15 MR. HINES: We just note that the  
16 variances have been received.

17 I did review the minutes of the Zoning  
18 Board and they did discuss the parking that's  
19 been addressed by Mr. Brown. They have added the  
20 appropriate parking based on all the uses on the  
21 site.

22 DOT comments are outstanding.

23 There is a question, I know we  
24 discussed at work session, that the site is  
25 served by Town water, or you identified that it

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

is. We're not really sure that that is the case.

MR. BROWN: I actually talked to John yesterday. He said he does not receive any water bills. Again, the County property report says it's serviced by Town water. Now that he told me that he's not getting water bills --

MR. CANFIELD: Charlie, I don't think so. The Town water stops at 9W and Fostertown Road. That segment of 9W from there up to Carter Avenue is not serviced by Town water. I know this because the fire department across the street brought a four-inch line down from Post Road in the back. I think the motel across the street is on a well.

MR. BROWN: The original survey, we located it now, shows the well back here. It may be buried. I don't know. I mean --

MR. HINES: I think moving forward the plan should then be modified to show that reputed well location.

MR. BROWN: We have it on there now. It's in the upper right corner. They may have just put that on today or yesterday. I apologize. They put it on yesterday after my



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

conversation with --

MR. HINES: That will cover that.

We did check and it doesn't change the bulk requirements which was the concern when we initially noted that. The lot size is the same in that zone.

The Planning Board should discuss whether or not it's going to have a public hearing. We noted that the Zoning Board of Appeals had no one show up at that hearing.

Then procedurally this is the first time it's been back since the Zoning Board hearing. This Board also needs to refer it to County Planning for it's review.

CHAIRMAN EWASUTYN: I'll first poll the Board Members. Ken Mennerich, public hearing?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

Under the site plan regulations it's discretionary by the Planning Board whether or not they wish to hold a public hearing.

Let the record show that the Planning Board waived the public hearing.

At this point, under 239-M of the Municipal Law, Charlie, you'll get plans to Pat Hines and we'll circulate to the Orange County Planning Department.

MR. BROWN: Pat, with respect to the DOT, we talked to Zibie today and she said she has no problem. She'll put that in the e-mail.

MR. HINES: Put that in the note. I didn't envision they did. For coordinating along the State highway we always do.

MR. CANFIELD: You mean no additional permit required?

MR. HINES: We'll see what she says in her note.

MR. BROWN: No. We're not changing the entrance.

MR. HINES: Sometimes they do come back and request modifications.

MR. DONNELLY: You did issue a lead agency designation some time back. You have not yet issued a declaration of significance.

CHAIRMAN EWASUTYN: Do you think now is

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ELEGANT SPA

43

the time?

MR. DONNELLY: Pat, do you have any  
reason --

MR. HINES: I see no significant  
environmental impacts. There is no physical  
change to the site other than re-striping the  
parking lot.

CHAIRMAN EWASUTYN: Okay. Your  
recommendations to the Board then?

MR. HINES: We would recommend a  
negative dec.

CHAIRMAN EWASUTYN: I'll move for a  
motion to declare a negative declaration for the  
Elegant Spa amended site plan.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich and a second by John Ward. Roll  
call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:34 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

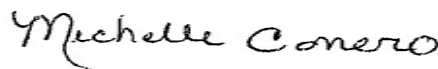
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of February 2017.



---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ELEGANT SPA

45

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

- - - - - X  
In the Matter of

HUDSON ASSET SUBDIVISION  
(2017-04)

Union Avenue  
Section 34; Block 1; Lot 25.1  
R-2 Zone

- - - - - X

INITIAL APPEARANCE  
FIVE-LOT SUBDIVISION

Date: February 2, 2017  
Time: 7:34 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

CHAIRMAN EWASUTYN: The fourth item is Hudson Asset Subdivision. It's an initial appearance for the five-lot subdivision located on Union Avenue. The property is zoned R-2. It's being represented by Talcott Engineering and the engineer is Charles Brown.

MR. BROWN: It's a 12 acre piece. It's vacant right now. It does have a little bit of wetlands. There is actually an old farm lane that appears to come through here and a culvert underneath. It's in the R-2 Zone and there is Town water on Gardnertown Road.

Lots 1 and 2, the ones that front right on Union Avenue, are both roughly an acre. Lots 3 and 4, they come off of a 25 foot flagpole on the property are roughly three-quarters of an acre each.

All lots will be serviced by Town water. Septic systems for all the lots including the balance of the parcel.

All the lots, again, will have driveways to Union Avenue.

CHAIRMAN EWASUTYN: Just a minor note,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Charlie. When you present plans, your location map, can you --

MR. BROWN: Yeah. This piece backs right up to the Thruway. The Thruway is right back in here.

CHAIRMAN EWASUTYN: All right. I'll turn to Board Members for comments. Ken Mennerich?

MR. MENNERICH: Not at this point.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments right now.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have quite a few technical comments on it.

The proposal is for three lots to share a common driveway. That will need referral to the Town Board to get a waiver for three lots on a common driveway. One of the lots that utilizes that currently has access by an easement with no frontage. I know you sent a maintenance agreement to myself and Mike Donnelly today. That will be reviewed. Town Board approval for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that shared driveway will be required.

MR. DONNELLY: It wasn't a maintenance agreement. It was the easement for the other lot.

MR. HINES: Okay. That will also -- the maintenance agreement will be required as well.

MR. BROWN: We'll have to create that.

MR. HINES: They'll have to become party to it, the existing tax lot 18 there.

We have a technical comment on the water. You show a plastic water line. The Town requires copper.

There is a concern and we want you to discuss with the water department the available pressures there to make sure that the water laterals are of adequate size so that they can serve the structures. They're rather long so there may be the need to upsize those.

MR. BROWN: Especially the two in the back here.

MR. HINES: If you can reach out and just give us that analysis of the pressure and the friction loss based on that and whether or



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

not you're going to upsize those.

There's some notes on the septic system, details that need to be provided.

The main comment that we have is that the balance parcel, the 8-acre parcel, identifies soils which are not conducive to a conventional sanitary disposal system. The system you have proposed, the fill system, needs County Health Department approval.

MR. BROWN: Actually where the reserve area is is adequate. Where we did deep test 16 was also adequate. This is 8.5 acres. We're going to get out there and do another perc in the vicinity of deep test 16 and make sure that we do that. We'll address that.

MR. HINES: That's fine. We can't locally approve that system.

MR. BROWN: Understood.

MR. HINES: The detailed tax maps or location map, I think that's just a general comment for -- I don't know what you're using for location maps. We can't find your projects on those location maps.

MR. BROWN: I get that on every job.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Do you use the same location map on every job?

MR. BROWN: I have to keep you guys on your toes.

On the rest of these I have no problem with the comments.

MR. HINES: That's what we have at this point.

CHAIRMAN EWASUTYN: Jerry Canfield, with a common driveway does there need to be a road name?

MR. CANFIELD: Yes. Yes. Absolutely. For addressing purposes. Even though should the Board allow the common driveway, it will still need to be named.

Just another comment. To reiterate what Pat had said on the water availability, the lot size without water becomes 40,000 square feet. It's imperative that you display to the Board that water will be available to the sites.

MR. BROWN: Yes.

MR. HINES: Also at work session Ken Mennerich had picked up that the site was addressed as Gardnertown Road which may be a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

remnant of your last one. If you could just  
clean that EAF up and send a new copy.

CHAIRMAN EWASUTYN: John Ward, any  
comments?

MR. WARD: No. Everything was covered.  
Thank you.

MR. BROWN: Gardnertown Road was on  
page 1 of the EAF. I can just send page 1?

MR. HINES: Right.

CHAIRMAN EWASUTYN: Michael Donnelly,  
at this point any SEQRA --

MR. DONNELLY: No. Charlie has given  
me the easement agreement. I want to check the  
metes and bounds even though it's permissible to  
relocate it. I have no other comments.

CHAIRMAN EWASUTYN: The fact that this  
property abuts the New York State Thruway, does  
that --

MR. HINES: Yes.

CHAIRMAN EWASUTYN: -- require  
anything?

MR. HINES: It will require submission  
to County Planning.

CHAIRMAN EWASUTYN: That was my point.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Thank you.

Do we have enough detail on these maps  
to --

MR. HINES: I think at this point you  
can declare yourself lead agency and submit to  
County Planning.

CHAIRMAN EWASUTYN: I'll move for a  
motion from the Board to declare ourselves lead  
agency and to circulate to the Orange County  
Planning Department.

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: Motion by Dave  
Dominick.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second by John  
Ward. Roll call vote.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. HINES: As a matter of course,  
because it abuts the Thruway, we provide them  
with notification as well. I doubt they'll  
comment with something such as this. There are

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

no signs proposed or drainage issues. It will just cover it as a procedural matter.

MR. BROWN: Actually their water drains onto our property.

Do I need a referral from this Board to the Town Board for three on a driveway?

MR. DONNELLY: I think you just make the application yourself.

CHAIRMAN EWASUTYN: Then you'll submit for a road name also.

MR. BROWN: At the same time. Right. Okay.

(Time noted: 7:41 p.m.)

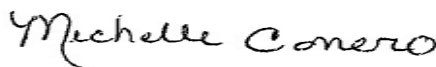
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of February 2017.



---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- - - - - X  
In the Matter of

FABRIZIO TWO-LOT SUBDIVISION  
(2017-05)

Gardnertown Road  
Section 51; Block 9; Lot 9  
R-1 Zone

- - - - - X

INITIAL APPEARANCE  
TWO-LOT SUBDIVISION

Date: February 2, 2017  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

- - - - - X

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

1  
2 CHAIRMAN EWASUTYN: The fifth and  
3 final action on tonight's agenda is Fabrizio.  
4 It's a two-lot subdivision. It's the initial  
5 appearance. It's located on Gardnertown Road  
6 in an R-1 Zone. Talcott Engineering designed  
7 the project and Charles Brown is the  
8 engineer.

9 MR. BROWN: Thank you. This is an  
10 existing parcel on Gardnertown Road, almost  
11 to the end of it where it hits Lakeside Road.  
12 My client has owned this property before the  
13 zoning was changed from R-3 to R-1. His  
14 intention was always to subdivide it.  
15 Unfortunately they changed the zoning. Now  
16 he's here to subdivide it so he can build a  
17 house for himself on lot number 1.

18 A new sewer line has been put in in  
19 front of the lot. The stub was left, right  
20 there at our driveway. There's only one stub  
21 so we've got to put two gate valves on those.  
22 It's a force main so we're going to have a  
23 pump station for each house.

24 It's here tonight because we don't  
25 meet the zoning requirements for R-1 and we



would need a referral from this Board to the Zoning Board for that.

CHAIRMAN EWASUTYN: Pat Hines, comments please.

MR. HINES: Our first one is this also needs a common driveway access and maintenance agreement. There's a shared driveway between proposed lot 1 and existing tax lot 4.21. The highway superintendent's comments will be needed in the future.

The shared utility arrangement that's shown will need an agreement as well.

We also discussed, and I checked real quick on the tax records, this is not located in the sewer district. If you could provide -- apparently there may be an outside user agreement to a neighboring lot. We're not really sure how the sewer arrangement ended up the way it did.

MR. BROWN: I think it's private that was put in. He paid for it.

MR. HINES: We believe that to be the case, too. We just don't know how this parcel gets rights to it.

MR. BROWN: Well, Mr. Fabrizio has

1  
2 already talked to him and he's provided, what, an  
3 authorization to tie in. As far as whether it's  
4 an outside user, that part I don't know.

5 MR. HINES: That's a concern. When  
6 it's one lateral it's not an issue. As you  
7 combine multiple laterals there's the sewer  
8 extension issue that could arise. You need to go  
9 to the Town Board I believe and get that. There  
10 is a fee for connecting as an outside user to the  
11 Town's system if you're out of the district and  
12 an agreement that the Town Board would execute.

13 MR. CANFIELD: Would that agreement be  
14 put in place at the time the Town approved to  
15 allow the lateral to come down from Gardnertown  
16 Road -- Lakeside Road rather?

17 MR. DONNELLY: We'll find out.

18 MR. HINES: I don't know the answer to  
19 that. It may have been just for that individual  
20 lot. It may have been a coincidence that it  
21 passes this lot.

22 MR. BROWN: Actually, there's a stub  
23 provided --

24 MR. HINES: We saw that.

25 MR. BROWN: -- for these two. There's

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

already four.

MR. DONNELLY: We're only guessing but it may be that they recognized that you would likely come back and request out-of-district user status and this way the stubs are in ahead of time.

MR. BROWN: Okay.

MR. CANFIELD: My point is it may be able to be cleared up with the Town Engineer, with Jim Osborne, instead of going back to the Town Board.

MR. HINES: Correct. I'm basically looking for their records. You would have got -- someone would have paid a fee per lot based on the Town's formula for outside users. If you've owned the lot for awhile and haven't paid that, you know that that is an issue.

MR. BROWN: Do you get the tax bills?  
A fee for the sewer?

MR. CANFIELD: It wouldn't be on the tax bills.

MR. FABRIZIO: The sewer was just put in.

MR. BROWN: I'll take care of it.

1  
2 CHAIRMAN EWASUTYN: Charlie, it's more  
3 of a question, do we have to eventually refer  
4 this to Jim Osborne who would refer it to the  
5 city engineer for a sewer flow acceptance?

6 MR. BROWN: Yes. We would need that,  
7 yes.

8 MR. HINES: The rest of our comments  
9 have to do with the zoning issues. I provided a  
10 chart for each of the lots. There are numerous  
11 variances required for each of the lots. I can  
12 list them if you want for the record.

13 CHAIRMAN EWASUTYN: Please.

14 Mike Donnelly could, from that note,  
15 prepare a letter.

16 MR. HINES: For lot 1 the front yard  
17 setback, 50 feet is required, it indicates 25.76  
18 feet. Also for lot 1, rear yard setback, 40 feet  
19 is required, it's depicts 35.36. Lot 1, minimum  
20 lot area, 40,000 square feet is required where  
21 23,543 is provided. Lot 2 similarly has a  
22 minimum lot area deficiency, 40,000 required,  
23 33,795 is depicted. Lot 2 has a lot width  
24 variance requirement, 150 feet required, 123 is  
25 proposed. A lot depth of 150 feet required where

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

127 is proposed.

MR. BROWN: Hold on.

CHAIRMAN EWASUTYN: Are you in  
agreement?

MR. BROWN: The lot depth is actually  
lot 1.

MR. HINES: Okay. Lot 1 will require  
that lot depth issue at 127 feet.

CHAIRMAN EWASUTYN: Okay. I'll move  
for a motion to have Mike Donnelly prepare a  
referral letter to the ZBA noting the area  
variances that are being required which are part  
of the minutes that Pat Hines presented this  
evening.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by John  
Ward. Second by Ken Mennerich. Can I have a  
roll call vote starting with Ken Mennerich?

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. Motion  
carried.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: Having no further business this evening, no Board Business, I'll move for a motion to close the February 2, 2017 meeting.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by John Ward. Roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:48 p.m.)

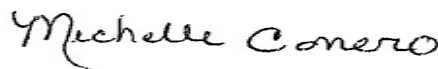
## C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 16th day of February 2017.



---

MICHELLE CONERO