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

----- X

In the Matter of

GKD TWO-FAMILY  
(2013-19)

20 Bauer Lane  
Section 12; Block 1; Lot 6  
AR Zone

----- X

SITE PLAN

Date: March 6, 2014  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of March 6, 2014.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Here.

MR. PROFACI: Present

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input to us for business before us, including SEQRA determinations as well as code and planning details. At this time I ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

MR. BROWNE: Thank you. At this time  
our first item of business --

CHAIRMAN EWASUTYN: The salute to the  
flag.

MR. BROWNE: I'm sorry.

MR. PROFACI: It happened to me last  
time, too. I don't know what it is.

MR. BROWNE: Joe.

MR. PROFACI: Join us in the salute to  
the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you happen to have  
cellular phones, if you could switch them off,  
please.

MR. BROWNE: Thank you, Joe.

The first item of business is GKD, a  
two-family site plan being presented by  
Jonathan --

MR. CELLA: Cella.

MR. BROWNE: Thank you.

MR. CELLA: Good evening. We were here  
I believe last September for this application.

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GKD TWO FAMILY

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It's an existing two-family residence on Bauer Lane which is a dead-end Town road with about twenty residences. The building is existing. It's historically been used as a two-family residence. The current owner bought it and we found that it didn't have a CO for a two-family residence, so we came here to apply to the Planning Board to get it legalized.

We required some area variances for the property. We made application to the Zoning Board. We received them on October 17th -- I'm sorry, January 23rd.

We're coming back here to complete the process.

CHAIRMAN EWASUTYN: Do you want to just walk through with us the ARB also, because the action this evening would be to approve the site plan and also ARB approval?

MR. CELLA: Okay. The application package we submitted included four photographs of the property from all angles of the existing building.

What happened here, we have a front elevation, two sides and the rear. As the

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residence is laid out now, there's currently one entrance in the front on the side near the driveway and another entrance on the Route 300 side of the property into the side of the building here. That would be the second entrance.

It's an existing -- it's earth tones. The current owner had, after purchasing it, had it re-sided, re-did the roofing. They improved the appearance of the property. There are no other changes proposed now.

We feel that it's in character with the Town of Newburgh's goal to make the two-family residences look more like single-family residences.

CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing else. Thank you.

MR. MENNERICH: No questions.

MR. PROFACI: Is this for rental or does the owner live --

MR. CELLA: It's a rental.

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MR. PROFACI: Okay. Thank you.

CHAIRMAN EWASUTYN: John?

MR. WARD: No more comments.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield?

MR. CANFIELD: We have nothing.

For Mr. Profaci, at the Zoning Board meeting it was brought out that it is a rental. Both units would be rental. That's why they did not opt to go for an accessory apartment, because it's not owner occupied.

MR. PROFACI: Right.

MR. CELLA: The owner is a resident of the Town of Newburgh as well.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment just notes the zoning variances that were received.

The second comment has to do with the architectural review that was just proposed with the photo simulations -- photos of the site.

The Board must determine if it wants to hold a public hearing. One was held at the Zoning Board meeting.

The applicant has revised the plans to

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GKD TWO FAMILY

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show a one hundred percent expansion area for the septic system. The existing septic system will remain on the site but they proved out the ability to construct a new one should that become an issue.

With that we have no outstanding comments.

CHAIRMAN EWASUTYN: At this time I'll poll the Board Members to see if they would like to hold a public hearing for the site plan for GKD two-family.

MR. GALLI: No. It was well scrutinized at the ZBA meeting.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived a public hearing for GKD two-family.

At this point in the evening, having heard from our consultants, the action before us is for a site plan approval and ARB approval.

I'll ask Mike Donnelly to discuss with

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us the resolution noting that.

MR. DONNELLY: I don't think we issued a declaration of significance at all, so you will need to do that.

Beyond that, in terms of conditions, we'll have the condition that ties into the ZBA decision.

Is there any financial security, stormwater, landscaping?

MR. HINES: No.

MR. DONNELLY: Nothing is required. So then the only conditions would be the standard condition that says that nothing may be built on the site that is not shown on the approved site plan, the standard ARB condition which states that you must build -- it must remain the way it is without amended ARB approval. Since there's one new unit, there will be a fee in lieu of parkland of \$2,000 for the new unit.

CHAIRMAN EWASUTYN: The first action before us is to declare a negative declaration for the site plan for GKD --

MR. HINES: Mike, I don't know that there's a parkland fee.



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MR. DONNELLY: It's multi-family.

MR. HINES: It's going from single to multi.

MR. DONNELLY: One new unit. For multi-family it goes by units, not by house. It's one new unit, so \$2,000.

CHAIRMAN EWASUTYN: The first action -- thank you. The first action before us this evening is to declare a negative declaration for GKD two-family.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So

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carried.

Having heard the conditions of approval for both the site plan and ARB presented by the Planning Board Attorney, Mike Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. The second, was that John Ward?

MR. WARD: Yes.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Thank you.

The motion is carried.

MR. CELLA: Thank you very much.

(Time noted: 7:08 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.

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DATED: March 20, 2014

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

- - - - - X

In the Matter of

CRAWFORD LOT LINE CHANGE  
(2014-04)

1836 NYS Route 300  
Section 14; Block 1; Lots 17 & 18  
AR Zone

- - - - - X

LOT LINE CHANGE

Date: March 6, 2014  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL YANOSH

- - - - - X

MICHELLE L. CONERO  
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MR. BROWNE: Our next item of business is Crawford Lot Line, project 2014-04. It's a lot line change, the initial hearing, being presented by Daniel Yanosh.

MR. YANOSH: Good evening. My name is Dan Yanosh, surveyor for Mr. Crawford. These two pieces of property have been in the Crawford family since the 1800s. 1891 was lot 17, the others probably about the same period of time. They probably lost frontage I guess over the years when they built 300 and 87. The two existing tax map parcels which Mr. Crawford owns, he's the executor of the estate.

What we're looking to do is we're asking for property in the backyard of tax lot 18. It would be like one-tenth of an acre from lot 17 to be added to lot 18 which would then add the septic system into the property that's existing to make it more salable in the future.

CHAIRMAN EWASUTYN: Okay. There are some questions as far as the lot line change and the existing property. I'll have Pat Hines begin talking.

Pat.

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MR. HINES: Dan, the Town of Newburgh Zoning Board of Appeals has a policy that once any change in a lot occurs, that you lose the protection of any existing zoning bulk issues. So this will require a Zoning Board of Appeals appearance and approval because the front yard is deficient, the lot width is deficient, the rear yard is deficient on lot 2, and the proposed lot 1 has a rear yard setback issue. Those need ZBA approval. That's a Town of Newburgh Zoning Board determination that was made many years ago, that once you lose your protection by any changes, you have to get all of those approvals.

MR. YANOSH: Even though we're making it better? Even though we're making this one small lot better than it was before? We're making a bad situation --

MR. DONNELLY: Only if you actually decrease the degree of all of those nonconformities. Since three of them are staying the same --

MR. YANOSH: We'll take siding off the buildings and make it smaller.

MR. HINES: Narrow it. Unfortunately

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it needs to go to the ZBA.

The only other issue we had is if there's a common driveway access and maintenance agreement. If not, now would be the appropriate time to formalize that.

MR. YANOSH: Okay.

CHAIRMAN EWASUTYN: Are you Mr. Crawford?

MR. CRAWFORD: Yes, sir.

CHAIRMAN EWASUTYN: Did you kind of understand what is being said?

MR. CRAWFORD: Yeah. I find it to be offensive. It has been in my family almost 200 years. After mom passed away in 2012, we changed deeds over to my name and I wanted to move the one line over 60 feet. Everything has been there. It seems a little cumbersome.

MR. YANOSH: What do you need to do? Deny us the application to go to the ZBA?

CHAIRMAN EWASUTYN: Mike Donnelly will explain to you now what the next step is. He would be preparing a referral letter to the ZBA.

MR. DONNELLY: When the Board authorizes me, I'll send a letter to the ZBA

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listing those four variances. You will need also to apply to the Zoning Board. That letter and your application will get you there without the need to be turned down.

MR. YANOSH: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to the ZBA for the referral.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. 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 Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MR. YANOSH: Thank you.



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MR. HINES: Just for the record, those variances, Jerry and I were just talking, it's lot area -- this is for proposed lot 2. It's lot area, lot width, lot depth, front yard and building coverage. And then for proposed lot 1 it's a rear yard where it's 49.5 and 50 is required.

MR. DONNELLY: Just rear yard for lot 1?

MR. HINES: Yes.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: Pat, do we have to refer this to the County?

MR. HINES: Yes, because of its proximity to 300 and 87.

CHAIRMAN EWASUTYN: Dan, can you make it a point of getting plans to Pat Hines so we can circulate to the Orange County Planning Department?

MR. YANOSH: Sure. How many more do you need?

MR. HINES: Just one.

MR. GALLI: Pat, I just have a quick question. If in the future he decides to sell

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this property, because it's so many acres, he'll lose the zoning that he got?

MR. DONNELLY: The variance travels with the land.

MR. HINES: It will stay.

MR. DONNELLY: It travels with the land.

MR. HINES: If he subdivides in the future, then it would probably be an issue.

MR. YANOSH: If he subdivides the big parcel?

MR. HINES: The big parcel.

MR. YANOSH: I mean it's just an existing house that we're looking to get a variance on on lot number 1.

MR. HINES: The rear lot is the existing one.

MR. YANOSH: Once we get that variance --

MR. HINES: That travels with the property.

MR. DONNELLY: I would think that would travel with the land.

MR. YANOSH: That would be good

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forever. He's looking to subdivide something off  
Mountainside Road in the future. We wouldn't  
have to go back to the Zoning Board again, having  
it taken care of.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:14 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.

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DATED: March 20, 2014

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

----- X  
In the Matter of

JORDAN LOT LINE  
(2014-05)

507 Rock Cut Road  
Section 11; Block 1; Lots 65.21 & 30  
AR Zone

----- X

LOT LINE CHANGE

Date: March 6, 2014  
Time: 7:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
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

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MICHELLE L. CONERO  
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MR. BROWNE: Our next item of business is a lot line. This is project number 2014-05. This is a lot line change, initial appearance, by Charles Brown.

MR. BROWN: Thank you. This proposal was generated by the fact that my client erroneously thought his property line was further away because of the stonewall and he built a pole barn, a garage structure, that turned out to be off his property. Fortunately he gets along very well with his neighbor who has an 85 acre piece, plus or minus, and he's agreed to allow my client to purchase roughly two-tenths of an acre right here such that this garage is on my client's property. In doing so it would meet the rear and side yard. However, because of the placement of the structure we would not meet the front yard setback, so we would need to go to the Zoning Board for that.

We're here tonight hoping to get a referral from the Planning Board.

A question I guess for mike with respect to that. If we do get that referral, would that be for the front yard setback or also

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because It's further forward than the primary structure? Is that two variances or one?

MR. DONNELLY: I think you have, from what we talked about at the work session, the front yard setback and you have accessory structures in the front yard.

MR. BROWN: So two variances?

MR. GALLI: The sheds.

MR. BROWN: The sheds are temporary. They can be relocated if that's a condition of -- it's kind of strange what went on here. Rock Cut Road goes through here. This is Old Rock Cut Road which is actually my client's driveway. He's been maintaining it and plowing it and what not. The little piece in between is another section, block and lot owned by Moses, the neighbor to the north. Again, because of him maintaining it, he assumes that he owns it. I can't justify it. These two are not permanent structures, they can be moved. If need be we'll move them, I guess behind the primary structure would be the thing to do.

MR. DONNELLY: You wouldn't need a variance then.

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MR. CANFIELD: You said the two sheds are going to be moved?

MR. BROWN: They can be moved. If need be we'll move them, yeah. They're off the property. There's nothing we can do on that side because that's a Town road right-of-way even though the Town is not maintaining it.

CHAIRMAN EWASUTYN: Would this be an example, Jerry, where the plans can't be signed until the sheds have been relocated?

MR. CANFIELD: Yes.

On the relocation Charlie, they can't be anywhere from the building line forward.

MR. BROWN: Right. They've got to be further back than the primary residence. I understand. Yup.

MR. DONNELLY: So we won't send you for that variance because you will move them?

MR. BROWN: How can you get me a variance? It's off the property.

MR. DONNELLY: We talked about that, too. That's a problem.

MR. BROWN: I'll tell him he has to move them.

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MR. DONNELLY: It's just the front yard then.

MR. CANFIELD: Yeah. The fact that the accessory structure is in the front yard --

MR. BROWN: He's going to move that.

MR. DONNELLY: He's got a front yard setback --

MR. HINES: No. The primary structure meets the front yard. It's the accessory structure that's not allowed in the front yard that he needs the variance for.

MR. DONNELLY: I misunderstood.

MR. BROWN: If the Town grants me a variance on the structure that's over the property line, I assume --

CHAIRMAN EWASUTYN: Any questions from the Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: As long as it's all understood, that's good.

MR. MENNERICH: No questions.

MR. PROFACI: No questions.

MR. WARD: What did you say about the barn? What are they doing? Is he buying the



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property?

MR. BROWN: You mean where the pole  
barn is?

MR. WARD: Yeah.

MR. BROWN: Yes.

MR. WARD: That's what --

MR. BROWN: That's why we're here. He  
had a violation from Jim Campbell from the  
building department on that structure. After we  
got in touch with the surveyor and he did more  
field work, it turns out the whole entire  
structure was over the property line.  
Fortunately, like I said, he's good friends with  
the neighbor, they take care of each other's  
kids, they get along, thank God. They worked out  
a deal on this.

MR. HINES: He could have gave the  
neighbor the barn.

MR. BROWN: What's that? Could have  
gave him what?

MR. HINES: The barn.

MR. CANFIELD: Charlie, also there are  
no permits on file for those sheds, so if you're  
going to move them you may want to get permits

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for them as well.

MR. BROWN: Sure, Jerry.

CHAIRMAN EWASUTYN: Pat, similar to Crawford do we have to refer this to the Orange County Planning Department?

MR. HINES: Yes. It's within 500 feet of Rock Cut.

MR. DONNELLY: If it's a lot line -- I didn't mention it earlier. If it's a lot line it's not a subdivision or site plan, so referral is not required if it's a lot line change.

MR. HINES: They are both lot line changes.

MR. DONNELLY: We specifically say that it is not a subdivision.

CHAIRMAN EWASUTYN: I agree.

MR. BROWN: Back again. Didn't it go one way, back and back again?

CHAIRMAN EWASUTYN: Mike, do you want to give us the conditions you'll be referring to the ZBA?

MR. DONNELLY: We don't have them any more. I think you're in a position to act unless --

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MR. HINES: We have the one.

MR. DONNELLY: We still need one?

MR. HINES: The pole barn is not moving.

MR. DONNELLY: That's a front yard?

MR. HINES: It's an accessory structure in the front yard. There's no setback for it.

MR. DONNELLY: I misunderstood.

MR. HINES: It's Section 185-15 B which states --

MR. BROWN: So one variance or two?

MR. HINES: -- one -- no such building shall project closer to the fronting street than the front of the main building.

MR. BROWN: So it also violates the front yard setback?

MR. CANFIELD: It's not permitted so there's no setback given.

MR. BROWN: Got you.

MR. GALLI: Don't confuse us, Charlie.

MR. BROWN: I'm not confused anymore.

CHAIRMAN EWASUTYN: Jerry, he's being referred to the ZBA for an accessory use?

MR. DONNELLY: Accessory structure in

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the front yard within the front yard setback.

MR. CANFIELD: Just one variance.

CHAIRMAN EWASUTYN: Questions from  
Board Members?

MR. BROWNE: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: All right.

MR. BROWN: The variance is based on  
the 54?

MR. HINES: Right. It has to be.

MR. BROWN: Got you.

CHAIRMAN EWASUTYN: I'll move for a  
motion to approve Mike Donnelly sending a  
referral to the ZBA for the accessory building in  
the front yard.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. So carried.

Keep in mind our meeting of the 20th at this point will have Aldi site plan, the Marketplace and Crystal Run Medical building so far.

That being said, I'll move for a motion to close the Planning Board meeting of the 6th of March.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:24 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.

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DATED: March 20, 2014