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

- - - - - X
In the Matter of

T-MOBILE NORTHEAST, LLC
(2015-07)

7 Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

- - - - - X

WIRELESS MODIFICATION APPLICATION
INITIAL APPEARANCE

Date: April 16, 2015
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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CARA BONOMOLO

- - - - - X

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

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T-MOBILE NORTHEAST, LLC

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MR. BROWNE: Welcome to the Town of
Newburgh Planning Board meeting of April 16,
2015.

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: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. BROWNE: The Planning Board has
professional experts that provide reviews and
input on the business that's before us, including
SEQRA determinations as well as code and planning
detail. I would 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.

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T-MOBILE NORTHEAST, LLC

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

MR. BROWNE: At this time I'll turn the
meeting over to David Dominick.

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

(Pledge of Allegiance.)

MR. DOMINICK: Just a reminder to
silence your cell phones to vibrate or off
please. Thank you.

MR. BROWNE: Thank you. The first item
of business we have this evening is T-Mobile
Northeast, LLC, project number 2015-07. This is
a wireless modification application and it's
being presented for the first time this evening
by Cara Bono --

MS. BONOMOLO: Bonomolo.

MR. BROWNE: Thank you.

MS. BONOMOLO: You're welcome.

Good evening. I'm Cara Bonomolo, I'm
an attorney with the law firm of Snyder & Snyder,
LLP. I'm here this evening on behalf of the
applicant, T-Mobile Northeast, LLC.

T-Mobile is seeking approval to modify

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T-MOBILE NORTHEAST, LLC 4

it's existing wireless telecommunications facility that's located on the existing monopole at 7 Meadow Hill Road. The proposed modification will consist of the replacement of the three existing panel antennas with three new panel antennas that are substantially the same size as the existing antennas.

In addition, T-Mobile proposes to replace one equipment cabinet with a new equipment cabinet of substantially the same size on it's existing concrete pad within the existing equipment compound.

CHAIRMAN EWASUTYN: Okay. Any questions from Board Members at this time?

MR. GALLI: Not at this time, no.

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: I'll turn it over to Pat Hines.

MR. HINES: We have submitted the project to Orange County Planning due to it's proximity to the Thruway and Route 300. That submission has been made.

I know the Town's Telecommunication

Consultant has issued a memo today regarding the project. I think the Board Members all received that.

The project I believe requires a public hearing for the amended special use site plan. I don't know the status of Mike Musso's review a hundred percent there.

CHAIRMAN EWASUTYN: Okay. Mike feels at this time the application is complete, and he will present a formal submission for the public hearing. At this point in time, having heard that, we could make a SEQRA determination.

MR. HINES: We would recommend a negative dec for the technology upgrades at the site.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing additional.

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: Nothing.

CHAIRMAN EWASUTYN: Okay. So we don't really need to motion, or maybe we should motion to make it official, that we'll circulate to the

1 T-MOBILE NORTHEAST, LLC 6

2 Orange County Planning Department and we'll set a

3 public hearing date for the 21st of May. Okay?

4 MS. BONOMOLO: Yes.

5 MR. DONNELLY: Was there a motion for a

6 negative declaration?

7 CHAIRMAN EWASUTYN: Thank you.

8 MR. GALLI: So moved.

9 MR. WARD: Second.

10 CHAIRMAN EWASUTYN: A motion by Frank

11 Galli, second by John Ward. Any discussion of

12 the motion?

13 (No response.)

14 CHAIRMAN EWASUTYN: I'll move for a

15 roll call vote starting with Frank Galli.

16 MR. GALLI: Aye.

17 MR. BROWNE: Aye.

18 MR. MENNERICH: Aye.

19 MR. DOMINICK: Aye.

20 MR. WARD: Aye.

21 CHAIRMAN EWASUTYN: Myself. So

22 carried.

23 You'll work with Pat as far as --

24 MS. BONOMOLO: On the notices for

25 May 21st. Yes. Thank you.

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T-MOBILE NORTHEAST, LLC

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MR. HINES: The County Planning
timeframe will lapse, so it will work out by
sending it out early.

CHAIRMAN EWASUTYN: It's going to be
fairly close, so we'll work on that.

(Time noted: 7:05 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: April 28, 2015

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

HUDSON VALLEY PERSONNEL SUPPORT CENTER
OF JEHOVAH'S WITNESSES
(2014-17)

1292 Route 300
Section 97; Block 2; Lots 30.22 & 33
IB Zone
----- X

SITE PLAN & LOT LINE CONSOLIDATION

Date: April 16, 2015
Time: 7:05 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

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

1
2 MR. BROWNE: The next item of business
3 we have is Hudson Valley Personnel Support Center
4 of Jehovah's Witnesses, project number 2014-17.
5 This is a site plan and lot consolidation
6 presented by Dominick Cordisco

7 MR. DATES: He's not here. Justin
8 Dates with Maser.

9 MR. BROWNE: Thank you.

10 MR. DATES: Do you want me to update
11 you on the revisions from the last go around?

12 CHAIRMAN EWASUTYN: Please.

13 MR. DATES: Since the last meeting
14 there was a discussion about the banquet area,
15 which was a 200 seat capacity, and the need for
16 parking and adjustments to the sewer flows and
17 what not.

18 After that meeting I sat with Mr.
19 Canfield and also talked to Mr. Hines about the
20 requirement of that banquet area. So what
21 happened was the banquet area was split in half
22 essentially. Half is now proposed to be storage
23 area for the complex, the new complex, and the
24 other side would be their banquet area, which cut
25 the seating down to 100 total seats. That in

change required parking by the code, per 25 --
I'm sorry, 1 per 4 seats. So that would require
an additional 25 parking spaces. We had surplus
parking on the plan as it stood, so we meet the
code for parking requirements for the total site.
It changed the parking requirement for the
proposed 100-room hotel to 128 spaces. We have
128 spaces provided for that with the new
structure.

It also changed our sewer flows. It
increased our estimate from 11,000 to 11,800. So
there's 800 additional gallons of sewer that are
needed -- that are estimated for the facility.
We got a revised sewer acceptance letter from the
City of Newburgh. You should have gotten a copy.
I have a copy if you don't. They accepted the
upgraded amount to 11,800 gallons per day, so we
have that in place.

CHAIRMAN EWASUTYN: I think I faxed
your office a copy of that.

MR. DATES: Yeah. I brought one just
in case.

CHAIRMAN EWASUTYN: I do that along
with faxing people like yourself. I make it a

habit of circulating to all the Planning Board Members.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Every piece of information that comes in to the office gets circulated to at least 15 or 20 people.

MR. DATES: Okay. Thank you.

The other thing that we talked about in regards to any changes within the building, we added a note that states that any changes of common spaces within the buildings would require further review by the Planning Board. That was something, in working with Jerry, we were able to get on the plan for protection of that.

A couple of other things. The pump station, there was a comment regarding the lighting on that. We replaced the lighting on that with full cut-off style fixtures. So all down light, and they are not on all the time. They'll only be used during periods of service. So if they need to get into the pump station at night, that's when they'll be used, otherwise they will not be on.

We also did additional landscaping

1 around the pump station to help screen that,
2 which is right in this location here. It's at
3 the very end of the access driveway there.
4

5 Lastly, we talked about the emergency
6 access coming in. We have a bollard and chain to
7 deter that from being used as a full-time access.
8 We moved it further off the edge of pavement.
9 It's about 50 feet off of that edge of pavement
10 now. The fire truck servicing the area is a
11 little over 46 feet, so that gives it enough
12 length to get it completely off of 300 and out of
13 potential issues with traffic.

14 I think that we've addressed the
15 comments that were raised to date from the
16 previous Planning Board meeting with this
17 submission.

18 CHAIRMAN EWASUTYN: Phil Grealy, since
19 you're here, I know you've had correspondence
20 with Ken Wersted, our Traffic Consultant. Can
21 you summarize that for us?

22 MR. GREALY: Yes. Phillip Grealy,
23 Maser Consulting.

24 After the last meeting we had prepared
25 an additional analysis, in our memo dated March

12th, to look at the additional traffic that could be generated by the banquet area. That analysis indicated that we would have potentially additional trips, and they could be accommodated with the layout and changes that we had previously specified.

I believe Ken has completed his review. I received a copy of his letter in which he reviewed our report, found that our numbers were conservatively high in terms of our estimates, and I believe that he's been satisfied that we've addressed in satisfaction of what the Board is looking for. Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you have anything you want to mention?

MR. CORDISCO: No, other than I want to apologize for getting here late. I do know the meeting starts at 7, but I was not able to make it on time today. I apologize.

MR. WARD: John, I have a question.

CHAIRMAN EWASUTYN: Okay.

MR. WARD: In reference to the banquet hall and the storage, is it going -- the storage area, is there going to be a wall between --

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MR. DATES: Yes.

MR. WARD: A solid wall?

MR. DATES: It's a solid, permanent wall.

MR. WARD: That's what I wanted to know. Thank you.

MR. DATES: You're welcome.

CHAIRMAN EWASUTYN: Before I turn it over to our consultants -- thank you, John -- Dave Dominick, do you have any questions or comments?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: At this point I'd like to turn the meeting over to Jerry Canfield, Code Compliance.

MR. CANFIELD: Just one comment in light of John's comment. The storage area, the Code Compliance Department inspects commercial

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occupancies at least once a year. At any time we see that that should be anything other than storage, it may prompt further action.

As Justin has stated, they did move the bollard and chain access off of 300, 50 feet back. Originally it was 30. He moved it to accommodate the largest fire department vehicle which is from Winona Lake. That's no issue.

They also added the main in the front and the hydrant that we had asked for.

We have nothing additional.

CHAIRMAN EWASUTYN: Thank you. Pat Hines with McGoey, Hauser?

MR. HINES: Our first comment has to do with the need to consolidate the lots. There's three lots on the parcel right now, including a small strip from a former survey issue. Those all need to be consolidated as a condition of approval.

The next comment had to do with the review by the jurisdictional fire department and code compliance. That has been done.

There's some additional soil testing needed for the stormwater management plan. The

1 project site has been filled in the past, and
2 when they did some testing for the underground
3 storage I believe there was an issue with the
4 percolation rates. That technical detail needs
5 to be resolved and can be a condition of
6 approval.
7

8 There was some discussion at work
9 session whether during the building permit
10 process some additional soil testing may be
11 required because of the construction of the
12 building on the previous fill. More of a
13 notification to the owner, there may be some
14 additional requirements for the building because
15 the site was pretty extensively filled. That
16 three acres was subject to a clearing and grading
17 permit more than a decade ago.

18 MR. DATES: We will be doing the
19 testing for the stormwater and also be doing
20 borings too for the foundations. Is that what
21 you're --

22 MR. HINES: Yes, what's that I'm
23 referring to. I don't know if your client knew
24 that site had been extensively filled but it has
25 been.

1 The parking calculations, we did review
2 those. There was originally a requirement for
3 103 parking spaces based on 1 per room and 3
4 employees. With the additional banquet facility
5 there was 25 additional parking spaces needed.
6 There was 125 spaces provided, so they've
7 provided the additional spaces on the site plan.
8 That's been accomplished.

9 We did get Ken Wersted's memo regarding
10 the traffic. It looked like they were a little
11 low on the a.m. peak traffic but they were
12 substantially higher on the Saturday peak. Ken
13 was good with the traffic report as revised to
14 take into consideration the site functioning as a
15 hotel and banquet facility. The previous traffic
16 counts were based on its current use. That
17 report has been upgraded and found to be
18 acceptable.

19 So with those couple of technical
20 changes, we have no outstanding comments and
21 would recommend a conditional final approval
22 based on those.

23 CHAIRMAN EWASUTYN: Okay. At this
24 point I would like to turn to Mike Donnelly to
25

1
2 give us the conditions for final site plan
3 approval.

4 MR. DONNELLY: Before I do, my notes
5 indicate that you have not yet given a
6 declaration of significance. You'll need to
7 issue a negative declaration. You did grant --

8 CHAIRMAN EWASUTYN: Let's start on that
9 now and then we'll complete that.

10 I'll move for a motion to declare a
11 negative declaration for the Hudson Valley
12 Personnel Support Center of Jehovah's.

13 MR. DOMINICK: So moved.

14 CHAIRMAN EWASUTYN: I have a motion by
15 Dave Dominick.

16 MR. MENNERICH: Second.

17 CHAIRMAN EWASUTYN: A second by Ken
18 Mennerich. Any discussion of the motion?

19 (No response.)

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

22 MR. GALLI: Aye.

23 MR. BROWNE: Aye.

24 MR. MENNERICH: Aye.

25 MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion
carried.

Thank you, Michael.

MR. DONNELLY: The resolution is for
site plan approval. The ARB approval that you
previously granted will be incorporated into this
resolution as well as the lot consolidation.
We include a findings provision that the proposed
lot consolidation constitutes a lot line change
within your code, therefore not requiring the
formality of subdivision approval or a public
hearing.

First, we will note that the City of
Newburgh has issued their flow acceptance letter,
and any conditions incorporated into it are
incorporated into this resolution of approval.

Similarly, we will note that the
Newburgh Zoning Board of Appeals granted a
variance in September, and that will be
incorporated into this approval.

As discussed earlier, soil bearing
testing results will have to be submitted to the
Code Compliance Department before any building

1 permit will be issued.

2 I believe the New York State Department
3 of Transportation still needs to approve the
4 location of the emergency access, or has that
5 been done? The approval is needed?

6 MR. GREALY: We still have to get a
7 permit. They looked at the location. It's just
8 the permit.

9 MR. DONNELLY: The highway work permit?

10 MR. GREALY: Yes.

11 MR. DONNELLY: Okay.

12 MR. CORDISCO: Which will be issued to
13 the contractor.

14 MR. GREALY: Correct.

15 MR. DONNELLY: I propose that we have
16 our standard lot line change conditions. One of
17 the issues when we consolidate these lots is to
18 make sure accurate dimensional data and tax map
19 information is supplied. Your standard
20 conditions would require that the applicant
21 actually submit a map, one reproducible mylar and
22 a copy, that that map be submitted to the Orange
23 County Real Property Tax Service, and if a deed
24 is required, I don't know what the ownership is,
25

1 that you copy us on the letter of transmittal of
2 that deed and provide us with recording
3 information after it's done. After the map is
4 filed you need to provide the Planning Board with
5 two copies of the lot line change with filing
6 information noted on it. I believe that's the
7 cleanest and best way to do it.
8

9 Our standard ARB approval condition
10 which requires you may not build anything other
11 than is shown on the architectural renderings
12 that were approved in February.

13 We will include our condition that ties
14 into the narrative that was given to us that
15 shows the description of the activities to be
16 carried out, and the site plan approval is for
17 those activities only. If those activities
18 change or expand you need to get amended
19 approval.

20 There is landscaping proposed, so a
21 landscaping security and inspection fee. That
22 inspection fee in the amount of \$2,000 will be
23 required.

24 Similarly, a stormwater improvement
25 security and inspection fee will need to be

1 posted. A stormwater control facility
2 maintenance agreement required by the Town of
3 Newburgh Code will have to be executed before the
4 plans are signed.

5 And finally, our standard condition
6 that says you may not build any fixtures,
7 improvements or structures on the property other
8 than is shown on the site plan without amended
9 approval from the Planning Board.

10 CHAIRMAN EWASUTYN: Any questions,
11 comments or additions to the conditions for final
12 approval that our Attorney, Mike Donnelly, has
13 presented?

14 MR. HINES: The only other issue is --
15 while the applicant is here -- there was some
16 discussion at work session regarding a
17 significant pothole at the entrance/exit drive.
18 I don't know who is in charge of maintaining
19 that. I'm sure if they could just look at that
20 as well.

21 MR. CORDISCO: Yes. We were faxed a
22 copy of a written complaint yesterday. That will
23 be handled.

24 CHAIRMAN EWASUTYN: Thank you, Pat.

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All right. At this point I'll move for a motion to grant final site plan approval to the Hudson Valley Personnel Support Center of Jehovah's subject to the conditions in the resolution that was presented by Planning Board Attorney Mike Donnelly.

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick and 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. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Congratulations.

MR. DATES: Thank you very much.

MR. CORDISCO: Thank you all.

(Time noted: 7:16 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: April 28, 2015

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
- - - - - X
In the Matter of

TARSIO FAMILY SUBDIVISION
(2015-08)

283 Fostertown Road
Section 39; Block 1; Lot 21.1
R-2 Zone
- - - - - X

FIVE-LOT SUBDIVISION
INITIAL APPEARANCE

Date: April 16, 2015
Time: 7:17 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
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

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

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TARSIO FAMILY SUBDIVISION

26

MR. BROWNE: Our next item of business is Tarsio Family Subdivision, project number 2015-08. This is a five-lot subdivision, initial appearance, being presented by Ken Lytle.

MR. LYTLE: Good evening. I'm presenting an 8.6 acre parcel located between Fostertown Road and Wells Road.

We're proposing four new lots. The existing home site is up on top of the hill. It used to have horses on it years ago.

We're proposing two new lots accessing off of Fostertown Road, tying into Town water and using septic.

The existing house on top of the hill will remain with the existing septic.

On Wells Road we're proposing -- originally we had a meeting with Jim Osborne and he had asked us to propose a manhole main extension. We since spoke to Jim and he seems to be okay with us doing the individual tie-ins for the two homes on Wells Road into the sewer line. We'll get letters from him regarding that.

CHAIRMAN EWASUTYN: Comments from Board Members?

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MR. GALLI: Is there going to be
future subdivision of this anymore?

MR. LYTLE: No. That's all they wanted
to do. They wanted to keep the actual existing
home with the barn as it's a memory of his dad.

MR. HINES: It sure looks like there is
provisions for that. There is a fifty-foot
strip --

MR. LYTLE: Yes. Originally Tony
looked at possibly doing something. The family
is involved, they didn't want anything to do with
it. They want to make it quick and simple.

MR. HINES: It's not prevented by this.

MR. LYTLE: Absolutely.

MR. HINES: Is has provisions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: Nothing.

MR. DOMINICK: Nothing.

CHAIRMAN EWASUTYN: At this point we'll
turn to our consultants. Jerry Canfield, Code
Compliance?

MR. CANFIELD: It's kind of a clean-up
item. On your plan you have proposed on the bulk

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use requirement. You should show the actual dimensions.

MR. LYTLE: Okay.

MR. CANFIELD: You have the requirement and then you have that you meet it, but show the actual dimensions --

MR. LYTLE: Okay.

MR. CANFIELD: -- on both lots -- all four of them, actually.

Pat will talk about -- we talked in the work session about the barn and a need for a variance for the barn. Currently there's an accessory structure in the front yard which will probably be deemed as existing, nonconforming. This subdivision now loses that protection, so you'll have to apply to the Zoning Board for a variance for that accessory structure in the front yard.

MR. LYTLE: For the barn. Okay.

CHAIRMAN EWASUTYN: Mike Donnelly will prepare a letter referring you to the ZBA.

MR. DONNELLY: I'll copy you, Ken, but you'll need to apply to the Zoning Board.

MR. LYTLE: Thanks.

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CHAIRMAN EWASUTYN: Pat Hines with
McGoey, Hauser & Edsall?

MR. HINES: The first comment has to do
with what we just spoke of, the need for a
variance for an accessory use in a front yard.

My second comment had to do with the
need for DEC approval should the sewer line be
extended as was shown on the map. We do have an
indication that the individual laterals will be
acceptable.

A sewer flow acceptance letter from the
City of Newburgh for those two additional lots
that are connecting is required.

I needed to know if lot 1 was going to
connect to the sewer. Apparently it is not at
this time.

MR. LYTTLE: No.

MR. HINES: I'm not a hundred percent
sure this lot is in the sewer district. I did
check the Orange County parcel and it's not
paying a sewer tax right now.

MR. LYTTLE: Okay.

MR. HINES: We need that investigated.
It looks like it's in two water districts. I

1 don't know how that happens either. It may be a
2 labeling issue. Just a note on the map
3 confirming whether or not they are in the sewer
4 and water districts. If you could follow up on
5 that.
6

7 MR. DONNELLY: If you're not, you'll
8 need an out-of-district user agreement with the
9 Town.

10 MR. HINES: The highway
11 superintendent's comments for the Wells Road
12 driveways are required, and Orange County DPW for
13 the driveways that are accessing the County road
14 are required.

15 A common driveway access and
16 maintenance agreement for the shared driveways on
17 lots 1, 2 and 3 will be required.

18 Just a clean-up item. There's a
19 surveyor stamp on the detail sheet. It will need
20 to be the engineer's.

21 The 2015 version of the Town of
22 Newburgh water and sewer notes are required due
23 to the connection to the municipal system.

24 The limits of disturbance should be
25 identified on the plans to make sure that the

limits are less than five acres. If it is more than one acre that is identified, a stormwater SPDES permit will be required. The erosion sediment control plan is all that's needed.

That's the extent of our comments.

It does need to go to Orange County Planning due to the proximity to the County roadway.

Again, a reference to the ZBA. So there's really no action that the Board can take tonight.

CHAIRMAN EWASUTYN: I'll move for a motion to circulate this to the Orange County Planning Department and for Mike Donnelly to prepare a referral letter to the ZBA in relief of an accessory building in the front yard.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, 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.

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TARSIO FAMILY SUBDIVISION

32

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So
carried.

I did receive a call from Carol from --

MR. LYTLE: Mike Carol.

CHAIRMAN EWASUTYN: Mike Carol, and I
left him a voice message giving him my e-mail, my
phone number on also Pat Hines, and never
received his review.

MR. LYTLE: He was out in the field.
We met with him and he's going to prepare for the
actual driveways along Fostertown Road. You'll
have that before we come back.

MR. HINES: I just noticed the required
County notes and details weren't on the plan
either. They have to be added.

MR. GALLI: Is he developing these
himself?

MR. LYTLE: No. This one here he's
going to sell lots. There's family involvement

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TARSIO FAMILY SUBDIVISION

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so --

CHAIRMAN EWASUTYN: Mike, would you,
for the record, make mention of the ZBA referral
letter?

MR. DONNELLY: The existing barn that
will end up in the front yard upon subdivision,
although it's there now and nonconforming, that
protection is lost, therefore the referral will
be for a variance from the prohibition for an
accessory structure in the front yard.

MR. LYTTLE: Okay. Great. Thank you.

(Time noted: 7:22 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: April 28, 2015

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

- - - - - X

In the Matter of

WAL-MART
(2003-58)

Special Use Permit Request

- - - - - X

BOARD BUSINESS

Date: April 16, 2015
Time: 7:22 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
DAVID DOMINICK
JOHN A. WARD

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

- - - - - X

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

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WAL-MART 36

CHAIRMAN EWASUTYN: Just for the record, there is an old Wal-Mart project number.

Jerry Canfield, do you want to speak to us about Wal-Mart?

MR. CANFIELD: During the work session we discussed a proposal. The Planning Board Chair has received a letter from Wal-Mart and I was copied. They requested a temporary outside display of outside materials, plantings, stone and mulch. After looking at a plan that the applicant has submitted as sketch, the Planning Board had decided to turn it over to the building department to oversee this temporary outside display of materials.

The timeframe is to go from the latter part of April to no later than the end of July.

The applicant has also suggested that they'll be back before the Board for a more permanent type outside amendment to their site plan, at which time they'll make full application and come before the Board.

CHAIRMAN EWASUTYN: Is everyone in agreement?

(No response.)

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WAL-MART

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CHAIRMAN EWASUTYN: Let the record show the Planning Board Members were in favor of the building department managing the seasonal storage of ornamental plants and related supplies for Wal-Mart.

Anything else?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 16th of April.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have motion by Frank Galli, a second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

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.

DATED: April 28, 2015