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

----- X

In the Matter of

VALON and VATAN RESTAURANT  
(2012-26)

34 North Plank Road  
Section 84; Block 2; Lot 1.1  
B Zone

----- X

SITE PLAN & ARB

Date: April 18, 2013  
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  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JAMES RAAB

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of April 18, 2013.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including SEQRA. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. COCKS: Bryant Cocks, Planner.

MR. PROFACI: Thank you. At this time I'll turn the meeting over to John Ward.

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MR. WARD: Please stand for the Pledge.  
(Pledge of Allegiance.)

MR. WARD: Please turn off your phones  
or put them on vibrate.

MR. PROFACI: Thank you. The first  
item on tonight's agenda is Valon and Vatan  
Restaurant, 2012-26, located at 34 Plank Road,  
Section 84, Block 2, Lot 1.1, located in the B  
Zone. It's a site plan and ARB being represented  
by Jim Raab.

MR. RAAB: Since the last time we were  
before you we have solidified an agreement with  
250 Lake Street Properties, which is the old  
Joanne Fabric building, which we were able to get  
fifteen parking spaces from them. I think it's  
fifteen.

MR. FOGARTY: Twelve.

MR. RAAB: Twelve. We kept going back.  
We had fifteen, then we lowered it to twelve.  
That's why there's a difference in the letter.  
But we have a firm agreement.

We're going to curb it completely off  
because Ted's biggest concern -- Ted Doering, who  
is the principal of 250 Lake Street Properties,

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is concerned with them driving through our parking lot and into his parking lot and out onto 9W. He doesn't want that to happen. We had all our parking over here, and then there would have been this empty space here. His facilities manager, Kevin Weir, and I worked out an agreement where we moved five spaces over here.

We're going to put a chain-link fence along the back on McCullins' property. The reason for that is two reasons. They believe it will deter the homeless from coming across that way and also keep some of the debris that comes off the highway, you know, off of their parking lot, and off of our parking lot too.

The other addition that was in the agreement is that we would wrap this corner around the Sunoco station with a stockade fence, a wooden stockade fence. That is for two reasons also. That's to keep the papers that come off of the Sunoco, a lot of debris. I sat there and watched it while I was there with Kevin come off of that parking lot, and that gas station onto this parking lot. That again, it's also to deter the homeless who have been sleeping underneath

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Joanne Fabrics' portico. They chase them out on a regular basis. So they feel that this will be a deterrent, and we're in agreement to it because we're -- you know, we're asking for five more spaces because we thought we need -- we would like to have more than what's necessary. This all was amenable to everybody.

                    Again, right now Mr. Kelson -- Todd Kelson and Thomas Murphy are working out the fine points of the agreement which will have to be reviewed by Mike once it's done. It's pretty much that we need to maintain everything that we're getting as far as -- as far as parking. We'll be maintaining it. It will have to go in first before anything else does because that's just the way it needs to be. That's pretty much it.

                    The reason why we hadn't finalized the drainage, there were some issues with the curbing and stuff, is because we wanted to work this deal out with 250 Lake Street Properties before we went any further with that. But now we're ready to finalize the parking -- I mean finalize the drainage, okay. We're going to have -- we have

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some issues with the water that Pat pointed out. We can do that, that's not a problem. And add all the proper notice for the sewer and all that.

The other thing we need to do is the lighting. We had a lighting plan ready to be submitted with this set and we didn't like it. It was -- had too much drifting over into the McCullin parcel. Even though it's a commercial piece and it's a vacant piece of property, we didn't think that would go too well with your consultants or you, so we sent it back. We have it now and we're ready -- we'll have it ready to resubmit, you know, very shortly.

That's pretty much where we're at right now.

Again, we submitted our architecturals but they were only for -- we didn't expect to have an ARB tonight because Seth hasn't finalized the colors of everything yet. So as soon as we have that, then we can fill out the proper forms and submit it, probably colored plans, the next time through.

CHAIRMAN EWASUTYN: Jim, the last time you were before us Todd Kelson was here. He

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represents who?

MR. RAAB: He represents 250 Lake Street Properties.

CHAIRMAN EWASUTYN: And then Mike Murphy represents?

MR. RAAB: Tom Murphy represents Seth.

CHAIRMAN EWASUTYN: I'll open it to the Planning Board Members.

MR. GALLI: I have none except for the curbing in the back which Pat will address with the drainage.

MR. RAAB: Again, that's something we have to address also. We'll have no problem finalizing that. There are some issues. I know what he's talking about and we need to do some things with the curbing.

MR. GALLI: The second issue that came up during workshop was on your letter to the City of Newburgh you had 120 seats compared to the 80.

MR. RAAB: Right. We're down to -- I believe now because -- we'll only be able to have 108 seats now. What we didn't want is -- at the time we had all these parking spaces over here.

MR. HINES: You want to change that

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VALON and VATAN RESTAURANT

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number you just said?

MR. RAAB: What's that?

MR. HINES: You want to give that real number there? You said 180.

MR. RAAB: I said 108.

MR. HINES: Your parking calculations are based on 80.

MR. RAAB: Yes. Again, we just finalized this agreement with Ted. So our parking calculations will be revised for that.

MR. GALLI: Is the building going to be able to hold 108 compared to 80?

MR. RAAB: Mm'hm'.

MR. GALLI: So you're talking 28 more people.

MR. COCKS: We're going to have to look at the building plans.

MR. HINES: 6 more parking spots.

MR. GALLI: I'm not worried about that, I'm worried about the size of the building. We can get 1,000 parking spots and develop the whole lot but it doesn't mean the building is going to hold them.

MR. RAAB: Again, we can demonstrate



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VALON and VATAN RESTAURANT

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that. That's not an issue.

MR. DONNELLY: Do you have enough parking?

MR. RAAB: That's why we know we can fit 108. They've already gone through this.

MR. DONNELLY: Do you have parking for 108?

MR. RAAB: Yeah.

MR. HINES: No.

MR. RAAB: We have 27 spaces now. That gives us 108 seats.

MR. COCKS: 24. We were just concerned about the actual seating area square footage after you minus out the kitchen and all.

MR. RAAB: An issue came up when we were before the Zoning Board about the patio, because we're covering it now, and we will have additional seating out there. So we wanted to bring that into it. And now there's another whole area -- because we got the extra spaces from Ted, okay, there's a whole other area that was opened up for more seating. We'll be glad to demonstrate that. We have no problem with that at all.

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MR. FOGARTY: At some point we'll be able to see the inside plan --

MR. RAAB: Yes.

MR. FOGARTY: -- as far as the seating? Does the seating include the patio?

MR. RAAB: Yes, it will include the patio.

MR. FOGARTY: That's part of the 108?

MR. RAAB: That's correct.

MR. MENNERICH: Jim, will you be sending a revised letter to Jim --

MR. GALLI: City of Newburgh.

MR. MENNERICH: -- for the City of Newburgh?

MR. RAAB: I'm going to be meeting with Craig tomorrow morning on a whole different matter at Downing Park. I sent him down, because he had not -- either didn't remember getting it or hadn't received it from Jim Osborne yet, so I e-mailed him down the letter that you all have copies of. I will tell him that the seating has been revised to 108.

MR. MENNERICH: Are you going to let him Osborne know?

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MR. RAAB: I'll let Jim Osborne know, too.

MR. DONNELLY: We don't want to use more of our allocation than we need to.

MR. RAAB: Not a problem. I understand. Like I said, at one time we thought we were going to get 120, but -- that's why we had the differential in the letter.

CHAIRMAN EWASUTYN: Frank, are you finished?

MR. GALLI: I'm done.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'm all set.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have no questions at this point.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: At what particular point will we be able to see the outside -- what's going to be used for the outside of the building?

MR. RAAB: Again, I believe they put a front elevation on here.

MR. FOGARTY: I mean like the colors.

MR. RAAB: There's the roof overhang.

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Yeah, we'll have all the colors. This is going to be brick. It's going to remain brick. There's going to be something done to it. I'm not quite sure of the treatment they're going to use just yet. Again, that's stuff that's got to be finalized with Seth. Like I said, that's the only thing that needs to be finalized is the colors and the treatment to the brick. What you see as far as the way the building looks, the windows, the porticos, the roof lines and the ridge lines and the gables, that's pretty much Seth. It's pretty much etched in stone.

MR. GALLI: Where is the patio seating?

MR. RAAB: It's going to be here.

MR. GALLI: Right out in front?

MR. RAAB: Right out in front. There will be landscaping here, too. That's not shown but we'll try to dress that up a little bit for the public hearing.

CHAIRMAN EWASUTYN: Tom, any other questions?

MR. FOGARTY: That's it.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: In reference to the curbing,

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have you explored the idea of having a slotted chain-link fence going through there?

MR. RAAB: Okay. You'll have to be --

MR. WARD: You're having a fence in the back of the property to keep people from going in where the curb is.

MR. HINES: On the north side.

MR. RAAB: That's all they asked for.

MR. WARD: I'm asking you basically for two reasons. You just said --

MR. RAAB: They didn't want -- we discussed a fence and they didn't want a fence. Again, we're dealing -- we're not dealing with our property, we're dealing with 250 Lake Street's property. We had fences, we had Jersey barriers. This all being a landscaped island, okay, in here, they didn't want that because they're going to be parking right up against here, okay. I don't know with what. They really haven't got a tenant for the building yet. That was what was discussed and that was what was accepted by Kevin Weir and Ted Doering.

MR. HINES: Can you explain how that curb is going to work? I'm sorry to jump in.

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That's going to be an 8-inch high wall, for lack of a better description of that, because it won't be backfilled on either side because there's going to be -- there's parking on either side of that. It doesn't function as a curb, it's more --

MR. RAAB: Again, we have to make a functional curb out of it. Well, this part here, that's something I can take back to Kevin Weir, that we've got to do something on this side of the curb.

MR. HINES: That's why the question of the fence came up. I brought that up at work session. That's really going to function as a short wall rather than what everyone would think would be a curb because it's going to be exposed on both sides. I mean the snowplow guy is going to get a hell of a surprise there.

MR. RAAB: Well again, they wanted the curb all the way down through there. We'll make it work the best way it can, okay. We'll have to come up with a decent detail for that.

MR. GALLI: I'm sorry, John. Are you done?

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MR. WARD: For now.

MR. GALLI: For the drainage, Pat.

MR. HINES: Right now that would function as a bathtub because of the way the grading is there. It won't drain. That's something you have to --

MR. RAAB: We're going to have infiltrators underneath.

MR. HINES: That's not shown right now.

MR. RAAB: We were waiting to get this final -- to get the parking finalized before we started placing infiltrators.

MR. GALLI: Is there going to be landscape on the back curb? I see it on the front part.

MR. RAAB: No. There's not going to be any landscaping on this side because they didn't want it. I had a plan that had landscaping coming all the way down through here. They rejected that plan for this plan.

MR. WARD: One more. The purpose of the curb is to keep cars from going in and out, going across?

MR. RAAB: Going across through here

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VALON and VATAN RESTAURANT

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like this, or like this, or like this. Whatever.

MR. WARD: Keep in mind for a fence.

MR. RAAB: Okay. Chain link?

MR. WARD: Yes. Slotted black or  
whatever you want.

MR. RAAB: Again, this is not up to us.  
This is up to the --

MR. WARD: I know.

MR. RAAB: It's up to the people we're  
getting the spaces from. I will --

MR. WARD: You've got people, you're  
saying homeless people or whatever. It could be  
a walk through any time. You're putting a fence  
up one side but not the other.

MR. RAAB: Okay.

CHAIRMAN EWASUTYN: It becomes real  
difficult when you talk about wintertime and  
snowplowing and the structural integrity of the  
fence after --

MR. RAAB: After getting smashed up  
with some snow. Yeah.

CHAIRMAN EWASUTYN: I mean I'm not  
saying it can't work but it's going to be -- when  
it comes time to snowplow --



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MR. RAAB: It's something we can look into. We have to look into what we're going to do as far as what kind of detail, what kind of curb we're going to use anyway. Now I know you have a concern.

MR. FOGARTY: Just explain, you mentioned it briefly, how you're going to prevent that parking area from flooding.

MR. RAAB: We're going to have infiltrators. There's going to be drainage that we haven't shown yet. And the curbs are going to be weeped. You know, this curb is going to be weeped so that we can take whatever -- the drainage goes this way.

MR. HINES: No, it doesn't.

MR. RAAB: We don't want to cause any problems on their side or we don't want to cause any problems on our side.

MR. HINES: The topo shows the drainage going the other way of what you just said.

MR. RAAB: Okay. I'm sorry?

MR. HINES: Coming off this site onto the --

MR. RAAB: Basically I'm looking at the

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VALON and VATAN RESTAURANT

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top of the -- it goes this way. I'm sorry. I was looking at the rim here.

MR. HINES: That's the high point.

MR. RAAB: It goes this way and then it goes this way. Yeah. We're not going to allow it to become a bathtub. The only thing we didn't do is we didn't finalize the drainage because we were trying to finalize our agreement.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Besides what we just talked about, we have comments on the water service that I know the applicant's representative has, as well as the sewer, the additional details for the grease trap and the sewer details. We're looking for details on the trench drains that are depicted on Stone Street, including the discharge location and inverts. There's not a real defined swale along Stone Street.

MR. RAAB: That's one of the things we're waiting on, we were waiting on Darren to get us more topo on Stone Street. That's why we didn't show it.

MR. HINES: And then details of the

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VALON and VATAN RESTAURANT

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road widening on Stone Street consistent with the  
Town of Newburgh's details with the pavement  
sections through there. I know you have the rest  
of our comments that are water, sewer and  
drainage related. They need to be cleaned up.

CHAIRMAN EWASUTYN: Bryant Cocks,  
Planning Consultant?

MR. COCKS: My comments were addressed  
in the conversation regarding the ARB, the  
lighting plan and the parking. I have nothing  
further at this time.

CHAIRMAN EWASUTYN: Any additional  
comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a  
motion. There will be two parts to the motion,  
to declare a negative declaration and --

MR. COCKS: No neg dec. It's a Type  
II.

CHAIRMAN EWASUTYN: I apologize. I'll  
move for a motion to schedule the 16th of May for  
a public hearing.

MR. RAAB: Is that the second meeting?

MR. COCKS: Yes.

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MR. FOGARTY: So moved.

CHAIRMAN EWASUTYN: Why do you ask?

MR. RAAB: It's just we had a conflict on the first meeting.

CHAIRMAN EWASUTYN: We would never be able to do that.

I have a motion by Tom Fogarty.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Jim, are you going to be able to have everything ready by then?

MR. RAAB: Yes.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Give me a call and we'll work together on mailing the notices and everything.

(Time noted: 7:18 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: May 7, 2013

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

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In the Matter of

VERIZON GARAGE CONSOLIDATION  
(2013-07)

1428 Route 300  
Section 60; Block 3; Lot 22.21  
IB Zone

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SITE PLAN

Date: April 18, 2013  
Time: 7:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: ROBERT HEYMACH

----- X

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

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2 MR. PROFACI: The next item on  
3 tonight's agenda is Verizon Garage Consolidation,  
4 project 2013-07. It's located at 1428 Route 300,  
5 Section 60, Block 3, Section 22.21. It's a site  
6 plan located in the IB Zone, being represented by  
7 Robert Heymach.

8 MR. HEYMACH: Good evening, Board and  
9 Mr. Chairman. My name is Robert Heymach, I'm  
10 representing Verizon with regard to their  
11 application to expand their existing parking lot  
12 by approximately 2,640 feet for the purpose of  
13 providing outdoor storage, which I understand in  
14 this zone is permitted with Planning Board  
15 approval under certain conditions, one of which  
16 is a setback from side and rear yard property  
17 lines which we're currently conforming with, and  
18 also that it be visually screened.

19 The area that we're proposing the  
20 expansion -- actually, this is a site plan but I  
21 think it reads much better on the aerial  
22 photograph, if that's large enough for everyone  
23 to see. This is State Route 300 and South Plank  
24 Road. This is the current Verizon building. The  
25 purpose of the project is to relocate personnel

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from another garage they currently lease in Newburgh but lost the lease on. It's not an increase in personnel because there's an existing group which is moving out of the facility. So it won't be increasing the employee count. The group that's moving in requires company trucks to be stored there overnight. So we're reconfiguring the lot to allow additional spaces for company vehicles and also the outdoor storage.

The area in question is directly adjacent to and behind this row of parked vehicles. It's approximately 20 feet deep and it varies in length because we didn't want to encroach in the existing landscape buffer that separates Verizon's lot from the adjacent commercial properties.

What you may not be able to read from this is that their grade level is approximately the same as the adjacent property's roof line, and that the back of those properties isn't publicly accessible. They do have a walkway. I think they have a drive aisle for service purposes. There are no public parking lots, no



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residences that abut their property.

The area in question will not be visible from State Route 300 and will only be slightly visible when viewed between the buildings that front South Plank Road if you were to look up the hill, and only essentially for a short time during the year when the trees are as bare as they are in this picture. It is a pretty densely landscaped area.

We're not proposing any substantial changes to the drainage. It's currently on the municipal storm drainage system. The way the current storm drainage works, the parking lot pitches down to that curb line, so the area that we're expanding will be sloping towards the same low point so that it will create a natural valley to make use of the two existing storm drains along that line.

We'll be separating landscape from our paved area with curbing. The only permanent structure going there would be a pole crib. It essentially consists of concrete footings with steel beams extending out of the ground approximately 6 feet that they lay telephone

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poles across. There are two pole cribs being proposed, a new pole crib for poles yet to be installed and a waste pole crib for poles that were damaged and had to be returned to the site until they're removed from the property.

The other physical work that we're proposing is the removal of a curb line, which sounds quite a bit like the previous proposal. It's essentially a wheel stop that separates the drive aisle from the parking spaces. It doesn't affect drainage because it's currently at a low point, a natural valley in the parking lot, and there are storm drains along that line. The removal of that curb line and the small island adjacent to it won't affect the drainage from what we've been able to determine. And that's also tied into the municipal drainage system.

In order to improve efficiency of the lot we'll be changing the current two-way drive aisle to a one-way drive aisle under normal circumstances. That allowed us to narrow the aisle and turn the single parking aisle into a double angled parking aisle to improve the parking count.

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Essentially the only increase in impervious area will be the storage area that's already a cleared grass area. We're not proposing to remove any trees.

We will be installing one light pole adjacent to those pole cribs. It's not normally in use. This facility operates under normal business hours, but in the case of an emergency, if they need to service a telephone pole that may have been struck by a car, that pole is required for them to work. It's limited to 20 feet in height, which I believe conforms with the village's recommendations for lighting, star skies compliant. We ran photometric calculations which show that I think it's between .1 and 0 foot candles at the property line. We don't expect any impact on neighboring properties, and they're not residential so I don't know that that would be a negative impact anyway.

There's also some interior fencing being installed. The screening fencing that we're proposing will be going from this corner of the lot to their drive aisle that exits out onto South Plank, goes across behind the proposed pole

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cribs and then down the lot, essentially in line with that pole.

Aside from that, we are proposing some fencing interior to the lot just to separate the company trucks from the employee vehicles for safety's sake and to improve circulation so that they're not mixing during the day.

One of the benefits to the expansion of the lot versus trying to contain the poles on the lot is that they won't be required to maintain a turn circle for the dollies and the trucks that currently have to navigate it. The trucks that would be handling poles would only enter from the State Route 300 side, go around the back of the building, would be able to pick up their dolly and the pole and exit out onto South Plank Road without intermingling with the employee vehicles or having to double back to the drive aisle that's being used commonly by the company trucks.

CHAIRMAN EWASUTYN: Frank Galli, any questions?

MR. GALLI: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

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CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

MR. FOGARTY: I have no questions.

MR. WARD: I have no questions.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We reviewed the plans and we believe that the project has an insignificant impact on the drainage. We did concur with the applicant's representative that the drainage goes to existing catch basins on the site, so we have -- we take no exception to the project as proposed.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. I reviewed the plans and there were a couple of existing nonconforming setback violations. There's going to be no work to the buildings so there will be no variances necessary for the project. I just wanted to make the Board aware of it.

As he mentioned, there will be one light pole installed at 20 feet for the parking lot. That does meet the intent of the design guidelines.

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The plans will need to be forwarded to the Orange County Planning Department because of their proximity to the State roadway.

The EAF just has a couple small revisions that are on my comment sheet that Mr. Heymach has.

I have no further comments.

CHAIRMAN EWASUTYN: Okay. Robert, what we're going to do at this point is you'll work with Bryant Cocks, he'll circulate the plans to the Orange County Planning Department which is a requirement under, is it 239-M --

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: -- of the law? They have thirty days to respond. I'm fairly certain they'll respond with a Local determination, but we can't take action on the site plan tonight. So what we're going to do is move for Bryant Cocks, once he receives the plans from you, to -- as a matter of fact, he can work with the plans that I have here. We'll circulate to the Orange County Planning Department, we'll put you on the Board Business agenda for the 16th of May. Bryant will work with the Planning

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2 Department to get their response by that time  
3 period. That would be, reasonably speaking, just  
4 slightly less than thirty days. We'll take  
5 action on the 16th. It's up to you if you want  
6 to be here for that. We'll notify you at the end  
7 of the meeting as to the approval, which I'm sure  
8 there will be but it will be convenient for all  
9 parties.

10 MR. HEYMACH: I'd like to attend just  
11 to make sure there are no outstanding questions  
12 or issues.

13 CHAIRMAN EWASUTYN: Okay. I'll move  
14 for a motion to set the Verizon Garage  
15 Consolidation for a Board Business item at the  
16 meeting of the 16th of May and have Bryant Cocks  
17 circulate the plans to the Orange County Planning  
18 Department.

19 MR. WARD: So moved.

20 MR. PROFACI: Second.

21 CHAIRMAN EWASUTYN: I have a motion by  
22 John Ward. I have a second by Joe Profaci. Any  
23 discussion of the motion?

24 (No response.)

25 CHAIRMAN EWASUTYN: I'll move for a

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VERIZON GARAGE CONSOLIDATION

roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

(Time noted: 7:28 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: May 7, 2013

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

----- X  
In the Matter of

RICHICHI SUBDIVISION  
(2011-31)

105 Coach Lane  
Section 95; Block 1; Lot 4.222  
R-2 Zone

----- X

TWO-LOT SUBDIVISION

Date: April 18, 2013  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES

APPLICANT'S REPRESENTATIVE: SUSAN RICHICHI

----- X

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

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MR. PROFACI: The next item on tonight's agenda is the Richichi Subdivision, project 2011-31, located at 105 Coach Lane, Section 95, Block 1, Lot 4.222. It's a three-lot subdivision located in the R-2 Zone. It's not being represented by David Higgins. It's being represented by --

MS. RICHICHI: Susan.

MR. PROFACI: -- Susan Richichi.

MS. RICHICHI: Good evening, everyone. I have received a copy of the comments and recommendations.

If we can go point by point. I did receive the open area development from the Town Board.

On point number two, I thought we had resolved this at a previous meeting about the topography that I do have will be sufficient because the houses are at the top of the hill here.

CHAIRMAN EWASUTYN: Did we motion to waive that?

MR. COCKS: We did grant that.

MS. RICHICHI: I do see on the bulk

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table it's mislabeled. My engineer will correct that.

Also, the residential lot area requirement needs to be shown on the plans. He's also going to do that.

On number five, I had thought we had resolved that at a previous meeting, too, that they said whoever buys the lots would have to deal with the encroachment issues. It's the two sheds. One is mine, that's not an issue. The other one is my neighbor's shed and that's not on my property.

MR. DONNELLY: I don't remember that, but we can't allow a subdivision that creates a lot line that causes an encroachment problem without a variance.

MS. RICHICHI: Okay.

MR. DONNELLY: They have to be -- you can move the one and the other is to be taken away. That will have to be done before the plans are signed.

MS. RICHICHI: So I'll have to get my neighbor to remove his shed off my property?

MR. HINES: There are 35 neighbors that

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RICHICHI SUBDIVISION

37

have encroachments on this property.

MR. DONNELLY: We're not creating --  
we're not changing --

MR. HINES: We're not creating any of  
those. It's the one you have control of is the  
one that needs to be moved.

MS. RICHICHI: Mine.

MR. DONNELLY: You don't have to worry  
about theirs.

MS. RICHICHI: That's not -- I have to  
move mine.

I don't know if anyone else has any  
questions.

CHAIRMAN EWASUTYN: Would you like us  
to leave now? We're slowing you down or we're  
not following the protocol, please let us know.

MR. HINES: We have no outstanding  
items left.

MR. COCKS: I have nothing further.  
She mentioned all that I had.

CHAIRMAN EWASUTYN: Mike, do you want  
to give us conditions of approval in the  
resolution?

MR. DONNELLY: Yes. First we'll need a

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sign-off letter from Bryant Cocks on the few items there in his April 16th letter. There's a requirement that there be what we call a demolition permit for the removal of the shed because it still has to be done. We'll reflect that the open development area approval was granted by the Town Board. Our approval is subject to it's terms and conditions, most specifically that the land is subdivided for the purpose in creating two single-family residential lots only and no application for any two-family home should be considered unless and until the open development area approval is amended by the Town Board. We will need what's called a common driveway easement and maintenance agreement for the new lots that allows the entry across that land and requires that they share in the maintenance and upkeep of that driveway over time. And lastly, there's a requirement for the new lots to be created, that a fee in lieu of parklands be paid. There are two new lots. The fee is \$2,000 per lot, so a \$4,000 fee needs to be paid before the plans can be signed.

MR. HINES: Mike, I think there's one

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new lot.

MR. COCKS: Two new homes.

MR. HINES: One.

CHAIRMAN EWASUTYN: It's actually a two-lot subdivision.

MR. DONNELLY: I'll change that. \$2,000.

MR. GALLI: Do they need -- Pat, do they need a demolition permit to tear down the shed?

MR. HINES: I don't recall the shed. It may be one that can be picked up and moved.

MS. RICHICHI: I believe it can.

MR. DONNELLY: I'll put if necessary.

MR. GALLI: Okay.

MR. HINES: I don't recall if it had a foundation. I think it's one of those delivered on a truck kind of ones.

MS. RICHICHI: Yeah.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the Richichi two-lot subdivision presented by our Attorney, Mike Donnelly, I'll move for that motion to grant final subdivision approval.

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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.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Congratulations.

MS. RICHICHI: Thank you very much.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 18th of April.

MR. PROFACI: So moved.

MR. GALLI: Second.

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



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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So

carried.

(Time noted: 7:34 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: May 7, 2013