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

----- X

In the Matter of

FCB PROPERTIES, INC.
(2007-18)

Route 32 & Powelton Road
Section 80; Block 5; Lot 10
B Zone

----- X

AMENDED SITE PLAN &
ARCHITECTURAL REVIEW

Date: August 2, 2012
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: BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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FCB PROPERTIES, INC.

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MR. PROFACI: Good evening. Welcome to the Town of Newburgh Planning Board meeting of August 2, 2012.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

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

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Planning Consultant.

MR. PROFACI: Thank you.

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FCB PROPERTIES, INC.

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

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on tonight's agenda is FCB Properties, Inc., 2007-18. It's an amended site plan and ARB, also known as Bonura Little Sicily Restaurant & Shops, Route 32 and Powelton Road, Section 80; Block 5; Lot 10, located in the B Zone, being represented by Darren Doce.

MR. DOCE: Good evening. We're here to request an additional amendment to our site plan approval. Back in March we had mentioned that if it was possible we would get a bank on the site and request a drive-through area for that. What we've done is decreased the building size by about 1,000 square feet on the west side of the building, and we've added a drive-through area with two drive-through lanes.

The rest of the site will remain

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unchanged to what was previously approved.

Also we have the elevation. Marshall Rosenblum, the Architect, is here if there's any questions regarding the change to the elevation.

CHAIRMAN EWASUTYN: Do you want to talk to us about it? Walk us through one more time, Mr. Rosenblum.

MR. ROSENBLUM: Thanks. I didn't know if you had any questions.

CHAIRMAN EWASUTYN: Just for the review it would be good to hear again.

MR. ROSENBLUM: The materials have not changed. There are some detail modifications.

This represents the drive-through. In other words, essentially it stayed the same. The materials are the same, the colors are the same. The drive-through is the efface stucco panel on the outside. I did amend the architectural review form and submitted that. The underside of the canopy would be the standard exterior gypsum Board panels. This is to allow for the vacuum tubes and electrical drops that come down through the bank, vacuum automatic materials and the ATM. There are a total of three units that are

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proposed. Everything else stayed the same except that we reduced the amount -- this elevation, prior I had given you the front. This is the side of the bank. You should all have your copies. It is essentially just the same materials that were there prior. This represents the stone beyond and the efface canopy and drive-through. The columns are steel, six-inch square, vertical supporting the canopy. A very simple canopy. The railing on the top is screening grillage that is proposed instead of the continuation, which was just a lot of low shingles which did nothing but accumulate snow, essentially, and affect drainage when we got into the detail. This would provide the screening. The units are effectively 30 -- canopy units 30 feet back from the edge and this height is 14 feet nominally. So you really are not going to see up on the roof anyway. And the grillage that's proposed is by the Shyan Company. We've used it prior. It's molded plastic with steel on the inside so it's easily anchored and doesn't deteriorate. It would retain the image and the sense of screening for a long time . That's the

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sum of the change.

Are there any questions?

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. BONURA: The building actually became 1,000 square feet smaller, the rectangular space. We took the 20 feet and made a drive-through with it. We had originally been approved for 24 more feet of building, rentable building. So we actually cut it down and made that -- that's the drive-through.

CHAIRMAN EWASUTYN: Let's stop on the word rentable. This is food for thought for you. I'll have Bryant Cocks, Pat Hines and Jerry Canfield talk to you about your options as far as rentable and how it applies to the code and the decision that would lie with you.

Gentlemen.

MR. HINES: At work session we continued the discussion that we had when you were last here regarding whether it was three separate business uses or, as termed in the Zoning Ordinance, a strip mall. We took a look at the bulk table requirements. You meet the

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FCB PROPERTIES, INC.

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bulk table requirements for the strip mall, and we think that that use will give you more flexibility in getting the number of tenants that you're currently showing. More than three tenants falls into that strip mall use. What we're suggesting is that we review it as the strip mall, similar to as we ended at the last meeting when you were here, and that will give you the flexibility we think that you want, having the bank, the restaurant and the ability to fill in with any number of tenants more than three. We're suggesting that that's the way we continue the review of the project to facilitate your ability to rent to smaller or more flexible tenants. I don't know if there's more to add to that.

MR. BONURA: That's what we want to do.

MR. GALLI: I had one question.

Marshall, you said the drive-through was going to have three stations. You're only showing --

MR. ROSENBLUM: There are two in parallel. In other words, along this wall. If you look at the graphics, this is the two vacuum tellers in line. You won't have the back, the

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FCB PROPERTIES, INC.

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back corner, which has the required -- State required lighting and visibility for an outdoor ATM machine. There's an ATM. The others are the tellers that the bank -- when they're open. This would be later.

MR. GALLI: That's the only question I have.

CHAIRMAN EWASUTYN: Any questions or comments on ARB?

MR. MENNERICH: The only question I have is that fence type thing that's on the roof, when you passed the picture around I didn't really understand how that related to the item you showed.

MR. ROSENBLUM: It's this little strip along the top which is just a visual screening. The mechanical units, which are small tenant units in the center section, are only this high and they're set 30 feet back from the front edge. The continuation of all the shingles up front just became a place for the snow to come down onto the walkway and overload. This really is much cleaner as far as drainage goes, and it's just a lighter design. It became like an

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attribute to shingle screening, just from an architectural standpoint.

MR. WARD: What he's trying to say is where on here --

MR. ROSENBLUM: That's the one I pointed to.

MR. WARD: That's what I'm asking.

MR. ROSENBLUM: It's made by the Shyan Company. We've used it before, been very pleased with it. They do make typical models. Typically they're 42 inches high. The effective height would be slightly less because of the mounting on the roof behind the fascia.

MR. FOGARTY: These are the colors that you're --

MR. ROSENBLUM: Nothing has changed.

MR. FOGARTY: These are the colors?

MR. ROSENBLUM: Yes. We brought in the actual stone samples prior, and the stucco colors and the bronze metal. Yeah, it's essentially the same building except we made it shorter and put the drive-through.

MR. FOGARTY: At some particular point you'll come back with signage?

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FCB PROPERTIES, INC.

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MR. ROSENBLUM: We would come back. We just don't know.

MR. FOGARTY: Okay.

MR. PROFACI: So that's a ballast, like a --

MR. ROSENBLUM: Yes. Exactly.

MR. PROFACI: It will be in white?

MR. ROSENBLUM: Yes. That's a standard. I think it will give a little crispness and keep it open rather than the strip mall look.

MR. FOGARTY: I understand.

CHAIRMAN EWASUTYN: Bryant, at what point are we in the review process now?

MR. COCKS: I only have one comment on the ARB drawings, and that's just to include the detailed signage chart showing what's going to be allowed for each individual tenant.

MR. ROSENBLUM: Did they do a square footage analysis?

MR. DOCE: On my plan we show what we're allowed. Do you want to allot one certain amount to each tenant?

MR. COCKS: I mean it would probably

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FCB PROPERTIES, INC.

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help for each tenant to know how much they're allowed, especially if the bank comes in and takes up half the signage or something like that.

MR. HINES: It will really depend on how many tenants you ultimately get. Maybe just a running balance as you get them.

MR. BONURA: That's why we didn't do it yet.

MR. HINES: Understood.

MR. COCKS: At this point Mike Donnelly did prepare a draft resolution for approval for final site plan and amended ARB. I can read the conditions if you'd like.

CHAIRMAN EWASUTYN: Please. Thank you.

MR. COCKS: The first two conditions are a sign off from me and Pat regarding our previous review letters. The third condition is the original grant of site plan approval to remain in effect, and this approval is conditioned upon satisfaction of the same as if those conditions were set forth herein at length.

CHAIRMAN EWASUTYN: Can you speak a little louder, please?

MR. COCKS: Absolutely. Condition 4

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FCB PROPERTIES, INC.

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states that condition 7 of the original resolution of site plan approval has been met and is unnecessary. Condition 5 also states that condition 13 of the original resolution of site plan approval has been met, the offer of dedication. Number 6 is in regards to the mini-mall that Pat discussed and the fact that it actually probably will be removed after this.

MR. HINES: I think we'll modify that condition to state the Board is reviewing it under the mini-mall criteria.

MR. COCKS: Number 7 is ARB approval, just stating that it has to be shown as on the drawings. Number 8 is the stormwater financial security that must be submitted. Number 9 is the standard condition that outdoor fixtures and amenities only being allowed with what was shown on the site plan.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add to this? Jerry Canfield, Code Compliance.

MR. CANFIELD: The conditions of approval, did they mention landscaping?

CHAIRMAN EWASUTYN: We had approved

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FCB PROPERTIES, INC.

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that originally.

MR. DOCE: Those bonds are all posted.

MR. CANFIELD: Okay. And also the inspection fee?

MR. HINES: Those have been posted.

MR. DOCE: That's all been paid.

MR. CANFIELD: Okay. I have nothing else.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have nothing else. Our comments note that the change/reduction in the size of the building hasn't impacted the sewer, water, drainage or other engineering details on the plan.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: John?

MR. WARD: No.

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FCB PROPERTIES, INC.

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CHAIRMAN EWASUTYN: I'll move for a motion to grant amended site plan and ARB approval for FCB Properties, Inc., Bonura/Little Sicily Restaurant & Shops subject to the conditions that were presented to us by Bryant Cocks, Planning Consultant, in the resolution prepared by our Attorney, Mike Donnelly.

MR. FOGARTY: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. I have a second by Frank Galli. 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. Thank you.

Congratulations.

MR. ROSENBLUM: Thank you very much.

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FCB PROPERTIES, INC.

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CHAIRMAN EWASUTYN: When do you think you might be open? Seriously.

MR. BONURA: Seriously. My plans are for opening the restaurant January 10th.

CHAIRMAN EWASUTYN: Congratulations.

MR. BONURA: The bank has signed the lease. I did not sign the lease yet. I was waiting for tonight. The bank is in place. The other little ones I just -- the only people who call me are restaurants, pizzerias, Chinese restaurants, Italian delis.

CHAIRMAN EWASUTYN: And you're an anti-food kind of guy.

MR. BONURA: My buddy John is doing ice cream so we can't even do that. As soon as we get the building up, the bank goes up, then people can come.

MR. FOGARTY: When can we call for reservations?

MR. BONURA: Right now.

Thank you, gentlemen.

(Time noted: 7:13 p.m.)

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

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

DATED: August 29, 2012

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

----- X
In the Matter of

HL RENTALS
(1997-18)

Route 52
Section 73; Block 3; Lots 7.1 & 7.2
B Zone

----- X

AMENDED SITE PLAN

Date: August 2, 2012
Time: 7:13 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: BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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MR. PROFACI: The next item on tonight's agenda is HL Rentals, 1997-18, located on Route 52 between Brookside Road and Pepsi Drive, Section 73; Block 13, Lots 7.1 and 7.2, located in the B Zone. It's an amended site plan represented by Ken Lytle.

MR. LYTLE: Good evening. I'm representing HL Rentals. During construction of a project that was approved by you guys years ago, he had constructed a retaining wall. I passed the pictures around that I submitted to you. During construction it was actually noted that the wall extends off his property to an adjoining parcel. He actually does own that parcel also.

We're here before you to see if we need to amend the site plan or if it's a matter of putting an easement in place, to see what our direction is.

CHAIRMAN EWASUTYN: Bryant Cocks, Pat Hines, would you like to discuss that with us?

MR. COCKS: I believe we discussed at the work session those two options. We weren't sure if the owner was the same for each parcel

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HL RENTALS

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because on the site plan that was originally listed as someone else.

MR. LYTLE: I think it's one of his daughters. It's all him.

MR. COCKS: Okay. We're going to need to see an easement between the two parties, even though it is the same owner, in case one of the parcels are sold.

MR. LYTLE: Would that easement extend between the buildings, covering the sidewalk, the retaining wall?

MR. HINES: I think it has to because the patio that's been developed between the two parcels crosses the lot line also.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add to that?

MR. CANFIELD: Nothing.

MR. HINES: Our only other comment was we're strongly recommending a fence.

MR. LYTLE: They're proposing a fence. Is that something we have to put --

CHAIRMAN EWASUTYN: I think you could just show something.

MR. LYTLE: I'll submit it to Jerry.

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HL RENTALS

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Okay.

CHAIRMAN EWASUTYN: Then Bryant, do you want to give us conditions.

MR. COCKS: Mike actually didn't provide a resolution for this particular project. I think he was under the impression that if it was two separate owners, he would need to see the easement first.

CHAIRMAN EWASUTYN: Can we make it a condition of approval that Mike approve the easement agreement?

MR. HINES: I believe so, yeah.

MR. CANFIELD: And the fence.

MR. LYTTLE: And the fence.

CHAIRMAN EWASUTYN: And the fence. Installation of the fence.

MR. LYTTLE: No problem. I'll submit those to Mike and we'll go from there.

MR. HINES: I don't know if Mike is going to look at the fence.

MR. LYTTLE: He wants the easement.

CHAIRMAN EWASUTYN: The easement.

I'll move for a motion that we grant amended site plan approval for HL Rentals subject

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HL RENTALS

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to Mike Donnelly approving the easement agreement between both buildings and the amended site plan showing a protective fence on top of this retaining wall. Do we want to specify a height?

MR. HINES: Four foot minimum would be appropriate.

CHAIRMAN EWASUTYN: Four foot minimum on the fence.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. 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 yes. So carried.

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HL RENTALS

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MR. LYTTLE: Thank you.

CHAIRMAN EWASUTYN: It's a very attractive building.

MR. LYTTLE: I'll let him know you like it. Thanks.

(Time noted: 7:18 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: August 29, 2012

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

----- X
In the Matter of

ELM FARM
(2000-09)

Wells & Fostertown Road
Section 39; Block 1; Lot 12.44
R-2 Zone

----- X

AMENDED 52-LOT RESIDENTIAL SUBDIVISION

Date: August 2, 2012
Time: 7:20 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: BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: LOUIS POWELL and
JASON PITINGARO

----- X

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MR. PROFACI: The next item on tonight's agenda is Elm Farm, project 2000-09, located on Wells and Fostertown Road, Section 39; Block 1; Lot 12.44, located in the Zone R-2. It's an amended 52-lot residential subdivision being represented by Lou Powell.

MR. POWELL: I'm Lou Powell now working for KC Engineering which has acquired Eustance & Horowitz.

With me tonight is Jason Pitingaro who will be the project manager. He was with E&H, left and he came back to KC, which is good.

I'll let Jason take over and I'll stand by.

MR. PITINGARO: Good evening. This was Elm Farm. Originally we had approval here, preliminary approval, for a 54-lot subdivision. All the lots were conforming. We went ahead and got the Department of Health approval, DEC approval and some wetlands, Federal and State wetland approval as well.

Now we're back before the Board to seek an amendment to the subdivision based on the 5,000 square foot minimum lot area requirement.

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Because of that we've had to remove a couple lots or lose a couple lots. We're down to 52 lots.

The lots that were eliminated were in this area here, and then some lot lines were adjusted throughout the project to make them all conform. So we've shifted some of the lots between 5 and 9, also between 37 and 41, and 51 and 55 over here. In the process we lost a lot in this area of the stormwater management pond. We've made that area bigger. It allowed to us grade out and we were able to remove a retaining wall here which is beneficial. Because there's only two lots in this area now, we've eliminated the cul-de-sac that served them and the two lots are served by a common drive. Instead of having another road off of Wells Road here, which is Quince Road, we've eliminated that. In the process we've also eliminated the water and sewer mains that ran up here and have individual services to serve those residences.

We will need to resubmit this project back to the outside agencies after we move forward with the Town here. We'll need to go back for realty subdivision and back to the DEC

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for a sewer main extension, stormwater and wetland reviews. And also to the Army Corp just to verify those wetlands that were there.

We'd like to be scheduled to go forward with a public hearing in the future. The Planner has suggested that the 6th is the next available meeting.

CHAIRMAN EWASUTYN: Pat Hines, as far as the involved agencies and extension or renewal of permits --

MR. HINES: Due to the timeframe with the project, we noted during work session it has a 2000 job number and may have been around before that, we're not sure. We need the updated permit and approvals from those various agencies.

We took a moment to discuss the stormwater SPDES permit, and myself and Mr. Powell will check with the DEC on the status of that to see if that previously issued stormwater permit can remain in effect. The issue there is that the previously issued permit will protect them from the recent stormwater regulations, the green infrastructure and runoff reduction that would be required from a project proposed now.

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There was a window of time where if coverage was gained they were grandfathered under the previous regulations. We'll work with the applicant's representative to determine if that's still the case, which will allow the project to proceed in its current design. If the green infrastructure and runoff reduction are required, there may be substantial changes to the project. We'll work with the applicant on that.

The other permits were mentioned. The wetlands, the stormwater, sewer extensions and the County Health approval for water are probably all -- have probably lapsed. County approvals are only good for five years on the water. We'll need those as the project moves forward.

With the common driveway added there will be a common driveway access and maintenance agreement required to be submitted to Mike Donnelly's office for review. That's a change to the project. It eliminated the cul-de-sac that was previously proposed.

That's what we have on the project.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

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MR. COCKS: All of my comments were addressed I did have for the applicant. I have no additional at this point.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

MR. FOGARTY: No comment.

MR. PROFACI: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Bryant, the date that you're scheduling this for a public hearing?

MR. COCKS: Yes. The second meeting in August wouldn't have enough time for the notices, so September 6th will provide us with enough time to get it noticed in the papers correctly.

CHAIRMAN EWASUTYN: Bryant Cocks will write to the assessor's office to get a list of parties.

Bryant, would you let them know what the mailing circulation distance is now?

MR. COCKS: Yes. It's now 500 feet.

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ELM FARM

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It would have been 500 feet for this project either way, with the old requirements. Now every mailing list has been for 500 feet from the property owners.

CHAIRMAN EWASUTYN: You'll work with Bryant Cocks and he'll provide you with a list for mailing. The Tuesday before that Thursday that the meeting is scheduled for, if you would be so kind to get the return and certified mailing receipts to the Planning Board office so Frank Galli will have the time to review them from that day forward until the meeting.

MR. PITINGARO: Okay.

CHAIRMAN EWASUTYN: Anything else?

(No response.)

CHAIRMAN EWASUTYN: Lou, do you have a question?

MR. POWELL: Yes. Do your regulations allow just a certification from the post office of the mailing or are they certified receipt return?

MR. COCKS: Return receipt, then we count.

MR. POWELL: It's like 5 bucks apiece.

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CHAIRMAN EWASUTYN: We're very sensitive to that.

MR. POWELL: All right. Thank you very much.

(Time noted: 7:25 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: August 29, 2012

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

----- X
In the Matter of

LOWER HUDSON FORESTRY SERVICES
(2012-11)

Request for Approval of \$5,000 Bond

----- X

BOARD BUSINESS

Date: August 2, 2012
Time: 7:25 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: BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

----- X

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

1
2 MR. PROFACI: We have two items of
3 Board Business tonight. The first is Lower
4 Hudson Forestry Services, project 2012-11. The
5 applicant is requesting an approval of the \$5,000
6 bond discussed in Bryant Cocks' letter of
7 July 30, 2012.

8 CHAIRMAN EWASUTYN: Pat Hines, would
9 you review the bond amount?

10 MR. HINES: Sure. This was approved at
11 your last meeting and it was sent off to I guess
12 the Town Board for setting of the bond. A review
13 of those regulations identified that it is the
14 Planning Board that sets the bonding amount for
15 clearing and grading applications. This being a
16 silviculture operation, a forestry project, it is
17 specifically exempt from both the DEC and Town
18 stormwater regulations, so those don't kick in.
19 There is provisions for security for soil and
20 erosion control. We've basically -- those being
21 the landing and the access road. We took a look
22 at -- our office tracks the costs associated with
23 those various items. We put an acre in there for
24 the landing and the grading for the access road.
25 Typically the Town and our office recommends

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\$3,200 for that. That left about \$480 -- 480 linear foot of silt fence which could be provided along the access drive.

I did note in our letter there were concerns about the roadway and potential damage to that, but that is an issue not under the purview of this Board or on that bonding.

We're recommending a \$5,000 security for the soil erosion and sediment control for the forestry operation on that parcel.

CHAIRMAN EWASUTYN: Any questions from Board Members?

MR. WARD: John, Betty Greene mentioned to me she talked to the highway department in reference to a water main going through there. It's required to put a metal plate over for the trucks.

MR. HINES: They'll need a driveway access permit from the highway department, and those will be conditions of that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any other questions?

(No response.)

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CHAIRMAN EWASUTYN: Okay. Then I'll
move for a motion from the Board to approve the
bond amount for the Lower Hudson Forestry Service
for the timber harvesting.

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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.
Thank you.

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

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

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DATED: August 29, 2012

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

----- X
In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for an Extension of
Preliminary Site Plan Approval

----- X

BOARD BUSINESS

Date: August 2, 2012
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: BRYANT COCKS
PATRICK HINES
GERALD CANFIELD

----- X

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

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MR. PROFACI: The next item is Trinity Square Site Plan, project 2006-53. The applicant is requesting an extension of preliminary site plan approval which will run from September 16, 2012 to March 16, 2013.

CHAIRMAN EWASUTYN: That's simple enough. I'll move for that motion, to grant the extension.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. 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.

Trinity Square was the one next to 84.

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What happened is they changed the date.

MR. PROFACI: I'm sorry.

MR. HINES: Trinity Square is 52 and the Thruway.

CHAIRMAN EWASUTYN: That was originally an Ira Conklin property. As a matter of fact, we're talking about a clearing and grading permit. That's one of the properties that triggered a clearing and grading because Ira went in and he clearcut that whole entire property.

MR. HINES: It was a flood plain issue for years going on there. Army Corp was involved and FEMA.

CHAIRMAN EWASUTYN: I think that was a property that was owned by Joe Costa.

It was a good meeting. On our next agenda we have Parkway to Newburgh will be appearing for the first time, and that's a 160-unit luxury rental on Stewart Avenue. We will be receiving shortly on Quaker Street, Sprint/Nextel is changing panels over, so that will be a new application. There's been a little bit of activity.

For now I'll close the Planning Board

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meeting of the 2nd of August.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich. I'll ask 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.

Thank you.

(Time noted: 7:32 p.m.)

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