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

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In the Matters of:

- FINAL - HUDSON ASSET SUBDIVISION
- PUBLIC HEARING - OPR 17-17 and OPR 17-18
- SITE PLAN - CORTLAND COMMONS
- AMENDED SITE PLAN - DIAMOND PROPERTIES -  
OCC SITE PLAN
- INITIAL APPEARANCE - BERETTA SUBDIVISION

-----X

Town of Newburgh  
Town Hall Meeting Room  
1496 Route 300  
Newburgh, New York 12550  
  
August 3, 2017  
7:00 p.m.

BEFORE: JOHN P. EWASUTYN, Chairman

BOARD MEMBERS: CLIFFORD C. BROWNE  
STEPHANIE DELUCA  
DAVE DOMINICK  
FRANK GALLI  
KEN MENNERICH  
JOHN WARD

ALSO PRESENT: MIKE DONNELLY, ESQ.,  
PAT HINES., P.E.  
JERRY CANFIELD

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2 CHAIR EWASUTYN: I'll call the Town of  
3 Newburgh Planning Board meeting to order on the  
4 third of August.

5 I call for a roll call vote.

6 MR. GALLI: Present.

7 MS. DELUCA: Present.

8 MR. MENNERICH: Present.

9 CHAIR EWASUTYN: Present.

10 MR. BROWNE: Present.

11 MR. DOMINICK: Present.

12 MR. WARD: Present.

13 MR. DONNELLY: Michael Donnelly,  
14 Planning Board Attorney, present.

15 MS. REED: Kari Reed, Court Reporter,  
16 present.

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

19 MR. HINES: Pat Hines with McGoey,  
20 Hauser and Edsall Consulting Engineers.

21 CHAIR EWASUTYN: Okay. At this point  
22 we will turn the meeting over to Frank Galli.

23 MR. GALLI: All stand, please, for the  
24 Pledge.

25 (Pledge of Allegiance said.)

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2 MR. GALLI: If you have a cell phone,  
3 keep it on vibrate or turn it off, please.

4 CHAIR EWASUTYN: Please be seated.

5 On this evening's agenda we have seven  
6 items. The first item is Hudson Asset  
7 subdivision. It's a five lot subdivision  
8 located on Union Avenue in an R-2 zone. It's  
9 being represented by Talcott Engineering.

10 MR. BROWN: Thank you, John.

11 Since our last appearance before the  
12 Board we had a site meeting with Pat Hines and  
13 several of the Board members. As a result of  
14 that, we put a 15 inch culvert underneath the  
15 proposed driveway here to the adjoining  
16 property. We do have the swale all the way  
17 around the property.

18 AUDIENCE MEMBER: Excuse me, could you  
19 speak up a little bit or is it -- so we can hear  
20 you? Thank you very much.

21 CHAIR EWASUTYN: Turn it around so the  
22 audience can see.

23 MR. BROWN: Since our last appearance  
24 before the Board we had a site meeting with the  
25 Planning Board Engineer and several of the Board

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2 members. As a result of that meeting, we've  
3 added a culvert underneath the proposed driveway  
4 to convey the water from the property, and we've  
5 added a topo to the overall map so it shows  
6 where the water goes. And we put a -- we  
7 replaced the culvert between the two wetlands  
8 there, which should convey all this water off  
9 the site.

10 The adjoining houses are all several  
11 feet higher than this drainage path, so the  
12 subdivision will not impact them as far as the  
13 drainage.

14 CHAIR EWASUTYN: Pat Hines, I believe  
15 that you were out in the field?

16 MR. HINES: Yeah. After the public  
17 hearing, myself and a couple of the planning  
18 Board members, the applicant and the applicant's  
19 representative field-reviewed the project site.  
20 We walked the common property line between the  
21 lot one, which is the house under construction  
22 at this time, and the property to the south,  
23 Ms. Lobeg, I believe.

24 MS. LOBEG: Mm-hmm.

25 MR. HINES: We were out there

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2 immediately. The night before that was a very  
3 heavy rainstorm, so we were able to see the  
4 drainage conditions, so we looked at that.

5 we observed the culverts that Mr. Brown  
6 had just talked about, the culvert pipe, which  
7 is just north of lot one in the rear. There is  
8 a culvert pipe between what was a farm lane or  
9 an access road, probably when the Thruway was  
10 constructed. That pipe, you couldn't see it,  
11 there was obviously water flowing through it,  
12 you could see water flowing through each side.  
13 So that pipe is going to be proposed to be  
14 replaced with a 24 inch pipe.

15 we walked the proposed common driveway.  
16 Clearly there was a need for a culvert just past  
17 the existing house, which is labeled as now  
18 formally Smith, and proposed lot three, and a  
19 culvert has been added at that location.

20 During the work session I provided the  
21 Board with some photographs that we took during  
22 the field review. And I provided photographs  
23 from the residence south of lot one, showing  
24 some of the conditions of the site while it was  
25 under construction during some heavy rainfalls.

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2 we did note that any of the ponding on the site,  
3 there was a small pond, it was dry the day we  
4 were there, but there was photos taken, is  
5 completely on lot one. There's been a buffer  
6 area, a vegetated buffer has been left between  
7 the house under construction and the neighboring  
8 lot, which serves to provide some screening.

9 we did evaluate and take a look at the  
10 drainage along that common property line. And  
11 we didn't see any evidence of any substantial  
12 impacts from the runoff. The photographs we  
13 looked at taken during our rainstorm showed some  
14 drainage flow along the common property line.  
15 But again, we were there the next day after a  
16 very heavy rain, and the entire site was dry  
17 with no ponding. I have detailed those findings  
18 in our report that I provided to the Board. And  
19 again, I did provide the Board with photographs.

20 The one thing we are looking for is  
21 some calculations sizing those pipes we had  
22 talked about, just proving out the upgraded  
23 water sheds for those pipes to determine their  
24 pipe size.

25 CHAIR EWASUTYN: Okay.

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2 Stephanie DeLuca, you were present at  
3 that walk-through?

4 MS. DeLUCA: Yes.

5 CHAIR EWASUTYN: Do you concur with  
6 what was said?

7 MS. DeLUCA: Yes.

8 CHAIR EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: Yes, I concur.

10 CHAIR EWASUTYN: Mike Donnelly, would  
11 you inform the Board as to where we are at this  
12 point?

13 MR. DONNELLY: Yes. We had opened and  
14 closed the public hearing at the July 6th  
15 meeting, I believe it was. We still had not --  
16 it was a timing issue -- received a report from  
17 the Orange County Planning Department, which  
18 jurisdictionally we do need to receive that. So  
19 we can't take action this evening. In the  
20 meantime, the technical items can be tended to.

21 CHAIR EWASUTYN: Okay. We'll reset  
22 this for the 17th of August, at which time we  
23 will have the County report?

24 MR. HINES: Yeah. We'll either have  
25 the County report or it will be timed out. It

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2 will time out on the seventh. I don't know that  
3 we'll receive one by then, but --

4 MR. DONNELLY: One way or the other.

5 MR. HINES: One way or the other that  
6 will be not an issue at that point.

7 CHAIR EWASUTYN: Okay. Thank you.

8 MR. BROWN: Thank you.

9 CHAIR EWASUTYN: The next two items on  
10 the agenda, we are going to read the notice for  
11 both, is OPR, number 17-17. It's on New York  
12 State Route 300 in an AR zone. It's for a two  
13 family. And the third item is OPR 2017-18, also  
14 located on New York State Route 300, and it's a  
15 public hearing for a two family there also.

16 And Mr. Mennerich will read the Notice  
17 of Hearing.

18 MR. MENNERICH: Notice of Hearing, Town  
19 of Newburgh Planning Board. Please take notice  
20 that the Planning Board of the Town of Newburgh,  
21 Orange County, New York, will hold a public  
22 hearing pursuant to the Municipal Code, Chapter  
23 185-57, Section K, of the Town Code on the  
24 application of OPR Associates, LLC. Two family,  
25 project number 2017-17 for site plan approval.



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2 The project is located on Route 300 in the Town  
3 of Newburgh, designated on town tax maps as  
4 Section 3, Block 1, Lot 140.

5 The public hearing will be held on the  
6 third day of August, 2017, at the Town Hall  
7 Meeting Room, 1496 Route 300, Newburgh, New  
8 York, at seven p.m., at which time all  
9 interested persons will be given an opportunity  
10 to be heard.

11 By order of the Town of Newburgh  
12 Planning Board, John P. Ewasutyn, Chairman,  
13 Planning Board, Town of Newburgh. Dated 10 July  
14 of 2017.

15 The second one is the Notice of  
16 Hearing, Town of Newburgh Planning Board.  
17 Please take notice that the Planning Board of  
18 the Town of Newburgh, Orange County, New York  
19 will hold a public hearing pursuant to Municipal  
20 Code Chapter 185-57, Section K of the Town Code  
21 on the application of OPR Associates, LLC, two  
22 family, project 2017-18, for a site plan  
23 approval. The project is located on New York  
24 State Route 300 in the Town of Newburgh,  
25 designated on Town Tax Map as Section 3, Lot 1,

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2 Block 141.

3 The public hearing will be held on the  
4 third day of August, 2017, at the Town Hall  
5 Meeting Room, 1496 Route 300, Newburgh, New  
6 York, at seven p.m., at which time all  
7 interested persons will be given an opportunity  
8 to be heard.

9 By order of the Town of Newburgh  
10 Planning Board, John P. Ewasutyn, Chairman,  
11 Planning Board, Town of Newburgh, dated 10 July,  
12 2017.

13 CHAIR EWASUTYN: Thank you, Ken.  
14 Michael, would you make the  
15 announcement as to the public hearing?

16 MR. DONNELLY: Yes.

17 Before the Planning Board takes action  
18 on certain types of proposals, and these two are  
19 that type, it needs to hold a public hearing.  
20 The purpose of the hearing is for you, the  
21 members of the public, to bring to the attention  
22 of the Planning Board issues or concerns that  
23 they may not be aware of or have not been  
24 discovered by the Town's team of consultants.  
25 After Mr. Marshall gives his presentation, the

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2 Chairman will ask those that wish to speak to  
3 please raise your hand. When you're identified,  
4 would you step forward, tell your name, spell it  
5 for the stenographer if you would, so we get it  
6 down correctly. It will be helpful if you tell  
7 us where you live in relation to the project.

8 Please address your comments to the  
9 Board. If you have questions that can be easily  
10 answered, the Chairman will ask either the  
11 applicant's representatives or a member of the  
12 Town's consultant team to provide you with that  
13 answer.

14 CHAIR EWASUTYN: Larry Marshall.

15 MR. MARSHALL: Good evening. My name  
16 is Larry Marshall, and I'm from Mercurio,  
17 Marshall & Marshall. We are the applicant's  
18 record surveyor and engineer for this project.

19 As outlined in the public notices, this  
20 is a site plan revision for the two previously  
21 approved lots located on the northerly side of  
22 Route 300. The site plan application is for the  
23 conversion of the previously approved one family  
24 dwellings on these parcels to two family  
25 dwellings. Each of the lots will be served by

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2 private wells and septic systems. And then  
3 we'll be accessing via separate driveways to  
4 Route 300. All of the proposed improvements are  
5 consistent with the locations with the  
6 previously approved subdivision. The septic  
7 system, the wells, the driveway location and the  
8 house locations are all consistent with the  
9 previous approvals.

10 The applicant proposes a two family  
11 residence on each of the properties or each of  
12 the parcels, and they have provided a generic or  
13 an elevation showing each of the sides of the  
14 building being proposed. Each building will  
15 match in architecture. They will have a  
16 different color to them.

17 Application 17-17, which is lot one,  
18 the lot on the right hand side, will be finished  
19 with a cypress siding, a vinyl siding, which is  
20 a green. We have provided to the Board the  
21 color swatches for that. The application for  
22 17-18, which is the lot on the left hand side of  
23 the connected parcels, will be finished with  
24 flagstone siding, which is a blue-gray. But  
25 they will be consistent in architectural

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2 finishes. Otherwise with asphalt shingles,  
3 weathered wood colored, and they'll have the  
4 same appearance from the outside.

5 CHAIR EWASUTYN: Any questions or  
6 comments from the public? If you could raise  
7 your hand and give your name and address,  
8 please, the gentleman in the back.

9 MR. CALLAGHAN: Patrick Callaghan. I  
10 live at 2060 Route 300.

11 Our driveways neighbor each other. I  
12 just want to know if it was taken into  
13 consideration, since our driveways are  
14 adjoining, that maybe we can talk about if there  
15 is on the plans or considered maybe a fence or  
16 some trees up between our two driveways just as  
17 we come up. Just because we live there, I know  
18 it's going to be a rental unit there. And it's,  
19 you know, as a homeowner we have a little bit  
20 more investment to our homes, where the renters,  
21 you know, when they come in it might be a  
22 rotating door on who's going to live there. So  
23 just as kind of a courtesy to our neighbors that  
24 are next door to me and our driveway as we come  
25 up, and they're pretty close to a common

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2 driveway, that maybe there is some fence or  
3 trees to kind of separate our two driveways.

4 CHAIR EWASUTYN: Pat, any comments on  
5 that?

6 MR. HINES: Yeah, the duplex use does  
7 require four parking spaces, which is not  
8 typical of a single family residence. Those two  
9 parking spaces on the lot on the left side are  
10 located relatively close to the area where the  
11 subject just talked about. I don't know if  
12 there's any screening or fencing that could be  
13 proposed to mitigate that parking of the cars  
14 right along the property line there.

15 MR. MARSHALL: There is -- the  
16 Nathansons are here. would you like to speak to  
17 that?

18 MR. NATHANSON: There are trees right  
19 there and right there when you look at it.

20 MR. CALLAGHAN: I was just looking for  
21 some sort of privacy. We're concerned with when  
22 leaves are down and everything, everything is  
23 wide open, like between our house, our property,  
24 and -- my property and their property we have  
25 pine trees between ourselves, just to delineate

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2 our own --

3 MR. NATHANSON: Their driveway is not  
4 going to be by your driveway. It's going to be  
5 about forty, fifty feet away from you.

6 MR. CALLAGHAN: I'm asking if we can  
7 have some sort of privacy as we come up our  
8 driveway. It's --

9 MR. HINES: Yeah. I think the concern  
10 isn't necessarily the driveway but it's the four  
11 car parking spots that are -- they come off the  
12 driveway and go towards that westerly direction  
13 there towards the property.

14 MR. CALLAGHAN: They come up from our  
15 driveway.

16 MR. DONNELLY: Can I ask you to  
17 identify yourself, sir, your name for our  
18 record?

19 MR. NATHANSON: Mine?

20 MR. CALLAGHAN: Yes.

21 MR. NATHANSON: Arthur Nathanson.

22 MR. DONNELLY: Thank you.

23 MR. MARSHALL: He's the applicant.

24 CHAIR EWASUTYN: Yes, the young lady in  
25 the back.

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2 MS. PESICK: Hi. My name is Ms.  
3 Pesick. I reside at 2068 Route 300, so I am  
4 Mr. Callaghan's neighbor. So from my windows I  
5 see your property entirely. So I'd like to  
6 piggyback on the part of can we perhaps add some  
7 evergreens tall enough to provide the privacy  
8 and view that we currently have, which is no  
9 home, no four car garage or anything like that  
10 with vehicles, you know, impeding on our view.

11 I'm a recent transplant from the city  
12 to Orange County. And one of the reasons that I  
13 moved here was my husband, who happens to be a  
14 police officer in the city, is for the  
15 tranquility, and our five acre property which we  
16 love and think it's beautiful. So our concern,  
17 of course, coming from an apartment rental to  
18 now living in our own home, and now residing  
19 next to a potential two homes that are going to  
20 have two tenants that may be rotating is --  
21 we're fully vested in our community, and the  
22 safety and the character of what it will be.  
23 When it comes to rentals, and I don't want to --  
24 we just moved here. We want to -- this is where  
25 we want to be. And so we don't want to move.



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2 We want it to just be as nice as it was when we  
3 first moved. So if you could consider the tall  
4 evergreens to block that driveway, that would be  
5 greatly appreciated.

6 MS. REED: Could you spell your last  
7 name, please?

8 MS. PESICK: P-e-s-i-c-k.

9 MR. SIEGFRIED: Yeah, my name is Arthur  
10 Siegfried, 21 Floral Drive, Newburgh.

11 First of all, and this is to the Board,  
12 I want to know why you guys are allowing these  
13 multiple homes in this town like this. The town  
14 is turning into Yonkers or Rockland County. And  
15 there's no control over it, you're just letting  
16 anything go. There's buildings being built that  
17 are falling down. You know, I'm really  
18 disgusted with what's going on here. Look at  
19 this picture of Norman Rockwell. This is not  
20 Newburgh anymore. You know, where -- is there a  
21 master plan for growth allowed here? Because  
22 it's not working. Try to hit that intersection  
23 right up here at rush time, you're stuck. And  
24 now you want to add more and more and more and  
25 more cars without thinking about it? Or has

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2 anyone even checked with the environmental?

3 It's ridiculous.

4 I can't believe what's going on in the  
5 town right now. You're just letting anything  
6 go. Oh, sure, turn this house where it was one  
7 into a two family, and put another one next to  
8 it. More cars, more cars more people. How many  
9 people live in a family, how many cars? where's  
10 the study that shows for growth? I don't see  
11 any studies or any place for growth. All I see  
12 is chaos out there and a mess.

13 You can smile all you want, sir, and  
14 shake your head. But I drive that and I get  
15 stuck in that traffic.

16 I see the messes over here. I grew up  
17 playing in these woods. My family came here in  
18 1642. I know the environmental damage has been  
19 done already. Bloomberg Farm was destroyed.  
20 You had crustaceans there that were under  
21 protection, and they're gone now because you  
22 guys just let it get destroyed. what else are  
23 you going to destroy around here? I mean the  
24 quality of life is already being destroyed.

25 Is there something like you guys can

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2 calm down and get a plan before you just start  
3 giving everyone the go ahead, do what you want,  
4 build that, build that, subdivide that, two  
5 cars, four cars, that home -- I don't care about  
6 your siding, honestly. That was a one family  
7 home in the Town of Newburgh when I was growing  
8 up. And you're going to try to cram two people  
9 in there just because someone wants more money?  
10 And that's what it's all about, more money. How  
11 much money can you make or you make, or who's  
12 making the money. It's not about quality of  
13 life in the Town of Newburgh, and it's not about  
14 Norman Rockwell up there. So you need to take  
15 that down if you're going to continue like this  
16 because I'm just disgusted with this. I am  
17 literally disgusted. And trust me, when I get  
18 disgusted, I got the entire planning board of  
19 Fort Lauderdale fired when I lived down there.  
20 I did some digging, and I'll do the same thing  
21 here. And that's not a threat, that's a  
22 promise.

23 CHAIR EWASUTYN: Thank you.

24 (Applause)

25 CHAIR EWASUTYN: Any additional

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2 questions or comments from the public?

3 (No response)

4 CHAIR EWASUTYN: Okay. We have on the  
5 table, what do you want to do?

6 MR. SIEGFRIED: There were some  
7 questions raised there that I didn't get  
8 answered. Where is the plans?

9 CHAIR EWASUTYN: Excuse me. Excuse me.

10 MR. SIEGFRIED: Where's the studies,  
11 where's the plans?

12 CHAIR EWASUTYN: Do you want an answer?

13 MR. SIEGFRIED: Yes.

14 CHAIR EWASUTYN: In this zoning  
15 district two family dwellings are permitted.  
16 It's in the Code, they are permitted. The Town  
17 Board adopts the Master Plan. The Town Board  
18 adopts the subdivision regulations. The Town  
19 Board adopts all the regulations that the  
20 Planning Board must adhere to. So it's not like  
21 we can say we want this, we want that, we don't  
22 want that. It's not arbitrary and capricious.  
23 It's based on what is permitted. This is  
24 permitted in our zone.

25 Two family homes are permitted in every

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2 zone in the Town of Newburgh.

3 MR. SIEGFRIED: That's a one family  
4 house he just put up there. That's a one family  
5 house. Like all these homes. Are you guys even  
6 aware of what's going on on Union Avenue, the  
7 multiple families moving into one family homes  
8 and turning them into two families?

9 CHAIR EWASUTYN: Thank you.

10 Do you want to give consideration to  
11 any type of screening on the driveway?

12 For the lady in the back.

13 MS. PESICK: Yes.

14 CHAIR EWASUTYN: Generally speaking,  
15 the maximum height that is really considered for  
16 evergreens is six feet. The reason being if you  
17 go to eight feet, ten feet, the likelihood of  
18 transplanting that size and it living isn't that  
19 well. Karen Arent, our landscape architect, has  
20 researched items like that. Six foot  
21 transplanted material grows much quicker than  
22 eight to ten feet. So if they would consider  
23 evergreens, six feet would be what would be  
24 required, okay?

25 MS. PESICK: Thank you.

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2 CHAIR EWASUTYN: And the only thing I  
3 say in reference to that is it's probably up to  
4 yourself and your neighbors as to how you  
5 control the deer as to whether or not they eat  
6 them or they don't eat them. But once they're  
7 in, they're in.

8 MS. PESICK: Thank you.

9 CHAIR EWASUTYN: Larry, do you want to  
10 give any kind of consideration?

11 MR. MARSHALL: I'll leave that to the  
12 applicant if the -- no, they're shaking their  
13 heads no.

14 CHAIR EWASUTYN: Pat Hines, you  
15 reviewed the plans?

16 MR. HINES: Yeah, we have reviewed the  
17 plans. The proposed two family dwellings are  
18 architecturally consistent with the Town's  
19 regulation. They're to look like a single  
20 family home. They're only allowed to have one  
21 entrance, they can't have two front entrances.  
22 So that plan they have has shown that.

23 They are restricted by the septic  
24 design to two bedrooms, so there's a total of  
25 four bedrooms, which was consistent with the

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2 original single family subdivisions that were  
3 proposed here. So there's the additional  
4 bedroom count doesn't go up.

5 There is additional parking required.  
6 The four parking spaces are required for the two  
7 family. Those are depicted. So that's the  
8 significant change. That's the change in the  
9 character of the neighborhood that you'll see  
10 from the two family versus the single family use  
11 is the additional parking and the grading  
12 associated with that.

13 We did circulate to the DOT and the  
14 Orange County Planning. We did not hear back.  
15 But we heard back from DOT stating that the  
16 highway work permit for the driveway access  
17 would be required. And County Planning I  
18 believe sent back a local determination for the  
19 project.

20 MR. DONNELLY: Yes, they did.

21 MR. HINES: So, with that, it is  
22 consistent with your single family -- or with  
23 your ordinance regarding two families.

24 CHAIR EWASUTYN: Jerry Canfield, Code  
25 Compliance?

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2 MR. CANFIELD: I have nothing  
3 additional.

4 CHAIR EWASUTYN: Board members, John  
5 Ward.

6 MR. WARD: I'm asking to consider doing  
7 a buffer near the driveway no matter what. It's  
8 the Town of Newburgh, we all try to work  
9 together with neighbors, all the projects we try  
10 to give a buffer for the neighbor itself. I  
11 would push the issue of putting some evergreens  
12 or something that, like John said, six footers.  
13 And they'll grow slowly, but they buffer off the  
14 driveway. I recommend it highly.

15 CHAIR EWASUTYN: Dave Dominick.

16 MR. DOMINICK: Larry, the two residents  
17 that spoke, where is their -- can you point out  
18 on the maps their driveways?

19 MR. MARSHALL: There's three residents  
20 that spoke. The first gentleman, Mr. Callaghan,  
21 their -- if you don't mind, I'll just turn the  
22 map slightly.

23 MR. DOMINICK: Yeah.

24 MR. MARSHALL: I apologize to the  
25 Board. Mr. Callaghan's driveway is located



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2 right directly adjoining this, the 17-18. His  
3 house is located approximately here on the map.  
4 His driveway is very long, it goes way into the  
5 back.

6 This is Ms. Pessi?

7 MS. PESICK: Pesick.

8 MR. MARSHALL: I apologize.

9 MS. PESICK: That's all right.

10 MR. MARSHALL: Her driveway is located  
11 to the west of this, it's just outside of the  
12 scope of the map. And then her parcels -- her  
13 house is located about here, approximately. You  
14 know, it's just -- it's off the map, but that  
15 gives you a scope of where the two houses are in  
16 relationship to this.

17 The houses aren't in great proximity to  
18 the proposed dwellings, but the driveways are.  
19 You know, Mr. Callaghan's driveway runs right  
20 along the property line. He has a flag lot that  
21 goes to his parcel, so he's really near that  
22 opening.

23 CHAIR EWASUTYN: The linear feet of  
24 this driveway that we are talking about that  
25 services Patrick Callaghan is how many linear

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2 feet is that?

3 MR. MARSHALL: I'm going to have to  
4 approximate it. I would say in excess of 600  
5 feet long.

6 CHAIR EWASUTYN: Okay.

7 MR. MARSHALL: Do you --

8 MR. CALLAGHAN: A thousand.

9 MR. MARSHALL: A thousand.

10 CHAIR EWASUTYN: You aren't suggesting  
11 that someone plant evergreens the length of that  
12 driveway, are you?

13 MR. CALLAGHAN: I'm just looking as  
14 they come up from my driveway up the driveway,  
15 and the cars are going to be right next to where  
16 my kids are getting on the bus, where we are  
17 coming up every day, coming in and out of our  
18 house.

19 CHAIR EWASUTYN: So you're talking  
20 about a length -- you're in the construction  
21 trade?

22 MR. CALLAGHAN: I'm not looking for --

23 CHAIR EWASUTYN: You're in the  
24 construction trade?

25 MR. CALLAGHAN: Yeah.

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2 CHAIR EWASUTYN: Okay, thank you. So  
3 you could speak the language rather than me  
4 trying to pick it out of you.

5 MR. CALLAGHAN: Correct.

6 CHAIR EWASUTYN: How many linear feet  
7 are you suggesting that this buffer be laid in?

8 MR. CALLAGHAN: Probably about fifteen  
9 feet, twenty feet from where that parking area  
10 is designed.

11 CHAIR EWASUTYN: Just fifteen feet up  
12 to the driveway?

13 MR. CALLAGHAN: Well, I'm looking at  
14 where the car -- I'm just learning here where  
15 this driveway and the parking is for this house.  
16 Just somewhere to block where the cars are going  
17 to be parked.

18 CHAIR EWASUTYN: Larry, that seems to  
19 be a reasonable request.

20 MR. CALLAGHAN: I'm not looking to  
21 block the house. The house is -- the siding.  
22 I'm just looking to where the cars are.

23 CHAIR EWASUTYN: If you space them out  
24 approximately eight feet, which is probably  
25 closer than it should be, but for conversation,

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2 you space them out eight feet on a run of a  
3 little better than the wall, 30 feet, how many  
4 are we talking about?

5 MR. MARSHALL: No more than five.

6 CHAIR EWASUTYN: I think that's a  
7 reasonable request.

8 MR. DOMINICK: Yeah. I concur with  
9 both John and John.

10 MR. CALLAGHAN: Yes. I'm not asking  
11 for a lot, I'm just asking for the parking, the  
12 cars and everything that --

13 CHAIR EWASUTYN: Yeah. And the other  
14 thing you could consider if you don't want to  
15 plant is to put in a fence, a plastic fence.

16 MR. MARSHALL: Privacy fence.

17 CHAIR EWASUTYN: A privacy fence that  
18 would be, you know, six feet high in that  
19 particular length. The advantage of that,  
20 Patrick, you know, we're discussing this, the  
21 privacy fences are there, they work. My only  
22 concern about evergreens, and they're fine, is  
23 whether or not the deer eat them or not.

24 MR. CALLAGHAN: Understood. We were  
25 just talking about the evergreens just to keep

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2 something natural.

3 MR. SIEGFRIED: They don't eat  
4 hemlocks.

5 MR. CALLAGHAN: The only other thing  
6 that you might take into consideration that  
7 might even help the owners is that maybe even  
8 one driveway cut in the middle for both.

9 CHAIR EWASUTYN: We'll stick with the  
10 screening rather than redesigning the project.

11 MR. CALLAGHAN: It's a matter of  
12 turning it into a parking lot.

13 CHAIR EWASUTYN: Cliff Browne?  
14 Oh, you want to, okay.

15 MR. DOMINICK: Yeah. I just want to  
16 add I think it's a very minimal fix to do a  
17 neighborly thing. I urge you to tell your  
18 applicant that and stress that. A very simple  
19 fix.

20 CHAIR EWASUTYN: All right.  
21 Mr. Browne?

22 MR. BROWNE: Nothing.

23 CHAIR EWASUTYN: Do you have anything?

24 MR. MENNERICH: I agree with what David  
25 said. In general, within a zoning area

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2 residential to residential, we don't really have  
3 the right to demand that somebody put in  
4 something. The zoning does not call for that.  
5 But it is a neighborly thing to do and it's not,  
6 a, you know, big expense.

7 MR. MARSHALL: Well, I believe the  
8 applicant is okay with adding the trees along  
9 that part of the edge.

10 MR. DONNELLY: Five evergreen trees  
11 from the street line to the parking area.

12 MR. MARSHALL: Five?

13 MR. DONNELLY: Is that what I heard?

14 MR. MARSHALL: Yes.

15 MR. DONNELLY: I'll add it as a  
16 condition.

17 CHAIR EWASUTYN: Stephanie?

18 MS. DELUCA: No, I agree.

19 CHAIR EWASUTYN: The gentleman in the  
20 back.

21 MR. SIEGFRIED: Yeah, I'm curious about  
22 the septic system, the water system and why  
23 they're not being hooked up to the town water  
24 and if they have plans for later it being hooked  
25 up to town water and how that will affect the

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2 water table. And this many people using a small  
3 area for a leach system and a septic system.  
4 Are they being forced to go to an aerobic system  
5 that can handle this kind of sewage? If not,  
6 they're going to be contaminating their  
7 neighbors' wells. Because this lady has a well.  
8 And the ground water around Newburgh got screwed  
9 up years ago when we put the town water in. We  
10 didn't take into effect that the town was built  
11 and water was coming out of the wells and being  
12 put back in the septic system. And then when we  
13 put in the town water we raised everybody's  
14 water tables up higher. That's why we have  
15 water troubles in the seventies, eighties and  
16 nineties in the Town of Newburgh.

17 Now you're going to have the same  
18 problem again with these people if they decide  
19 to later on hook up into town water. We have  
20 multiple family homes, so that's four families  
21 we're talking about in these two units. God  
22 knows how many people showering and using the  
23 toilets. You're filling up the leach field and  
24 the septic system, you know. And the  
25 groundwater. Because it's got to go out to a

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2 leach field. And I'm looking at these  
3 properties, and they're shaped like pies. And  
4 there doesn't seem to be lot of area for a leach  
5 field there.

6 CHAIR EWASUTYN: Thank you.

7 Pat Hines, you reviewed it?

8 MR. HINES: Yeah. The septic systems  
9 and wells have been designed in accordance with  
10 Appendix 75A of the Public Health Law. Again,  
11 they're four bedroom duplexes. In other words,  
12 four bedrooms total, which would be the similar  
13 of the four bedroom single family homes that  
14 were originally designed there. There are  
15 expansion areas shown should there be an issue.  
16 But the deep test, perk tests prove out the lots  
17 to be able to accommodate the sanitary sewer.  
18 And the well separations have all been met.

19 The lots are very large actually. I'm  
20 not seeing the acreage here, they're blacked  
21 out. But Larry, can you give them the lot sizes  
22 that these are on?

23 MR. MARSHALL: Right underneath the  
24 zoning table.

25 MR. HINES: Yeah. So we're



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2 approximately six acres for each lot. The Town  
3 Code does require larger lots for the duplexes  
4 in consideration of the intensity of use. That  
5 is different, slightly different than a single  
6 family home.

7 CHAIR EWASUTYN: Thank you.

8 MR. MARSHALL: One thing that I would  
9 like to add, in conflict with what a single  
10 family -- a single home requires only a 50  
11 percent reserve area be shown in accordance with  
12 the Orange County Department of Health  
13 regulations. Because this is a duplex, we show  
14 a hundred percent. So in the event that there  
15 is failure, we have shown enough area to double  
16 the size of the septic system. And, as Pat  
17 said, these are four -- these are a total of  
18 four bedrooms each, which would be -- would have  
19 a consistent occupancy as a four bedroom single  
20 family home. It just happens that there's two  
21 dwellings as opposed to one.

22 CHAIR EWASUTYN: Any additional  
23 questions or comments from the public?  
24 Gentleman in the back.

25 MR. PESICK: Yeah, a question. The

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2 back of that property is wetlands, DEC. Does  
3 the septic have any problems with that? Because  
4 it ain't too far from where I'm standing in the  
5 property back there is all wetlands and DEC. So  
6 if that overflows, that's going to mess up the  
7 outflow back there?

8 CHAIR EWASUTYN: Pat?

9 MR. HINES: The rear of the property is  
10 identified as DEC regulated wetlands. There's  
11 also the 100 foot regulated buffer associated  
12 with that. All the development takes place  
13 outside of an upgrading of that 100 foot buffer.  
14 There's approximately about 16 feet of elevation  
15 difference between the wetland boundary and the  
16 outside of the buffer area. But the soil  
17 testing has been performed, perk tests and deep  
18 tests to design the septic systems in compliance  
19 with the regulations.

20 MR. DONNELLY: Your name, sir?

21 MR. PESICK: Pesick.

22 MS. PESICK: He's my husband.

23 CHAIR EWASUTYN: Lady in the back.

24 MS. KISSAM: Sandra Kissam, 1261 Union  
25 Avenue.

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2 I don't think bedrooms are the issue.  
3 what about numbers of baths in this structure?  
4 And if it's a two apartment structure, aren't we  
5 then talking about two kitchens? I mean how can  
6 we assume that the effluent is going to be equal  
7 to the single family residence? That's my  
8 point. And how many baths are there in total?

9 MR. MARSHALL: There would be a total  
10 of four.

11 Ms KISSAM: Okay, four baths. And how  
12 many --

13 MR. SIEGFRIED: How many leach fields?

14 MR. HINES: We're not making  
15 assumptions. The regulations design sanitary  
16 sewer disposal systems based on bedroom count.

17 MR. SIEGFRIED: Well, you guys are  
18 supposed to be able to prevent a catastrophe  
19 from happening.

20 MS. KISSAM: well, I'm not talking  
21 about whether or not you're following the  
22 regulations. I'm just looking at this project  
23 from the perspective of what the area can  
24 endure. Did you say -- how large is this lot, I  
25 mean what's the size of this piece of property?

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2 MR. HINES: They're each six acres  
3 approximately.

4 MR. MARSHALL: They're --

5 MS. KISSAM: Ten what?

6 MR. HINES: They're each approximately  
7 six acres.

8 MS. KISSAM: I see. Okay, thank you.

9 MR. DONNELLY: We're bound by those  
10 regulations.

11 CHAIR EWASUTYN: Any further questions  
12 from the public?

13 (No response)

14 MR. SMITH: I think what she's trying  
15 to say is when you have all these --

16 CHAIR EWASUTYN: Excuse me, excuse me.  
17 Do you want to give your name and your address?

18 MR. SMITH: Bruce Smith, 1293 Union  
19 Avenue.

20 I think what she's saying is the amount  
21 of effluent in the house and kitchens, there's  
22 going to be more --

23 CHAIR EWASUTYN: I think Pat Hines  
24 answered that, but Pat, do you want to speak to  
25 that?

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2 MR. SMITH: The engineer is saying that  
3 their septic is going to be able to handle all  
4 this.

5 CHAIR EWASUTYN: Pat?

6 MR. HINES: Yeah. Again, the septic  
7 designs are based on bedroom counts. That's the  
8 way septic systems -- that's the way the  
9 regulations, Public Health Law 75A dictates that  
10 septics are designed. As the applicant's  
11 engineer did state, typically a single family  
12 home would require a 50 percent expansion area  
13 just as a belts and suspenders. That was shown.  
14 Because they are duplexes, they have shown an  
15 additional 50 percent. So they have 100 percent  
16 area depicted soil tested should something occur  
17 with the septics system. So it's an additional  
18 level of safety. Single family homes require 50  
19 percent. Because of the use here, they have  
20 designed it for 100 percent expansion. But the  
21 soils tested out and the systems are designed  
22 per the regulations.

23 You'll find that those regulations are  
24 very conservative. And single family homes do  
25 not use anywhere near the design flow rates per

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2 bedroom count. It's 110 gallons per day per  
3 bedroom is the standard design with the water  
4 saving fixtures that you can buy now.

5 CHAIR EWASUTYN: Last question?

6 MR. SIEGFRIED: I'm a single family  
7 home, and we just had to put in a \$20,000  
8 aerobic system because of the soil in the Town  
9 of Newburgh. And a lot of my neighbors are  
10 going through this problem right now too.

11 MR. HINES: Yeah. I --

12 MR. SIEGFRIED: So if we're talking  
13 this many bathrooms flushing, kitchen sinks, car  
14 washes, that's a lot of water to be on wetlands.  
15 And, you know, once again, like I said, I grew  
16 up in this area and I know these wetlands all  
17 throughout here. I've played in all of them.  
18 They're very fragile. You know, if you do get  
19 sewage spilled into them, you're going to  
20 destroy the beavers, the muskrats, everything.  
21 I mean look what we did over at Bloomberg farm  
22 already? we killed all those animals out, you  
23 know.

24 we're going to do this all throughout  
25 the town now? I mean can't you at least make

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2 people putting in this big of a system put in a  
3 septic system to accommodate it, like an aerobic  
4 system. You know, if I have a single family  
5 home that had to put an aerobic system in and  
6 all my neighbors have switched over to an  
7 aerobic because they have no choice now, should  
8 this be the standard? If you put in town water  
9 to these people, it's just going to get worse.

10 MR. HINES: There is no town water  
11 here. It's just served by wells.

12 MR. SIEGFRIED: I know, but later on if  
13 they decide to hook up to the town and the town  
14 comes out there and they hook up to the town,  
15 they're going to raise the water level.

16 Don't smile at me like that, because  
17 that's disrespectful. And if the town -- at  
18 least in my neighborhood we got town water in  
19 and we raised the water levels. This could  
20 happen ten years from now. Not maybe today, but  
21 you have to think ten years and 20 years from  
22 now, and destroy that area. It's not just about  
23 today, you know. We've taken into effect the  
24 septic system. Why not wetlands?

25 CHAIR EWASUTYN: what we are doing is

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2 complying with the current regulations. And  
3 that was our responsibility, to adhere to the  
4 current regulations, and that's what we're  
5 doing. The design is based upon the current  
6 regulations.

7 Last question.

8 MS. KISSAM: Yes. Concerning the  
9 current regulations, Mr. Ewasutyn, when the  
10 regulations are developed, doesn't the Planning  
11 Board give input and make recommendations?

12 CHAIR EWASUTYN: Generally speaking,  
13 no, Sandra.

14 MS. KISSAM: Generally speaking what?

15 CHAIR EWASUTYN: Generally speaking,  
16 no.

17 MR. DONNELLY: They're not town  
18 regulations. They're state and county  
19 regulations. And it would be rare if the county  
20 and the state would ask a town what they thought  
21 about it.

22 MS. KISSAM: When was the last master  
23 plan done for the town, how long ago?

24 CHAIR EWASUTYN: I think there was a  
25 revision in 2001.



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2 MS. KISSAM: So maybe that needs to be  
3 revisited.

4 CHAIR EWASUTYN: And again --

5 MS. KISSAM: I know that's not your  
6 job, but I'm just saying.

7 CHAIR EWASUTYN: Excuse me. That's the  
8 Town Board action.

9 MS. KISSAM: I know, I know that.

10 CHAIR EWASUTYN: Right.

11 MS. KISSAM: But maybe that needs to  
12 happen, because we are looking at I would say an  
13 excessive amount of new development.

14 CHAIR EWASUTYN: Well, that's something  
15 you could bring to the attention of the Town  
16 Board at a Town Board meeting.

17 Thank you. At this point I'll turn to  
18 Pat Hines for any final comments.

19 MR. HINES: Yeah, we have no additional  
20 comments. We'll be looking for a revised plan  
21 depicting the landscaping screening that was  
22 discussed. Otherwise, our previous comments  
23 have all been addressed.

24 CHAIR EWASUTYN: Okay. At this point  
25 I'll move for a motion to close the public

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2 hearing on OPR 2017-17 and OPR 2017-18.

3 MR. GALLI: So moved.

4 MR. DOMINICK: Second.

5 CHAIR EWASUTYN: Okay, motion by Frank  
6 Galli, seconded by Dave Dominick.

7 I'll ask for a roll call vote, starting  
8 with Frank Galli.

9 MR. GALLI: Aye.

10 MS. DELUCA: Aye.

11 MR. MENNERICH: Aye.

12 CHAIR EWASUTYN: Aye.

13 MR. BROWNE: Aye.

14 MR. DOMINICK: Aye.

15 MR. WARD: Aye.

16 CHAIR EWASUTYN: Motion carries.

17 Okay, at this point, Michael, I think  
18 the action before us is to grant final site plan  
19 approval in ARB?

20 MR. DONNELLY: In ARB, correct.

21 CHAIR EWASUTYN: Thank you. For those  
22 two projects.

23 MR. DONNELLY: The first condition will  
24 require receipt of a sign-off letter from Pat  
25 Hines recording that the plans have been

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2 modified to show the addition of five evergreen  
3 trees along the driveway from the street line to  
4 the parking area.

5 MR. WARD: What size?

6 MR. DONNELLY: I think we said six  
7 feet.

8 MR. DOMINICK: Six feet.

9 MR. DONNELLY: The approval is subject  
10 to review by the DOT and issuance of a highway  
11 work permit.

12 we'll have our standard condition for  
13 Architectural Review Board approval.

14 Our standard condition regarding  
15 outdoor fixtures and amenities that prohibits  
16 the construction of any fixtures or structures  
17 not shown on the plans.

18 Now, when the subdivision was approved  
19 did you pay a fee in lieu of parkland for each  
20 lot?

21 MR. MARSHALL: Yes, we did.

22 MR. DONNELLY: So with the addition of  
23 the new unit for each you will have to pay an  
24 additional parkland fee of \$2,000 for the new  
25 multi-family unit.

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2 The resolution will be the same for  
3 both projects.

4 CHAIR EWASUTYN: And, Michael, you had  
5 mentioned the screening?

6 MR. DONNELLY: Yes. That would be the  
7 first condition. And it has to be six feet in  
8 height.

9 CHAIR EWASUTYN: Thank you. And a  
10 total of five evergreens?

11 MR. DONNELLY: Yeah, five evergreens.

12 MR. HINES: Just to be clear, which job  
13 number, is that 17-17 that's getting the --

14 MR. MARSHALL: 17-18.

15 MR. HINES: 17-18 is getting the  
16 landscaping?

17 MR. MARSHALL: 17-18 is getting the  
18 landscaping.

19 MR. HINES: Okay.

20 MR. DONNELLY: Thank you.

21 CHAIR EWASUTYN: All right. Having  
22 heard the conditions of approval presented by  
23 Planning Board Attorney Mike Donnelly for OPR  
24 17-17 and OPR 17-18, I move for a motion to  
25 grant approval.

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2 MR. GALLI: So moved.

3 MR. MENNERICH: Second.

4 CHAIR EWASUTYN: Motion by Frank Galli,  
5 seconded by Ken Mennerich.

6 Any discussion on the motions?

7 (No response)

8 CHAIR EWASUTYN: Move for a roll call  
9 vote, starting with Frank Galli.

10 MR. GALLI: Aye.

11 MS. DELUCA: Aye.

12 MR. MENNERICH: Aye.

13 CHAIR EWASUTYN: Aye.

14 MR. BROWNE: Aye.

15 MR. DOMINICK: Aye.

16 MR. WARD: Aye.

17 CHAIR EWASUTYN: The motion carries.

18 MR. MARSHALL: Thank you very much.

19 Have a good evening.

20 CHAIR EWASUTYN: No, that was part of  
21 the motion.

22 The fourth item on the agenda was  
23 DeGroat, Sexton & Smith. That was a misprint on  
24 my part and a carryover business from the  
25 earlier meeting. So that isn't on the agenda

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2 this evening, it's already been approved.

3 The next item on the agenda is for  
4 Cortland Commons. It's a site plan, located on  
5 Route 9W and Cortland Drive, and it's in a B  
6 zone. It's being presented by JMC Planning &  
7 Engineering.

8 MR. PEARSON: Good evening, Mr.  
9 Chairman.

10 CHAIR EWASUTYN: Good evening. For the  
11 record, you are?

12 MR. PEARSON: I am Richard Pearson,  
13 with JMC. I'm a professional engineer and I'm a  
14 partner with the firm. I've been with the firm  
15 for 33 years. And I'm substituting tonight for  
16 Joe Sartino, who's enjoying his vacation  
17 hopefully.

18 CHAIR EWASUTYN: Thank you.

19 MR. PEARSON: We have in our last  
20 submission addressed many of the review comments  
21 from Pat Hines, as well as from your traffic  
22 consultant, Ken Wersted, from Creighton Manning,  
23 and we've also addressed comments from the New  
24 York State Department of Transportation. The  
25 DOT is satisfied with our responses and we're

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2 going to move on to the highway work permit  
3 aspect of the application.

4 Related to the Department of  
5 Transportation, we did add a sidewalk along our  
6 frontage with 9w from the site driveway down to  
7 Cortland Drive. As part of that we have a  
8 proposed a crosswalk across Cortland Drive  
9 connecting to the existing triangular island,  
10 which also has a crosswalk across 9w. There was  
11 a question whether there would be pedestrian  
12 signals for that crosswalk, a signalized  
13 intersection. And we spoke with the New York  
14 State Department of Transportation today and  
15 they did desire to have pedestrian signals, so  
16 we will be putting in those signals.

17 Relative to the site plan, we made some  
18 modifications since we were last before your  
19 Board. There's no longer a detention basin  
20 proposed in the -- in that portion of the site.  
21 And instead, all of the stormwater management  
22 will be subsurface detention below the parking  
23 lot in this area.

24 we have modified the retaining wall to  
25 have the wall, instead of extending up in that

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2 direction toward Route 9W, it has been brought  
3 back in and been reduced in its total length.

4 we have also provided additional trees  
5 in the area of the retaining wall to soften the  
6 appearance of the wall.

7 we've also proposed a decorative wall,  
8 it's a little difficult to see in this area, but  
9 along our frontage, where the proposed parking  
10 is. we have a decorative stone wall proposed,  
11 as well as additional landscaping as mitigation  
12 for our request for a waiver of parking in front  
13 of the building.

14 we've also provided a sidewalk and  
15 connection across Cortlandt Drive so that  
16 residents from up on the hill can come down to  
17 our sidewalk, down to the site if they desire,  
18 or continue along Cortlandt Drive or Route 9W.

19 we had an itemized response letter to  
20 all the comments. I think rather than going  
21 through all those details tonight, I can go  
22 through them if you want, but I know that Pat  
23 had a comment letter. we've reviewed his  
24 letter, which we received today. All those  
25 comments we believe we can address. And if you



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2 want to hear from Pat about that, I think this  
3 might be an appropriate time, unless there's any  
4 questions from the Board.

5 CHAIR EWASUTYN: we'll make a decision  
6 who speaks next. Thank you.

7 MR. PEARSON: well said, Chairman.

8 CHAIR EWASUTYN: Okay. At this point  
9 I'll turn to my Planning Board members for their  
10 input.

11 MR. GALLI: I have no additional.

12 MS. DELUCA: No.

13 MR. MENNERICH: When do you plan to  
14 submit a full set of plans?

15 MR. PEARSON: There was a full set, I  
16 believe, submitted with the last application of  
17 the revised plans.

18 MR. MENNERICH: But they don't show the  
19 sidewalks and stuff, do they?

20 MR. PEARSON: Yeah, they do.

21 MR. HINES: Yeah. Yeah, they have  
22 sidewalks.

23 CHAIR EWASUTYN: Cliff Browne?

24 MR. BROWNE: I'm good at this point.

25 MR. DOMINICK: No additional.

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2 MR. WARD: I like the way you designed  
3 the path to the sidewalks and where you did it.  
4 That's the sidewalk on the top left going out to  
5 9w, right?

6 MR. PEARSON: That's correct. It's  
7 right up here.

8 MR. WARD: You pointed out the others  
9 but I didn't see you point that out.

10 MR. PEARSON: Yeah. I'm sorry if I  
11 didn't actually point to it. I talked to it but  
12 I didn't point to it.

13 MR. WARD: Thank you. It's nice.

14 CHAIR EWASUTYN: And right now do you  
15 have any tenants or do they have any tenants  
16 that you're aware of?

17 MR. PEARSON: Not that I am aware of.

18 CHAIR EWASUTYN: Jerry Canfield, Code  
19 Compliance.

20 MR. CANFIELD: At the previous meeting  
21 we talked about drive lane widths. And this  
22 plan depicts 24 feet, which may be acceptable.  
23 we also talked about the overall building  
24 height, if it exceeded 30 feet. We needed 26  
25 feet. So I'm assuming that the building height

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2 is less than 30 feet.

3 MR. PEARSON: That's correct.

4 MR. CANFIELD: Okay.

5 That's the only thing I have, John.

6 CHAIR EWASUTYN: Pat Hines?

7 MR. HINES: Yeah. As was mentioned,  
8 the plans were revised to remove the previously  
9 proposed stormwater management pond. On the  
10 north side of the site under parking storage for  
11 the stormwater has been designed. We are  
12 completing our review of the stormwater  
13 pollution prevention plan.

14 The retaining walls have been revised  
15 also. A subsurface analysis has been provided  
16 identifying depth of bedrock. There's  
17 statements in the subsurface report that  
18 blasting may be required; however, the response  
19 letter that we got back from JCM states that  
20 they are going to use mechanical methods to  
21 remove any rock that needs to be removed and  
22 that no blasting will occur on the site. I  
23 think that will be important carrying forward as  
24 we make resolutions and decisions warding that,  
25 to carry that forward.

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2 A stormwater facilities maintenance  
3 agreement will be required.

4 The site lighting plan has been revised  
5 to change it to 20 foot mounting height, which  
6 is little higher than your normal pedestrian  
7 scale 16 foot. But considering the commercial  
8 nature of the site, the size of the site, I  
9 think the 20 foot will work. If they go lower,  
10 then you will need more lighting. So I think  
11 the 20 foot works here. That's kind of a waiver  
12 of the design guidelines that will be required.

13 which leads into the other design  
14 guideline, parking in the front of the  
15 buildings. They have proposed the dry laid  
16 stone wall across this 9w frontage to mitigate  
17 the visual impacts of parking in the frontage as  
18 well those landscaping features. So the Board  
19 would need to issue a waiver for the design  
20 guidelines for parking in the front if they find  
21 that acceptable.

22 The septic system to serve this site is  
23 in excess of 1,000 gallons per day, so that will  
24 meet both New York State DEC and Health  
25 Department approval. So we'll defer that to

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2 those agencies as they will review that.

3 we have some comments on the stormwater  
4 system. The one comment I did have, it's a  
5 design comment, it has to do with the, I don't  
6 know if you saw that, but the at-grade parking  
7 with the use of the bumper blocks, and just how  
8 that transitions more so at the retail building.  
9 There's three bumper blocks, but then there's  
10 two parking spaces on either side. It looks  
11 like it returns to a normal curb height. And  
12 that transition, we just need that addressed and  
13 how that's going to not create a trip hazard  
14 from one inch to six inches or something

15 MR. PEARSON: Understood.

16 MR. HINES: So that will need to be  
17 addressed. Or maybe that whole frontage will be  
18 at grade. The Board will discuss the use of  
19 bumper blocks. It's not something we normally  
20 allow, but that the grading may require it.

21 I did discuss at work session, and then  
22 Jerry Canfield did weigh in a comment, and we  
23 have had situations where retail buildings  
24 become food service. I think this site, that  
25 will be restricted because of the septic design

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2 capacity. And I think this is considered a  
3 minimal without eating and drinking --

4 MR. CANFIELD: Yes.

5 MR. HINES: -- would be the approval.  
6 So while we've had facilities such as this add  
7 restaurant eating and drinking uses, I don't  
8 think that's going to be the case here because  
9 of those two issues.

10 And that's where we're at right now.  
11 The project needs a public hearing and a  
12 referral to the Orange County Planning  
13 Department. We previously declared intent for  
14 lead agency. I just need to make sure that  
15 those were circulated. I know the applicant has  
16 been working with DOT already. So those  
17 procedural matters we'll take of. And if the  
18 Board is okay, we're recommending that the  
19 public hearing could be scheduled two meetings  
20 from now, the first meeting in September.

21 CHAIR EWASUTYN: And your  
22 recommendations as far as the SEQRA  
23 determination?

24 MR. HINES: I need to follow up on that  
25 circulation.

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2 MR. DONNELLY: We need to make sure it  
3 was mailed before we do that.

4 CHAIR EWASUTYN: Michael, would it be  
5 following the appropriate measures to set a  
6 public hearing without making a SEQRA  
7 determination?

8 MR. DONNELLY: Generally my  
9 recommendation is that you do so, but under the  
10 circumstances here we just need to check whether  
11 the mailing was done. I think it's permissible  
12 to do it on the night of the public hearing.

13 CHAIR EWASUTYN: To make a SEQRA  
14 determination at a public hearing?

15 MR. DONNELLY: Yes.

16 CHAIR EWASUTYN: Is the Board  
17 comfortable with that?

18 MR. DONNELLY: It certainly has to be  
19 done before you open the hearing. But whether  
20 it's done at that time or tonight is not  
21 important.

22 MR. HINES: Yeah, I believe it was  
23 done. I just -- my files are short plan sheets,  
24 which indicates that I probably sent them but I  
25 don't have the -- for some reason I don't have

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2 the letter to confirm that.

3 CHAIR EWASUTYN: Okay, let's discuss  
4 the other items before we move forward. And I  
5 would poll the Board members with regard to  
6 their decision, is the Board willing to, which  
7 we can, waive the design guidelines for having  
8 parking in the front yard and to add street  
9 lighting that's 20 feet tall, which is  
10 considered to be pedestrian friendly?

11 MR. GALLI: Yes.

12 MR. MENNERICH: Yes.

13 (And some head nods.)

14 CHAIR EWASUTYN: I'm really having to  
15 guess now, their heads are shaking.

16 MR. HINES: The stenographer is getting  
17 that too.

18 CHAIR EWASUTYN: I think you have to  
19 say something. Vertical nods.

20 MR. GALLI: Yes, waive the guidelines.

21 CHAIR EWASUTYN: Okay.

22 Stephanie?

23 MS. DELUCA: Yeah.

24 CHAIR EWASUTYN: Ken?

25 MR. MENNERICH: Based on the



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2 information that was mentioned, yes.

3 CHAIR EWASUTYN: Okay.

4 Cliff Browne?

5 MR. BROWNE: Yes, based on the  
6 mitigation measures, yes.

7 MR. DOMINICK: Yes, I agree.

8 MR. WARD: Yes.

9 CHAIR EWASUTYN: Okay, let the record  
10 show that the Planning Board waived the design  
11 guidelines requiring no parking in the front  
12 yard. And there is parking being shown. And  
13 that the pedestrian lighting should be between  
14 12 to 15 feet, and the applicant is proposing  
15 20. The Board waived that.

16 And just for the discussion of bumper  
17 blocks, why bumper blocks?

18 MR. PEARSON: In these areas it's  
19 primarily related to where the sidewalks were  
20 less of a width than in the other areas. They  
21 were five to six feet wide where the bumper  
22 blocks are proposed, and the other areas are 11  
23 feet. They vary, but 11 feet is one example.

24 CHAIR EWASUTYN: I still don't follow  
25 that, though. The sidewalks are five foot in

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2 width. Rather than putting in a permanent  
3 curb --

4 MR. PEARSON: There would be a curb,  
5 except for where the handicapped are proposed,  
6 the handicapped spaces in this area. Based on  
7 the ramp design and the required area behind the  
8 ramp for a landing area, there's insufficient  
9 width for those handicapped spaces. So we are  
10 proposing to have a flush curb in this location  
11 with a transition of the sidewalk where the  
12 sidewalk would come up over a distance of  
13 approximately six feet. In those areas we do  
14 not have the wheel stops or the bumper blocks.  
15 In the other areas it was simply related to the  
16 width of the sidewalk. But we can revisit that  
17 if that's a concern of the Board.

18 MR. DONNELLY: Rich, are you saying --

19 CHAIR EWASUTYN: It could be considered  
20 what?

21 MR. DONNELLY: Are you saying you have  
22 the bumper blocks and a curb, and they're to  
23 prevent the car from extending over the  
24 sidewalk, or are they instead of a curb?

25 MR. PEARSON: Yes, that was generally

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2 the intent.

3 MR. DONNELLY: There's still a curb,  
4 they just have the bumper blocks?

5 MR. HINES: No, I think the curb is at  
6 grade there.

7 MR. PEARSON: All right, I'll double  
8 check, Pat, but I'm pretty sure that the curb  
9 was just at grade where the handicap was, but if  
10 it carries all along, we'll fix that.

11 CHAIR EWASUTYN: So we'll keep that in  
12 mind for the night of the public hearing.

13 MR. PEARSON: Yeah.

14 CHAIR EWASUTYN: Any other questions or  
15 comments?

16 (No response)

17 CHAIR EWASUTYN: Then I'll ask for a  
18 motion to set the public comments and site plan  
19 for the public hearing on the 7th of September.

20 MR. WARD: So moved.

21 MS. DELUCA: Second.

22 CHAIR EWASUTYN: Motion by John Ward,  
23 second by Stephanie DeLuca.

24 I'll ask for a roll call vote, starting  
25 with Frank Galli.

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2 MR. GALLI: Aye.

3 MS. DELUCA: Aye.

4 MR. MENNERICH: Aye.

5 CHAIR EWASUTYN: Aye.

6 MR. BROWNE: Aye.

7 MR. DOMINICK: Aye.

8 MR. WARD: Aye.

9 MR. PEARSON: Thank you.

10 CHAIR EWASUTYN: Okay. The next item  
11 on the agenda is Diamond Properties. It was the  
12 old Orange County Choppers site plan. It's a  
13 site plan located on 14 Crossroads Court, it's  
14 now being rezoned. And it's represented by  
15 Cuddy & Feder, and there are two people here  
16 this evening.

17 Yes, Mr. Chairman.

18 CHAIR EWASUTYN: And for the record you  
19 are?

20 MR. ALEXANDER: Neil J. Alexander, I'm  
21 a partner at Cuddy & Feder.

22 CHAIR EWASUTYN: Do you have a card for  
23 the stenographer?

24 MR. ALEXANDER: I do.

25 CHAIR EWASUTYN: At least we'll get one

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2 right this evening.

3 MR. ALEXANDER: Mr. Morando, our  
4 attorney of record, sends his regrets.

5 CHAIR EWASUTYN: Okay. I hope he  
6 enjoys his vacation.

7 MR. ALEXANDER: He's working elsewhere.

8 And to my left is Fatima Rosh. She's  
9 general counsel for Diamond Properties.

10 MS. ROSH: Good evening.

11 CHAIR EWASUTYN: Thank you.

12 MR. ALEXANDER: So I don't know if you  
13 want us to start or if that's okay.

14 CHAIR EWASUTYN: Let Mike Donnelly kind  
15 of bring us along, and then you can --

16 MR. ALEXANDER: Okay, sure, whatever,  
17 that's fine.

18 MR. DONNELLY: When we were here last  
19 month we explained that there were several  
20 things going on here.

21 There will be a site plan application,  
22 but it has been submitted based upon the whole  
23 planning conceptual format. The results of the  
24 petition pending before the Town Board for a  
25 zone change application to add to the uses

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2 authorized in this zone, indoor recreational  
3 activities. That local law has been sent to you  
4 for a report as required by section 185-60 of  
5 the Town of Newburgh code.

6 The issue we discussed last month was  
7 how would we resolve the required environmental  
8 review of this project in view of those two  
9 proposals. Neither the Town Board nor you can  
10 act until SEQRA is closed out. You have issued  
11 a notice of intent to serve as lead agency. And  
12 that is not timed out, you're not yet in a  
13 position to issue a Declaration of Significance.

14 However, it's my opinion that because  
15 the rendering of the required report to the Town  
16 Board and the zone change application is a  
17 preliminary planning process used in the  
18 formulation of a proposal for an action, that  
19 particular act is exempt from the requirements  
20 of SEQRA. Therefore, though you can't close out  
21 SEQRA or you can't move forward on it this  
22 evening, and you can't act on the site plan, you  
23 can prepare or authorize me to take down notes  
24 and prepare a report back to the Town Board on  
25 the zone change. At a later date, when SEQRA is

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2 closed out, the Town Board will be able to act  
3 on the zone change. And if they favorably act  
4 on that and grant the text change, the applicant  
5 will then return to you and you can review the  
6 site plan.

7 So the only action you can take tonight  
8 is that report. I did outline at the work  
9 session the criteria of the Town Code provision  
10 under which you must render that report, and  
11 when you're ready to do so I'll repeat those,  
12 and you can speak out loud and I'll take notes.

13 CHAIR EWASUTYN: Pat Hines, do you have  
14 anything to add to that?

15 MR. HINES: No, I think that's where  
16 we're at. We did send out the required  
17 circulations, including the required Orange  
18 County Planning referral. We had previously  
19 sent them a courtesy copy by email because they  
20 had received some information from the Town  
21 Board and were looking for the actual Planning  
22 Board application. So that's in the process.

23 One of the things that we asked last  
24 time that they had provided was the analysis of  
25 water use at the facility. They provided a copy

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2 of the original City of Newburgh flow acceptance  
3 letter for the site, which, when it was before  
4 the Board to add the eating and drinking use,  
5 that flow was upgraded to a total of 6,260  
6 gallons. Their report for this current water  
7 use at the facility, and then they added a  
8 similar facility water use being conservative,  
9 and it's still below that. So we don't think  
10 there's an issue with the City of Newburgh flow  
11 acceptance letter that we had commented on  
12 previously.

13 I did ask last time if they had  
14 ownership of both parcels, the overflow parking  
15 lot, for lack of a better term, and the  
16 former or current Orange County Chopper site.  
17 They have provided deeds identifying they are  
18 the owners. I know Mike has some comments on  
19 getting the original resolution that joined them  
20 together.

21 MR. DONNELLY: Yeah, on that issue it  
22 will be my recommendation to the Planning Board  
23 that at the time of approval you either  
24 consolidate those parcels into one or provide us  
25 with an amended declaration that makes clear



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2 that the other parcel is available for full time  
3 parking use. I believe the original recorded  
4 instrument only authorized it for overflow  
5 parking, and we want to make that clear. It  
6 might be better for everyone to consolidate  
7 those parcels.

8 MR. HINES: Yeah. They were tied  
9 together because at the time that --

10 MR. DONNELLY: They were in separate  
11 ownership.

12 MR. HINES: They were in separate  
13 ownership but they had to be tied together  
14 because parking is an accessory use and there's  
15 no other use on that lot. So it was required  
16 that they be tied together.

17 MR. DONNELLY: Right.

18 CHAIR EWASUTYN: Thank you.

19 Jerry Canfield?

20 MR. CANFIELD: We did talk also at the  
21 work session about receiving a site plan for  
22 this project.

23 CHAIR EWASUTYN: Yes.

24 MR. CANFIELD: Some of the documents  
25 submitted were the previous Orange County

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2 Chopper site plan. So we will need a site plan  
3 for this.

4 CHAIR EWASUTYN: Any additional  
5 comments? John Ward.

6 MR. WARD: Signage, and where and how  
7 you're going to advertise that.

8 What you covered was what I was going  
9 to say.

10 MR. CANFIELD: Yeah, when we get the  
11 site plan, the signage plan, we'll --

12 MR. ALEXANDER: Yeah, we'll make sure  
13 signage is on the site plan. And we have one in  
14 works, but we weren't within the ten days, so we  
15 didn't want to get it to you in an untimely  
16 fashion.

17 CHAIR EWASUTYN: Dave Dominick?

18 MR. DOMINICK: No addition.

19 CHAIR EWASUTYN: Cliff Browne?

20 MR. BROWNE: Nothing.

21 CHAIR EWASUTYN: Ken Mennerich?

22 MR. MENNERICH: Nothing.

23 CHAIR EWASUTYN: Stephanie DeLuca?

24 MS. DELUCA: No questions.

25 CHAIR EWASUTYN: Frank Galli?

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2 MR. GALLI: No.

3 CHAIR EWASUTYN: John Ewasutyn, no.

4 That is all.

5 Michael, do you want to go through  
6 the -- into both parts of this?

7 MR. DONNELLY: Yes. This property is  
8 located within an IB zoning district. The local  
9 law, and the Town Board has asked us to report  
10 on this, adds to the list of uses in column D,  
11 which is entitled "Uses Subject to Planning  
12 Board review by the Planning Board," the  
13 following use: Indoor amusement establishments.  
14 You are required to report to the Town Board  
15 under Section 185-60 on four particular  
16 criteria. The first of those criteria is  
17 whether such change is consistent with the aims  
18 and principles embodied in the chapter as to the  
19 particular district concern.

20 I do point out that, in addition, that  
21 the use added was indoor recreational  
22 facilities. But already permitted in that same  
23 column are the followings uses:

24 Individual retail stores;

25 Convenience stores with or without

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2 gasoline filling stations;

3 Personal service stores and uses and  
4 health clubs and fitness facilities.

5 So the question is whether or not the  
6 addition of the indoor recreation use is  
7 consistent with the aims and principles embodied  
8 in that zoning chapter for the IB zone.

9 CHAIR EWASUTYN: Are we in favor of  
10 that?

11 MR. WARD: Yes.

12 MR. DOMINICK: Yes.

13 MR. DONNELLY: It appears consistent  
14 with those other uses.

15 CHAIR EWASUTYN: we'll let the record  
16 show the Planning Board agreed that that is  
17 within the proposed use, okay, is what we're  
18 trying to say.

19 MR. DONNELLY: The second factor is  
20 which areas and establishments within the town  
21 will be directly affected by such change, and in  
22 what way they will be affected. And, as I  
23 pointed out at the work session, this is a  
24 change made to the IB zone. So the additional  
25 use will be allowed wherever IB zoning districts

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2 exist in the town. Pat pointed out that if  
3 there are adjoining residential neighborhoods to  
4 any IB zones, certain buffering requirements  
5 kick in. And I suppose in many ways an indoor  
6 recreational facility is less troublesome than  
7 an outdoor one. But I think all of the  
8 activities in IB are generally indoor type  
9 activities.

10 So the question for you is whether -- I  
11 assume it means we can report that the new use  
12 will be allowed or the IB zoning districts --  
13 are there ones that are bordering a residential  
14 zone?

15 MR. HINES: Yes.

16 MR. DONNELLY: There are? But where it  
17 borders residential, the buffering requirements  
18 will, I assume, minimize any effect on those  
19 areas.

20 CHAIR EWASUTYN: Is the Board in  
21 agreement with that?

22 MR. DOMINICK: Yes.

23 MR. GALLI: Yes.

24 (And some head nods.)

25 CHAIR EWASUTYN: Let the record show

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2 the Board is in agreement.

3 MR. DONNELLY: Just let me write my  
4 notes so I don't forget.

5 Next, the indirect implications of such  
6 change and its effects on other regulations. I  
7 don't know what that might mean in this context,  
8 but if any of you have some thoughts give them  
9 to me, otherwise I will put none envisioned.

10 MR. MENNERICH: One of the indirect  
11 things is the traffic patterns that I think  
12 the -- from Ken Wurtzer's memo that it indicated  
13 that they don't -- the use does not coincide  
14 with the peaks of other types of traffic.

15 MR. DONNELLY: I spoke to them, and  
16 I'll include that. And should I add that they  
17 will be individually addressed as part of review  
18 of each site plan application?

19 CHAIR EWASUTYN: Correct.

20 MR. WARD: Yes.

21 MR. DOMINICK: Yeah.

22 MR. BROWNE: Yes.

23 MR. DONNELLY: Just one second to get  
24 it down.

25 Lastly, whether such amendment is

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2 consistent with the aims of the master plan. I  
3 assume --

4 CHAIR EWASUTYN: well, I think the  
5 master plan is a living document, and this is  
6 proposing a change. And again, it's a living  
7 document, so it's --

8 MR. DONNELLY: I think the flavor of  
9 the indoor recreational use is not dramatically  
10 different from that other list of uses that I  
11 gave you, which is pretty broad and varied. It  
12 goes from retail to gasoline stations to I think  
13 it included eating and drinking establishments  
14 there. It's a myriad of non-residential uses.  
15 And in the existing site those uses were allowed  
16 to include the Orange County Chopper facility  
17 itself, which had certainly --

18 MR. HINES: The indoor use is allowed  
19 in the B zone, and there's more intense uses  
20 allowed in the IB zone. So it should be able to  
21 incorporate that.

22 CHAIR EWASUTYN: Is the Board in  
23 agreement?

24 MR. DOMINICK: Yes.

25 MR. GALLI: Yes.

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2 MR. WARD: Yes.

3 (And some head nods.)

4 CHAIR EWASUTYN: So at this point we'll  
5 move for a motion to allow Mike Donnelly to  
6 prepare a letter to the Town Board addressing a  
7 review of the proposed zoning change.

8 MR. WARD: So moved.

9 MR. DOMINICK: Second.

10 CHAIR EWASUTYN: Okay, motion by John  
11 Ward, seconded by Dave Dominick.

12 we'll ask for a roll call vote starting  
13 with Frank Galli.

14 MR. GALLI: Aye.

15 MS. DELUCA: Aye.

16 MR. MENNERICH: Aye.

17 CHAIR EWASUTYN: Aye.

18 MR. BROWNE: Aye.

19 MR. DOMINICK: Aye.

20 MR. WARD: Aye.

21 CHAIR EWASUTYN: Thank you, the motion  
22 carries.

23 Do you want to add anything before  
24 you --

25 MR. ALEXANDER: I'm good with all that.



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2 CHAIR EWASUTYN: Okay, thank you.

3 MR. ALEXANDER: Thank you for your  
4 time.

5 CHAIR EWASUTYN: The last item on the  
6 agenda is the Beretta Subdivision. It's an  
7 initial appearance as a two lot subdivision,  
8 located in the in AR and I zone. And presented  
9 by Maser Engineering.

10 MR. BATES: Good evening. Justin Bates  
11 from Maser Consulting. We are presenting the  
12 project on behalf of the applicant, who is  
13 present tonight.

14 So we have an existing 1.43 acre lot.  
15 On the north side it fronts on Old Post Road.  
16 On the south it fronts on River Road. So it  
17 does have two existing dwellings on it, one up  
18 on the north and one on the south. So we have  
19 an existing nonconforming situation with two  
20 principle dwellings on one lot.

21 The one fronting on River Road has a  
22 municipal water service and a septic system. Up  
23 on Old Post this dwelling has a well and a  
24 septic system.

25 It falls within the Town's AR zoning

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2 district. And also there's a corner of the  
3 property that is in the I district. There's no  
4 structures existing or proposed on that corner  
5 of the lot. So the applicant is looking to  
6 subdivide this into two parcels, so each  
7 dwelling would be on its own individual lot.

8 Before coming to the Board, their  
9 neighbor here is Central Hudson. Their  
10 substation is down in this area. They did  
11 approach Central Hudson to see if they could  
12 purchase some property from them to add acreage  
13 to the existing lot, and also help some of the  
14 variances, which are over with you. We provided  
15 a letter, the Central Hudson response, and  
16 they're not looking to sell any of that property  
17 at this point. We have a few variances that we  
18 are going to need to facilitate this two lot  
19 subdivision.

20 So lot one on the top north side, we  
21 are going to need a variance from the lot area.  
22 The AR zoned district has a 40,000 square foot  
23 minimum lot area. We are at 28,495. We are  
24 also, because of the narrowness of the existing  
25 parcel, we need a variance from the lot width.

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2 within the zone it's 150 feet required. We are  
3 at 95, just over 95 feet.

4 Then we will need a single side yard  
5 variance and also a combined side yard variance.  
6 So within this zone, a single side yard is 30  
7 feet. On this parcel on the, let's see, the  
8 east side of the house there's a porch and a  
9 deck that come off to the east. And it's  
10 within 3.68 feet of the property line in that  
11 situation. So 30 is required. We have an  
12 existing condition of 3.68 feet. Both side  
13 yards are to be 80 feet. So combined on this  
14 lot we have 40.35. So we're about half of what  
15 the requirement is in that situation.

16 Then on lot two -- go back one step.  
17 The current property leads to essentially the  
18 center lines of the road. So what we've done,  
19 and typical of other projects we have brought  
20 before this Board, we have sought to dedicate 25  
21 feet of that for right-of-way for these existing  
22 roads. So that, you know, that takes away some  
23 lot area that we could potentially have for the  
24 overall, but it's really what's needed for, you  
25 know, this situation.

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2 Lot two, so when you take that property  
3 width right-of-way, lot two has a front yard  
4 variance that we need. The front yard in this  
5 zone is 50 feet. We have just over two feet.

6 This lot two also requires a variance  
7 from the overall lot area. Again, 40,000 is  
8 required. We are at 27,954.

9 And then for the last variance for lot  
10 two there's an accessory building over on the  
11 west side of the property here. We are at 0.8  
12 feet from the property line, we are just off the  
13 property line. Five feet is required, so we  
14 would need a variance from that as well.

15 That summarizes the project, if there's  
16 any questions.

17 CHAIR EWASUTYN: Mike Donnelly, I guess  
18 at this point the motion before the Board would  
19 be for you to prepare a referral letter to the  
20 ZBA?

21 MR. DONNELLY: Correct. I'll recite  
22 quickly what Justin just outlined, and that's  
23 what will be in the letter. The following  
24 variances will be required for lot one.

25 First, area variance, allowing a lot

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2 size of 28,000 and change, where 40,000 is  
3 required.

4 Next, an area variance allowing a lot  
5 width of 95 plus, where 150 feet is required.

6 Next, an area variance allowing the  
7 side yard of 3.68 feet, where 30 is required.

8 And lastly, for lot one, an area  
9 variance allowing a combined side yard of 40.35  
10 feet where 80 feet is required.

11 For proposed lot two the following  
12 variances will be required.

13 First, an area variance allowing a lot  
14 area of just shy of 28,000 feet, where 40,000 is  
15 required.

16 Next, an area variance allowing a front  
17 yard setback of 2.05 feet where 50 feet is  
18 required.

19 And lastly, an area variance allowing  
20 the side yard for an accessory use of 0.84 feet  
21 where five feet is required.

22 CHAIR EWASUTYN: Are you in agreement  
23 with that?

24 MR. BATES: Yeah.

25 CHAIR EWASUTYN: Jerry Canfield, Pat

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2 Hines, anything you want to add?

3 MR. HINES: No, nothing further. We  
4 concur with those variances.

5 CHAIR EWASUTYN: Okay. Then I move for  
6 a motion by the Board to Mike Donnelly to  
7 prepare a referral letter to the Zoning Board  
8 relating to the two lot division.

9 MR. WARD: So moved.

10 MS. DELUCA: Second.

11 CHAIR EWASUTYN: Motion by John Ward,  
12 second by Stephanie DeLuca.

13 I'll have a roll call vote starting  
14 with Frank Galli.

15 MR. GALLI: Aye.

16 MS. DELUCA: Aye.

17 MR. MENNERICH: Aye.

18 CHAIR EWASUTYN: Aye.

19 MR. BROWNE: Aye.

20 MR. DOMINICK: Aye.

21 MR. WARD: Aye.

22 CHAIR EWASUTYN: The motion carries.

23 MR. BATES: Thank you.

24 CHAIR EWASUTYN: The last item we have  
25 this evening is Jerry Canfield, Code Compliance,

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2 spoke to us earlier this evening at the work  
3 session about a facade change to 154 North Plank  
4 Road. It's a retail building.

5 Jerry, do you want to, just for the  
6 record, discuss that?

7 MR. CANFIELD: Yeah. We discussed the  
8 application. The Code Compliance Department  
9 received an application for a facade upgrade to  
10 154 North Plank Road. The upgrade consists of  
11 changing the shingled facade to a standing seen  
12 metal facade, maroon in color, and changing the  
13 exterior of the building from Texture 1-11  
14 siding to vertical vinyl siding with a cultured  
15 stone two feet from the bottom. This may  
16 trigger the Architectural Review Board  
17 requirements. But during work session we  
18 discussed it. Pictures were presented to the  
19 Planning Board of the existing building and the  
20 upgrade. The Board was in agreement to allow  
21 the change in the upgrade to be handled by the  
22 Code Compliance Department; thus, not requiring  
23 Architectural Review Board application.

24 In addition to the building upgrades,  
25 the applicant also presented to upgrade the

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2 parking lot, grind and resurface the parking  
3 lot, stripe it, and install a new parking lot.

4 CHAIR EWASUTYN: Okay. I'll move for a  
5 motion from the Board to grant approval to 154  
6 North Plank Road as presented by Jerry Canfield,  
7 the Code Compliance Officer, and that the  
8 Building Department will monitor this from the  
9 start of the building application to the close  
10 of it.

11 MR. DOMINICK: I make a motion.

12 MR. WARD: Second.

13 CHAIR EWASUTYN: Motion by Dave  
14 Dominick, second by John Ward.

15 Any discussion of the motion?

16 (No response)

17 CHAIR EWASUTYN: I'll ask for a roll  
18 call vote, starting with John Ward.

19 MR. WARD: Aye.

20 MR. DOMINICK: Aye.

21 MR. BROWNE: Eye.

22 CHAIR EWASUTYN: Aye.

23 MR. MENNERICH: Aye.

24 MS. DELUCA: Aye.

25 MR. GALLI: Aye.



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2 CHAIR EWASUTYN: Thank you. And I call  
3 for a motion to close the Planning Board meeting  
4 of September, August, excuse me, August 3rd.

5 MR. GALLI: So moved.

6 MR. MENNERICH: Second.

7 CHAIR EWASUTYN: Motion made by Frank  
8 Galli, seconded by Ken.

9 I'll ask for a roll call vote, starting  
10 with Frank Galli.

11 MR. GALLI: Aye.

12 MS. DELUCA: Aye.

13 MR. MENNERICH: Aye.

14 CHAIR EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MR. DOMINICK: Aye.

17 MR. WARD: Aye.

18 CHAIR EWASUTYN: what I'm going to do,  
19 is just for the record, I'm going to make copies  
20 of this.

21 (Time noted: 8:18 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  ) SS:  
COUNTY OF ORANGE            )

I, KARI L. REED, a Professional  
Reporter (Stenotype) and Notary Public with and  
for the State of New York, do hereby certify:

I reported the proceedings in the  
within-entitled matter and that the within  
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this \_\_\_\_ day of September, 2017.

*Kari L. Reed*

\_\_\_\_\_  
KARI L. REED