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

----- X

In the Matter of

POTTER'S RIDGE  
(2012-15)

6 and 11 Potter's Ridge Road  
Section 26; Block 6; Lots 20 & 23  
R-2 Zone

----- X

TWO-LOT RESIDENTIAL SUBDIVISION  
AND LOT LINE CHANGE

Date: September 20, 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  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of September 20, 2012.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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POTTER'S RIDGE

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

MR. COCKS: Bryant Cocks, Planning  
Consultant.

MR. MUSSO: Mike Musso with HDR,  
Telecommunications Consultant.

MR. BROWNE: I'll turn the meeting over  
to Joe Profaci.

MR. PROFACI: Please join us in the  
Pledge.

(Pledge of Allegiance.)

MR. PROFACI: If you have any  
electronic communication devices, would you  
please switch them off. Thank you.

MR. BROWNE: The first item of business  
we have this evening is Potter's Ridge, project  
number 2012-15. This is a two-lot residential  
subdivision and lot line change being presented  
by Jim Raab.

MR. RAAB: We have taken into  
consideration everything and made the changes to  
the plan that were requested. We are scheduled  
for a workshop meeting with the Town Board about  
the three lots on a common driveway. We now

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changed it so all three lots have frontage on Leslie Road, and they're going to turn into a common driveway with the three lots accessing. That's pretty much it. We made all the changes that both Bryant and Pat asked for.

CHAIRMAN EWASUTYN: Thank you. Bryant Cocks, Planning Consultant?

MR. COCKS: As Jim mentioned, they did make all the requested changes.

A stamped survey sheet will need to be provided with the final plan set and the buildable area requirement shown on the plans. Other than that, I have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our first comment has to do with the note on the plans that says that the Thurston lot will be connected to Town water prior to the issuance of a CO. I think it's lot 2. At the work session we discussed this, and with input from Mike Donnelly we feel the Thurston lot should be connected to Town water prior to filing of the map because the mechanism to get them to connect to Town water could be years away if there's no CO or building permit.

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There's really no method for the owner of the future new lot to require the Thurstons to connect at any point in time. It could be a significant issue.

MR. RAAB: The only problem with that is the plan is to do them both at the same time.

MR. HINES: Once you file a map, we don't have that control.

MR. DONNELLY: Apart from the control, the lot only qualifies size wise if it has a water connection. So how can we allow you to file a map when it hasn't done the thing that qualifies it for approval?

MR. RAAB: I have no issue with that. We just thought that the -- what we put on the map we thought was sufficient. Obviously it's not.

MR. DONNELLY: You can always do the improvements and then file the map.

MR. RAAB: He could do that, too. Okay. So then we've got to do it that way. So we have to put a note on the map that says before we file the map, the water --

MR. DONNELLY: You don't need a note.

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MR. HINES: It can be a condition of approval. Leave it as a note. The map won't be filed until it's done.

MR. DONNELLY: You can get an approval from the Board.

MR. RAAB: Can the service be brought there? Do they have to connect to it if the service is there?

MR. HINES: They have to connect. There's an existing residence. If it was just a vacant lot, the service being available is fine. Because there's a structure --

MR. RAAB: I'm asking all the questions.

MR. HINES: You're trying hard.

MR. RAAB: You have to try. All right. So that's a condition we're going to have to live with if we're going to do it this way. So it has to be connected before --

MR. HINES: Filing the map.

MR. RAAB: -- before the filing of the map.

MR. HINES: You can get a conditional final approval with at least one of the

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POTTER'S RIDGE

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conditions being the Thurston lot will be connected, that way it will meet zoning. Otherwise if you filed it now it would be nonconforming.

MR. RAAB: Okay.

MR. HINES: It would be a nonconforming lot which we couldn't approve.

The other note is the balance of the parcel doesn't have the topography that's required to be shown. We're suggesting the Planning Board waive that requirement. There are no proposed improvements to the back of the balance parcel. It would be a futile effort to show that.

Our last comment is the septic system has been revised per our previous comments and is now acceptable. That's all we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I don't have anything additional. The consultants covered it already.

CHAIRMAN EWASUTYN: Board Members. Frank Galli?

MR. GALLI: No. We covered it.

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MR. BROWNE: Nothing more.

MR. MENNERICH: No questions.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Board to grant conceptual approval for the two-lot residential subdivision and lot line change for Potter's Ridge, we declare a negative declaration and set it for October 18th.

Is that the correct date, Bryant?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: October 18th for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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. BROWNE: Aye.



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POTTER'S RIDGE

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Bryant, would you remind Jim Raab, as  
far as the notice, now we're covering 500 feet  
for public hearing notices.

MR. RAAB: Thank you very much.

(Time noted: 7:05 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

MASTER DEVELOPERS, LLC  
(2012-20)

River Road  
Section 9; Block 3; Lots 53.21, 53.22 & 53.23  
R-1 Zone

----- X

LOT LINE CHANGE

Date: September 20, 2012  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RICHARD SPISTO

----- X

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

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MR. BROWNE: The next item of business we have is Master Developers, LLC, project number 2012-20. This is a lot line change being represented by Richard Spisto.

Did I say that right?

MR. SPISTO: Yes. Good evening. This is an existing three-lot subdivision on River Road. It's located on the west side of River Road, about 500 feet south of Oak Street.

We're proposing to take this from a three-lot to a two-lot. The original subdivision I brought before this Board in, I believe it was the early part of 2006. I was granted approval I believe in January of 2007. We met all zoning. There were no special permits. Environmental issues were none either. We complied with a rather simple three-lot subdivision on the property.

The new subdivision, in essence now we're giving more space to the property. I think it's more amenable to the actual location and the area which it's in, which is Balmville.

Pretty much the engineering from the original lot and the original approved

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subdivision applies here. The driveways are the same, the septic fields are the same. Any code issues for setbacks, code issues, the whole works is greater or better. Again, there are no environmental issues here. I think it's straightforward again. There's less stress on the land itself.

CHAIRMAN EWASUTYN: Thank you. At this point I'll turn to our consultants. Bryant Cocks, Planning Consultant?

MR. COCKS: I did discuss with Mr. Spisto today the 10,000 square foot buildable area requirement, and he did indicate he would put that on the plans.

This is a simple lot line change. No public hearing is required.

I have no other issues with it. We need a SEQRA determination.

CHAIRMAN EWASUTYN: Okay. Pat Hines, Drainage Consultant?

MR. HINES: The engineer's note 5, we're suggesting that that be modified to identify the pump station will be required if the alternate septic system on the new lot --

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MR. SPISTO: Yes.

MR. HINES: It will need to be pumped up the hill. Kind of a buyer beware note.

The revised lot layout and the driveway on lot 1 looks like it needs a grading easement over that portion in the vicinity of the proposed septic system. I know there's kind of a general note that allows them to create on the other lot but I think it should be more defined as a grading easement.

MR. SPISTO: I have a grading easement that's actually being filed right now with the County.

MR. HINES: We'll just need that shown on the map.

MR. SPISTO: For 1 and 2.

MR. HINES: That's fine. Either that filed easement could be noted on the map or depicted on this map. Either way it works okay for me.

CHAIRMAN EWASUTYN: Is that okay with you, Mike?

MR. DONNELLY: Yes. I did see the other resolution earlier and there was that

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requirement. It's the same location generally?

MR. HINES: Yeah, generally the same location. Just what caught my eye was the note that says lot 1 has the right to grade across lot 2.

MR. SPISTO: Quite frankly, the houses are much more spread apart now, so it's a lot easier to develop both of these lots without disturbing the other. If you need it, fine.

MR. HINES: You're going to need it for the driveway. The previous subdivision had the existing structure on lot 2 to be removed.

MR. SPISTO: Yes.

MR. HINES: This one now has kind of an option, it can stay or it can be removed.

MR. SPISTO: It's pretty much probably going to stay. Yes, it had the option if we built a new home, to tear that one down, then we would pretty much employ the new septic system shown with the possible backup over there. If not, this house will stay. I'm kind of planning on renovating the existing septic field.

MR. HINES: That leads to the question where is the existing septic field?

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MR. SPISTO: I know where it is. You want to know where it is?

MR. HINES: The reason is the amount of grading shown on the driveway that's immediately downhill. If in fact you know where that is and it can be shown on the plans, and it's outside the impacted area, that goes away.

MR. HINES: That's all we have on this.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: It's more of a question. The existing house versus the new house, --

MR. SPISTO: Yes.

MR. CANFIELD: -- where the new house is proposed and the buildable area, if the new house were to be built, it's somewhat in the same footprint, then the old house would have to be demolished. I'm suggesting to the Board a condition of approval that it's either or.

MR. SPISTO: Oh, absolutely. I mean if I'm going to build someone a new house, that old house isn't staying up there. Actually, the condition from the original subdivision was almost the same, if I was going to build on lot 1



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or 2, the original two first lots, or 2 and 3, pardon me, the house had to come down first. It's understood if I'm going to build a new home the house is coming down.

MR. HINES: There is a note to that effect.

MR. SPISTO: I believe so.

MR. HINES: There is. I was more concerned with where the septic is. If the house stays on lot 1 and grades across lot 2, I didn't want the septic --

MR. SPISTO: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Mike, as Bryant had said, we have to make a SEQRA determination.

MR. DONNELLY: Right.

CHAIRMAN EWASUTYN: Then we're moving toward granting approval for the lot line change

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for Master Developers.

Can you give us the language for granting that approval in the resolution?

MR. DONNELLY: Sure. We're going to need sign-off letters from both Bryant and Pat for the items they just mentioned in their memos. I'm going to leave the condition requiring the cross-grading easement as a checklist. I took it right out of the old resolution. Then the standard conditions for the lot line, that you must confirm there are no buried utilities, and that ties into the septic field in the area. You're going to have to file a map with the Real Property Tax Service. The map will have to show accurate acreage determinations, metes and bounds. We're going to need, as the code says, one mylar and ten copies. There's a procedure set forth in the code, and the resolution recites what those are.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the lot line change for Master Developers, I'll move for a negative declaration and also those conditions for approval.

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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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Richard, after we reach the point that I sign the lot line change maps, would you remind me that within sixty days thereafter to send me a letter for the release of the balance in your escrow account?

MR. SPISTO: Sure thing.

Mike, one question for you, please. What you read, can you send that to me?

MR. DONNELLY: Sure. Give me your

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MASTER DEVELOPERS, LLC

e-mail address before you leave.

MR. SPISTO: Thank you.

(Time noted: 7:12 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

SPRINT/NEXTEL - QUAKER STREET  
(2012-16)

409 Quaker Street  
Section 11; Block 1; Lot 143  
AR Zone

----- X

PUBLIC HEARING  
SITE PLAN & SPECIAL USE PERMIT

Date: September 20, 2012  
Time: 7:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ADAM MOSS

----- X

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

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MR. BROWNE: The next two items we have on our agenda are both public hearings. Prior to introducing those I was going to ask Mike Donnelly to give us a brief overview of what a public hearing is for and its purpose.

MR. DONNELLY: Both items on tonight's agenda are public hearings for cell tower applications, to change equipment on existing towers. The Planning Board holds public hearings before it takes action in order to hear from the public and make sure that the Board hasn't missed an issue that you, the members of the public, are aware of by virtue of living in the vicinity of the location.

What will happen is after the applicant is asked to give a brief presentation of the project, the Chairman will call upon those members of the public that wish to be heard. We would ask that you raise your hand. You will be recognized by the Chairman. If you would, step forward to speak, give your name, spell it if you could for our Stenographer, tell us where you live in relation to the project, and direct your comments or questions to the Board. If the

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questions can be answered easily either by the applicant's representative or one of the Town's technical representatives, they will do that.

MR. BROWNE: The first one is Sprint/Nextel on Quaker Street. This is project number 2012-16. It's a public hearing on a site plan and special use permit being presented by --

MR. MOSS: I'm evidently not Cara. My name is Adam Moss and I'm here on Cara's behalf from the law firm of Snyder & Snyder, LLP in Tarrytown.

MR. BROWNE: Before we start I'm going to ask Ken Mennerich to read the notice of hearing, followed by Frank Galli with the status of the mailings.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K and Chapter 168-16 Section A, on the application of Sprint Quaker Street for a site plan and special use permit for the installation of

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cellular phone antennas at 409 Quaker Street  
(cellular tower), on premises 409 Quaker Street,  
in the Town of Newburgh, designated on Town Tax  
Map as Section 11, Block 1, Lot 143, AR Zone.  
Said hearing will be held on the 20th day of  
September 2012 at the Town Hall Meeting Room,  
1496 Route 300, Newburgh, New York at 7 p.m. at  
which time all interested persons will be given  
an opportunity to be heard. By order of the Town  
of Newburgh Planning Board. John P. Ewasutyn,  
Chairman, Planning Board Town of Newburgh. Dated  
August 30, 2012."

MR. GALLI: The notice of hearing was  
published in The Mid-Hudson Times and in The  
Sentinel. The applicant mailed out 29 letters,  
23 were signed for, 1 was undeliverable.  
Everything is in order.

CHAIRMAN EWASUTYN: Thank you.

Mr. Moss.

MR. MOSS: Good evening. As I stated  
earlier, my name is Adam Moss, I'm an Attorney  
with the law firm of Snyder & Snyder, LLP. I'm  
here on behalf of Sprint/Nextel Corp.

Before I begin I wanted to submit a



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letter. There was one additional -- I'm not sure who I should submit it to. One additional letter that confirms a certified letter was received. That was not able to be delivered.

I'll be brief as we have two applications that are coming up. This is an application to modify equipment on a 150-foot tower at 409 Quaker Street. I'm not sure if everybody has plans in front of them. I just want to clearly state at the outset there's no new tower. No new additional towers on top of what's been previously approved. This is an upgrade of Sprint's equipment. Actually, in this particular case there will be a reduction in the amount of antennas at the tower. Four panel antennas are existing. We're going to be going down to three. At the base of the tower, within the existing fenced area, there won't be any significant changes, just the replacement of a couple cabinets and one small battery cabinet.

Very briefly, just pursuant to the Federal Tax Relief and Job Creation Act of TRA, a local Government may not deny and shall approve any location of an existing tower or base

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station, and that's provided if not substantially being changed. We submitted application materials which explain why this application fits that description. We're not increasing the height of the tower, we're reducing the number of antennas, there's not going to be significant changes to the cabinets at the base of the facility. We think that this application fits right in the definition.

Very briefly, we submitted in support of this application, and at the request of Mr. Musso, FCC licenses, a structural report, plans, a short EAF and an RF statement which explains the need for the facility. At this point, certainly any comments from the public, or if Mr. Musso has anything to add, you know, we would be happy to hear and respond to any questions.

Mr. Musso did submit a letter dated September 14th which indicated that the application was complete, and it's my understanding that the County Planning Board hasn't had the thirty days yet to review the application. I understand there won't be a decision tonight.

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So, being, at the close of everything we would respectfully request, if it's possible, to reach a SEQRA determination and close the public hearing if there are no further concerns. I would be happy to cede the floor at this point.

CHAIRMAN EWASUTYN: Is there anyone in the audience this evening who has any questions or comments as far as the presentation that Mr. Moss has made for the panel changeover on Quaker Street, would you raise your hand and give your name and your address?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this point we'll turn to our Telecommunication Consultant, Mike Musso.

MR. MUSSO: Mr. Chairman, Members of the Board and Members of the Public, thanks for having me back. It's been a little while, probably ten or twelve months, but I'm sure this Board recalls going through some similar upgrade applications. This is really in the realm of wireless communication providers in our area changing their service, increasing the type of operation and type of network they have and what

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they are offering to consumers. I use the term here of LTE or long term evolution. Sprint is one of those carriers that services our region. We're seeing this not only in Newburgh but in several municipalities around New York, and certainly broad areas throughout the country as well.

The facility, as mentioned, is a 150-foot monopole. This is the one across from the Plattekill service area on the Thruway. I remember working on this for some of the original co-locations many years ago.

We did review the application that came in. We did request some additional points for clarification. We're satisfied that everything is submitted and received.

Some of the key things that we looked at were confirmed. Aesthetically there was really no change, or no noticeable change that anyone would see driving by a facility or living in proximity to the tower. I know the tower is fairly well buffered from homes in the area. There's some decent separation distance there, as you know.

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There's currently four panel antennas that are about 4 1/2 to 6 feet in length. At the top spot of the 150-foot pole the applicant will reduce them to three more advanced antennas to keep up with the technology, and the spectrum, and speed and what not.

Aside from that, there's also something called radiohead units, kind of a newer term. These are smaller boxes. They're about 18 inches in length. They're mounted behind the antennas. Our feeling is that there's really no noticeable change in the visual appearance of the tower in any way. They're losing one panel antenna.

Again, no lighting, no increase in on-the-ground equipment.

Sprint, like the other carriers, have a dedicated area within a fenced-in compound. The fenced-in compound will not change at all. Some of the equipment cabinets are being upgraded in the same way the panel antennas are. Again, we don't see any visual impacts or things of note.

Consistent with other upgrade reviews that we've conducted, we did receive a certification that the tower can withstand these

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changes. That came from a New York State professional engineer who certified the design, the foundation of the pole structure itself. As we stated, we reviewed that certification and we're happy to provide that to be on file here. Again, there's actually less weight that would be on that pole and less stress. We have that certification from the New York State PE.

I personally reviewed the calculations for radiofrequency emissions in the area. That monopole has always been in compliance with the standards.

One of the clarifications was about these new, higher technology antennas, if they change in any way in the power that they emit radiofrequency at. I did review those calculations and confirmed that we're going to be well below the general public maximum permissible exposure level.

Upon completing our review we put a short memo report together that goes through essentially what I had stated, and I included some of the similar recommendations that we've had on other upgrades, noting that fencing in the

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ground-based equipment will be maintained, the area will stay secure and in compliance, not only with the Town but also with the Federal Communications Commission. We also recommend color mapping of all visible elements to match the grayish monopole that's there. So the replacement antennas should do the same thing, but also the radiohead units and any cabling that might be visible up near the top of the antenna. Again, we don't feel that's significant.

I know Mike Donnelly may have some additional conditions based on what we've done and how we've handled upgrade reviews in the past, but to me this one seems fairly straightforward for the reasons I've mentioned.

CHAIRMAN EWASUTYN: Mike, do you have other conditions or do you want to --

MR. DONNELLY: I've tracked the ones from Mike's report. We have one final condition we include in all of them, and that simply says no construction other than that which is shown on the plans. No other facilities may be constructed without additional approval from the Board.

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CHAIRMAN EWASUTYN: The fact that we haven't heard back --

MR. DONNELLY: We have to wait. You can do the negative declaration. The resolution will sit. If you want to put it on as a Board Business item, I assume they will make a determination or do nothing within the thirty days.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the Sprint/Nextel Quaker Street site plan and special use permit.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.



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MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Bryant, when did you mail this to the Orange County Planning Department? When is the thirty days up?

MR. COCKS: The original application was deemed incomplete because we didn't have the site plan application in yet and the EAF. I only got that September 13th and forwarded it over. So they've had half of it to review but they didn't deem it complete. I assume the thirty days would probably fall on the 13th, or I guess the 14th.

CHAIRMAN EWASUTYN: I'll move for a motion to set this for Board Business for the Planning Board meeting of -- that would be October 18th; correct?

MR. MOSS: Mr. Chairman, if I just might make a suggestion. I'm not sure when the County Planning Board meets, but I guess it's possible a decision could be back before the next meeting. Is it possible to close the public hearing and maybe temporarily, you know, put it

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on for October 4th, and if there's nothing by then we can have it for the 18th?

CHAIRMAN EWASUTYN: I won't argue the point with you. Being familiar with the Orange County Planning Department, --

MR. MOSS: They'll take the whole --

CHAIRMAN EWASUTYN: -- they'll take the whole thirty days.

MR. MOSS: I understand.

MR. HINES: It's not even a fact they have a meeting. They're a department. It's not a planning board, it's a planning department. It's just a matter of when it comes through their office.

MR. MOSS: My only request would be to close the public hearing at this time.

MR. HINES: What the Board is also doing is scheduling it for Board Business. There would be no need for your office, or anyone else, to return. It would be done as a matter of course.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for the Sprint/Nextel - Quaker Street site plan and

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special use permit.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

What would the Board like to do? Would the Board like to set this for Board Business of October 4th or set it for the 20th, or do both?

MR. GALLI: If we have it in time we'll do it for the 4th.

CHAIRMAN EWASUTYN: I'll move for a motion to set this for Board Business for October 4th with the understanding that if we don't receive a sign off from the Orange County

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Planning Department for our meeting of October 4th, then we'll reschedule it for Board Business on the meeting of the 18th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MR. MOSS: Thank you.

(Time noted: 7:26 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

SPRINT/NEXTEL - NORTH PLANK ROAD  
(2012-17)

Mid-Valley Mall Water Tank  
Section 75; Block 1; Lot 11  
B Zone

----- X

PUBLIC HEARING  
SITE PLAN & SPECIAL USE PERMIT

Date: September 20, 2012  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ADAM MOSS

----- X

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

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2 MR. BROWNE: The next item of business  
3 is Sprint/Nextel. This one is on North Plank  
4 Road, project number 2012-17. Again it's a  
5 public hearing for a site plan and special use  
6 permit. Again we have Adam Moss.

7 I will ask Ken Mennerich to read the  
8 notice of hearing and Frank Galli to follow with  
9 the status of the notice of mailings.

10 MR. MENNERICH: "Notice of hearing,  
11 Town of Newburgh Planning Board. Please take  
12 notice that the Planning Board of the Town of  
13 Newburgh, Orange County, New York will hold a  
14 public hearing pursuant to the Municipal Code of  
15 the Town of Newburgh, Chapter 185-57 Section K  
16 and Chapter 168-16 Section A, on the application  
17 of Sprint North Plank Road, for a site plan and  
18 special permit for the installation of cellular  
19 phone antennas on the side of the water tower on  
20 the Mid-Valley Mall site on premises 39 North  
21 Plank Road, (water tank), in the Town of  
22 Newburgh, designated on Town Tax Map as Section  
23 75, Block 1, Lot 11, B Zone. Said hearing will  
24 be held on the 20th day of September at the Town  
25 Hall Meeting Room, 1496 Route 300, Newburgh,

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2 New York at 7 p.m. at which time all interested  
3 persons will be given an opportunity to be heard.  
4 By order of the Town of Newburgh Planning Board.  
5 John P. Ewasutyn, Chairman, Planning Board Town  
6 of Newburgh. Dated August 30, 2012."

7 MR. GALLI: The public hearing notice  
8 was published in The Mid-Hudson Times and The  
9 Sentinel. 115 notices were mailed out, 78 came  
10 back signed, 6 were undeliverable. The notice of  
11 hearings are all in order.

12 MR. MOSS: Again for the record, Adam  
13 Moss from Snyder & Snyder. This is a similar  
14 application as the one we were just discussing.  
15 At 39 North Plank Road is the Mid-Valley water  
16 tank. It's approximately 132 feet tall. Sprint  
17 has existing antennas on the top of the tower.  
18 Similar to the other application, there will be  
19 no increase in height from the set of antennas.  
20 In this case four panel antennas will be removed,  
21 four antennas will be replacing those. There's  
22 also the retrofitting of an existing cabinet at  
23 the base of the water tank and the addition of a  
24 small battery cabinet. There won't be any  
25 additional changes made to the compound.



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2 Again, as was the case in the last  
3 application, pursuant to the TRA we believe that  
4 this application should be approved since there  
5 won't be any substantial changes to the tank.  
6 As I stated, the height of the water tank won't  
7 be changed. The height of the antennas won't be  
8 changed. The change to the equipment will be  
9 minimal, only one battery and cabinet will be  
10 added.

11 In support of this application we  
12 submitted FCC licenses, a structural report. We  
13 submitted plans, a short EAF and RF statement  
14 that explains the need for the facility.

15 This application was also reviewed by  
16 Mr. Musso who submitted a letter dated  
17 September 14, 2012 which stated that the  
18 application was complete.

19 Again we respectfully request a SEQRA  
20 determination from the Board, and, if there are  
21 no further comments or questions beyond this  
22 meeting, if the public hearing could be closed.

23 Thank you.

24 CHAIRMAN EWASUTYN: Is there anyone in  
25 the audience this evening who has any questions

1  
2 or comments in reference to Mr. Moss's  
3 presentation for the Sprint/Nextel North Plank  
4 Road site plan and special use permit, please  
5 raise your hand and give your name and address?

6 (No response.)

7 CHAIRMAN EWASUTYN: If there's no one  
8 in the audience that has any questions or  
9 comments, at this point the Planning Board would  
10 like to introduce Mike Musso, our  
11 Telecommunications Consultant.

12 MR. MUSSO: Thanks again. Our review  
13 is very similar for this application as the one  
14 we spoke about previously on Quaker Street. This  
15 is the very visible Mid-Valley Mall water tank.  
16 It's an out-of-use water tank, and certainly with  
17 this Board probably over the last three years or  
18 so we entertained a lot of co-locations, which  
19 our office feels it was very smart of the Town  
20 because it will alleviate the need for one and  
21 maybe more tower structures in other parts of the  
22 84, 9W or Route 32 corridor.

23 Sprint/Nextel was actually the very  
24 first to co-locate on top of the water tank.  
25 There's a steel frame at the very top of the 132-

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foot water tank. Four panel antennas exist now. The plan is to change those out for four new, more modern antennas.

The ground-based area really, unless you're on the east side of the mall property, you really don't see the equipment compound, the dedicated equipment compound.

Again, with this application nothing in that footprint is going to change appreciably. One or two minor things to go along with the application is there is also, as part of the equipment, radiohead units that I spoke about. They're located behind or below the proposed panel antennas. Also, a two-foot diameter dish antenna that will be at the 132 foot height on top on the steel frame.

In looking at the plans, looking at that tower and going back to the reviews we've done at that site, we don't feel that the upgrade would present significant environmental or visual impacts to the area.

Among our recommendations we do feel that color matching should occur. I think that's been done fairly effectively considering the

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panel antennas on the side of the water tank from other carriers that are there, and all the cabling that runs down and on top of the tank. And in fact, sometimes you have to look pretty carefully to see some of the cabling. Some of the other elements I think have been color matched fairly well. We think that recommendation should run with this upgrade as well.

As noted, we did look at power levels. We did look at the clarifications and questions that the applicant answered. We feel that the responses were sufficient.

As one additional possible condition of approval for the Board to consider, we did get structural calculations and a structural certification from a New York State PE. The analysis, however, focused on the steel frame that sits on top of the water tank. I believe it was inherent in the structural engineer's review but we just want confirmation, like all the other providers have done, that the structure and foundation could withhold this upgrade. It's a very like switch out, four antennas for four antennas. For the file that's something we think

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2 should be in there. The appropriate wind stress,  
3 dead loads and snow loads for the antenna frame  
4 that sits on top of the tank, that certification  
5 we feel is adequate. We would like the  
6 structural engineer to append that letter and  
7 certify that the tank, structure and foundation  
8 also can bear the load of this upgrade.

9 Other than that, the recommendations  
10 are similar. I think that's about it.

11 CHAIRMAN EWASUTYN: Comments from the  
12 Board Members. Frank Galli?

13 MR. GALLI: The structural part of it.  
14 Every time a tower comes up I know we have a  
15 question about the structure of it. You said  
16 they did the analysis at the top. I think that  
17 was in 2010 or 2011.

18 MR. MOSS: It could have been.

19 MR. GALLI: It's a couple of years  
20 later. I know it's an old tower, and it's also  
21 getting radioheads additional that it didn't have  
22 before. So that's an added weight to it.

23 MR. MOSS: Slight added weight. You're  
24 right. And a two-foot dish antenna.

25 MR. GALLI: I know last time we had

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concerns about how much more this tower was going to take. You feel comfortable that it's going to be okay? I mean the engineer -- I think, if I read the report, the engineer is basing it on his last old report.

MR. MOSS: The engineer for this particular application really focused on that timeframe.

MR. GALLI: Not the legs.

MR. MOSS: Not so much the legs. As we've done with AT&T, when they came before the board, Verizon, T-Mobile, we feel they should do exactly as you're suggesting, go back and make sure they account for the existing equipment and new equipment and review that or conduct that same analysis.

MR. GALLI: When are we going to take into consideration what's holding it up, the leg part of it? You said you were going to do the top part of it.

MR. MOSS: I would like him to do everything including the legs and the foundation.

MR. GALLI: That's fine.

CHAIRMAN EWASUTYN: Cliff Browne?

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MR. BROWNE: The analysis, the unit, the thing is old. Agreed it's probably a good idea to do it just because of the age of this thing and what it's being used for. Like I said, rust out over time. It's not like a conventional monopole or tower that was built specifically for this purpose. It's probably worth doing just so it's on the record.

MR. MOSS: That's how we feel about it as well. Just to bring up the point that you mentioned, it may have been Verizon or AT&T that actually did a conditions survey because during our discussions a couple years ago that point was brought up by this Board a couple different times. We feel very good about the condition. Looking back to that report, which is probably about two years ago, I agree. I think for the specific upgrade from Sprint now in 2012, it would be good just to have something in there. I'm sure that the engineer will be able to certify it. Thinking back to the calculations that were done, it's an empty tank and that's an awful lot of water that's assigned for. It should be something that the certifying engineer

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or the applicant should have no problem doing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the antennas, the new replacement antennas, are they heavier or do they have -- do they have more service area or wind loading?

MR. MOSS: Their dimensions are very similar to what is there now. They're between five and six feet long, their width and thickness is very similar. Mr. Galli mentioned these radiohead units which are also up on the mast. Those are roughly 15 or 20 pounds on top of that frame. Again, the structural certification that's been submitted definitely accounted for all these elements, including the radioheads. If you're thinking about old antennas being swapped out for new ones, in many cases newer antennas are actually lower dead weight than some of the other ones, and actually a little bit more slender. Overall they're similar in dimension and weight to the ones that they're replacing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: John Ward?



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MR. WARD: No questions.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to close the public hearing for the Sprint/Nextel North Plank Road site plan and special use permit.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Mike Donnelly.

MR. DONNELLY: I will track the conditions that Mike just outlined. There's one

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he didn't mention but it is in his report, and I'll include that as well, a condition that the survey should be required before it is put back in water storage service. Not a likely event. If it is, we always require there be a study at that time. You can give this a negative declaration and I assume track it to the same dates you had before.

CHAIRMAN EWASUTYN: Thank you. I'll move for a motion for a negative declaration for this Sprint/Nextel North Plank Road site plan and special use permit.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by John Ward. Is there any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So carried.

I'll move for a motion from the Board to set this for an October 4th approval subject to the return of the Orange County Planning Department comments, and an alternate date for our meeting under Board Business of the 18th of October.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye.

Mr. Moss, thank you.

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MR. MOSS: Thank you very much.

(Time noted: 7:41 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

PARKE LANE AT NEWBURGH  
(2012-13)

Stewart Avenue  
Section 97; Block 1; Lot 4.11  
R-3 Zone

----- X

160-UNIT RESIDENTIAL  
SITE PLAN, ARB & LOT LINE CHANGE

Date: September 20, 2012  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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MR. BROWNE: The next item on the agenda is Parke Lane at Newburgh, project number 2012-13. This is a 160-unit residential site plan, ARB and lot line change being presented by Dominic Cordisco.

MR. CORDISCO: Good evening. For the record, I'm Dominic Cordisco. I'm here tonight with Joe Sarchino, the project engineer, and Joe Forgione, the developer.

We revised the plans in light of our prior meeting based on the comments we received. At this time I would like to turn it over to Joe Sarchino to give a brief overview of the changes in the plans.

MR. SARCHINO: I think three of the main comments that we had received from the Board at the last meeting, and we spent a lot of time discussing, was the width of the loop road around the building. It was indicated that the 24-foot width that was shown wasn't adequate based on some code requirements, so we're widening the loop road to 26 feet throughout the entire section of the loop road.

One other concern that was indicated

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was there was a potential for a bottleneck to occur here if there was a fire at this building here, if the fire truck had to stop here, the intersection. So we revised the design to provide a grassed area shown in this light green which a vehicle could come through and access around a potential bottleneck here and then come back into the roadway and go through the loop. That could also be used coming down this way and then exiting out.

The last change that we did was to -- it was also expressed that the width of the boulevard driveway wasn't adequate as well. We had it listed at 14 feet. We've now increased the width to 20 feet in each direction. We have inland 20 and outland 20.

The other things we've done is we completed the plans as far as the landscape plan, lighting plan, and we submitted that to the Board for review as well.

That's basically a summary of the plan changes. If there's any other comments from the Board, I'd be happy to answer them.

CHAIRMAN EWASUTYN: At this point we'll

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turn to Jerry Canfield, Code Compliance.

MR. CANFIELD: As indicated, the change to the plans as far as the road width and the intersection have been reviewed by our department which we find acceptable and compliant with the New York State Building and Fire Code.

Additionally, I should mention that the jurisdictional fire department, which is the Orange Lake Fire Department, has received these plans and has also reviewed and approved the changes as they've been presented.

Additionally, I might add we did discuss a separation issue of the buildings, which after further review it was deemed that the building separation is compliant with the zoning regulations. We previously discussed that the last time this project was before the Board.

With that, I have nothing additional.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We reviewed the stormwater management plan that was provided and we also walked the site with the applicant's representative to visually review the sump hole



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or subsurface discharge, for lack of a better term, on the site. We did find that that does in fact exist on the site. We believe, as the applicant's representative discussed, as a result of some previous fill operation probably associated with the Route 84 construction where they disposed of large boulders from the cut sections of 84 to that area into what was probably a ravine. We're okay with that situation. We suggested some operation and maintenance notes be added in the future, that the applicants maintain that so that it doesn't become clogged.

We are requesting additional infiltration testing of the stormwater management area to the rear of the site which functions as an infiltration basin that the Board is used to seeing. There is no outlet and it only will infiltrate into the ground. We're working with the applicants to come up with a happy medium, for lack of a better term, between the design guidelines which require one test every 200 square feet, which would result in 80 some tests within the stormwater area, and what we think

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would be appropriate. We'll work that issue out.

We provided the applicant with technical comments via e-mail and they provided a response which we are reviewing.

The standard notes for water and sewer need to be added to the plans, and we provided them attached to these comments.

The City of Newburgh flow acceptance letter is required prior to actual preliminary approval I believe.

We have some technical notes on the sewer line connections and details. We're looking for future submissions to contain sewer, water and drainage profiles as they come up with the final plans.

We note there is a DOT curb in the details which probably will not be utilized on the plans.

Health Department approval for the water main extension will be required prior to final.

We're requesting details of the large diameter box culvert that will convey flow with the Route 84 drainage system to the -- or through

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the complex as proposed.

We're also requesting, as the Town requires, that the infiltration area be shown to be fenced to prevent access. Those will be filled with water. We're suggesting those be fenced, which is typically a requirement of the Town.

We reviewed the project with regard to the SEQRA information submitted and the technical review we've done and we have no exception to a negative declaration being issued.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The lot line change plan needs to be revised to show a bulk table with the zoning requirements with the existing and proposed setback. The setback lines should also be shown on both the Newburgh Jewish Community Center lots 47 and 48.

The applicant discussed the increase in road width, the second comment.

The 40-foot landscaped buffer needs to be shown on the plans to provide the setback line.

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We discussed at the work session it's shown as just a concrete pad for the bus stop area. I don't know if the Planning Board wants to discuss if they'd like to see a gazebo or some type of shelter or bench of some type there when the kids are waiting.

In detail 12 for the sign, if you could just show a chart which shows allowed and proposed.

Other than that, the only outside agency letter we received is from the New York State DOT. They identified us as the lead agency and said a highway work permit will still be required.

CHAIRMAN EWASUTYN: Board Members.  
Frank Galli?

Before I turn to the Board Members; Joe, do you have any comments or questions for what the consultants just presented?

MR. SARCHINO: No, I don't.

CHAIRMAN EWASUTYN: Okay. Thank you.  
Frank Galli?

MR. GALLI: I did visit the project over in Wappingers, by the way. The buildings

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are very nice buildings.

I'm just happy that you widened the roads in the entrance way. It came out good. It was a good solution for the fire department and stuff like that, for the widening of the entrance. So I think it's going to be a good project.

MR. SARCHINO: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I think there should be a gazebo with a bench in it for the children and the mothers in rain or snow, whatever. I suggested it the last time. Where the concrete pad is is a good spot. Somehow you're going to have people waiting for a bus and it's safer to have a shelter. I recommend it highly.

CHAIRMAN EWASUTYN: Are you agreeing with that?

MR. FORGIONE: I'm sorry. Excuse me, Mr. Chairman. A gazebo or some cover?

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MR. WARD: Some type of shelter.  
You're going to have people standing there in the pouring rain. You don't need them sitting in their cars lining up in the driveway. That's the way to get out of it.

MR. FORGIONE: Yes, sir.

CHAIRMAN EWASUTYN: And your name is, for the record?

MR. FORGIONE: Joe Forgione.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: Is a DOT highway work permit required?

MR. SARCHINO: That's something that we'll speak to the DOT about.

MR. DONNELLY: We'll worry about it down the road.

MR. SARCHINO: We're proposing a timing change. Usually that does not require a permit to do it.

MR. HINES: That was the only thing I could come up with that the DOT would possibly need.

MR. DONNELLY: Let us know.

MR. SARCHINO: We'll talk to them. I

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don't think that's going to be required.

CHAIRMAN EWASUTYN: Jerry, will this project need Town Board approval for a road name or road names?

MR. CANFIELD: Yes, that's correct. You can submit three names to the town clerk. Also, you'll need to decide if it's going to be one road, the loop will be one road name. Also -- that's a good point, John. During the work session we had talked about our office also handles the 911 addressing for all new projects. Currently we have our 911 clerk reviewing this, and we'll assign building numbers early on in the process, so from this point forward we can identify these buildings and the numbering will stay with the project forever, and then upon CO issuance all the numbers are in place so everyone involved in the project can refer to the proper building number.

MR. FORGIONE: Okay.

MR. DONNELLY: Is there also a Town Board approval required for a waiver on the intersection distance --

MR. HINES: Yes.

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MR. DONNELLY: -- to Ridgeview? You're aware of that I think.

MR. FORGIONE: Yes.

CHAIRMAN EWASUTYN: Any other questions or comments?

MR. HINES: The other comment I have, and Joe maybe can explain that, with the widening of the road I was concerned about the size of that circular turnaround and how it's there and what its function is. Is that something --

MR. SARCHINO: That was something that we had in the original design. Mr. Forgione requested it be on there. It's more of an aesthetic feature. We've been talking about it and it might be best to maybe just get rid of it because it might be confusing to people.

MR. HINES: That was my feeling. I don't know what it does there for you.

MR. SARCHINO: If the Board is okay with that, I think we would probably eliminate this in the next submission. One thing we were trying to get away from is having a straight road going through. We could have had you turning and meandering through. I think we were able to



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provide that entrance without the circle. It may be best we just continue the boulevard green area all the way through and we can just get rid of the circle.

MR. HINES: Just a suggestion. With the widening of those roads, I know you went 20 feet and 20 feet. If there was any thought of doing some kind of stamped asphalt path, sidewalk, it doesn't change the maintenance but it may provide that access that the Board had previously talked about. Just something to throw out there.

MR. SARCHINO: We can look at that. You're talking about stamped asphalt in the travel lane?

MR. HINES: You've got 20 feet.

CHAIRMAN EWASUTYN: On the shoulder?

MR. HINES: It would function as a shoulder. It would still meet the 25. You have them 20 feet wide. It doesn't change the maintenance. You're still snowplowing it with the snowplow.

MR. SARCHINO: We can do that. If the Board would like it, it would be acceptable to

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us.

MR. DONNELLY: You can do something better than a white line in terms --

MR. SARCHINO: A white line and a different texture in terms of the appearance.

MR. DONNELLY: That's the first time I ever heard Pat support an aesthetic feature.

MR. HINES: It's on the site plan. The Town is not going to own it.

MR. SARCHINO: As you get older you kind of mellow a little bit.

CHAIRMAN EWASUTYN: Thank you. Any more questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move to declare a negative declaration for the Parke Lane at Newburgh and for the 160-unit residential site plan and to schedule the 18th of October for a public hearing.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Dominic, you'll work with Bryant Cocks as far as the mailing list.

MR. CORDISCO: Certainly.

CHAIRMAN EWASUTYN: And on the 16th, the Tuesday before the actual meeting, you'll make it a point to bring to the Planning Board office the return receipts on the mailings that Frank Galli will be checking them off.

MR. CORDISCO: Certainly. That would be Tuesday, the 16th?

CHAIRMAN EWASUTYN: Right.

MR. GALLI: I have a quick question. Maybe Mike can answer this. If the Town Board has a meeting the first week in October and they

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pass that new local law, is it going to affect their mailing, what they have to do, or the posting?

MR. DONNELLY: The posting piece, if that was effective as of then.

You've seen the new law, Dominic. If the law is in effect you would -- I know you've been following the spirit of it.

MR. CORDISCO: We would endeavor to follow it.

MR. GALLI: I didn't want you to be caught short.

MR. CORDISCO: I'll discuss it with the Town attorney and how we can accomplish that. I will say we did do the mailing, however I neglected to bring the affidavit of mailing. If it's all right with the Chairman, I would like to submit that to the Board so it's part of your record.

MR. GALLI: I didn't want you to show up and have to wait another month because of a posting.

MR. CORDISCO: Yes. I do know that the law as proposed has an exemption, so for any

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project -- at least as it's written currently,  
for any project that has already had a public  
hearing, they don't have to comply with the law.  
We'll just have to wait and see.

MR. DONNELLY: We're more concerned  
with it becoming effective before your public  
hearing and not enough time to comply. It might  
be easier if you note the form of the law in  
terms of posting to comply so we're not in  
that --

MR. CORDISCO: We could start working  
on it now.

CHAIRMAN EWASUTYN: Thank you.

MR. SARCHINO: Thank you very much.

(Time noted: 7:55 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

ROUTE 9W GAS & CONVENIENCE STORE  
(2009-14)

Request for an Extension of Conditional  
Final Site Plan Approval

----- X

BOARD BUSINESS

Date: September 20, 2012  
Time: 7:55 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

1  
2 MR. BROWNE: We have four items  
3 under Board Business to discuss. The first is  
4 Route 9W Gas and Convenience Store, project  
5 number 2009-14. The applicant is requesting an  
6 extension of conditional site plan approval  
7 which will run from October 8, 2012 to  
8 October 8, 2013.

9 MR. CORDISCO: As I outlined in my  
10 letter, when I was before the Board and we  
11 received approval back in 2010, I was  
12 representing the project purchaser at that time.  
13 Obviously that project fell through. It was  
14 supposed to be a Quick Chek. I think there's a  
15 Quick Chek going in up the road.

16 MR. HINES: It's open.

17 MR. CORDISCO: Right. Correct. I  
18 refuse to go. In any event, the owner of the  
19 property is Ray Brommel. He's been at that  
20 location for many years. He's continued to  
21 market that site. He came in and asked me to  
22 make this request to extend his approval so he  
23 could continue to market. I understand the Board  
24 has the discretion to consider an extension.  
25 That's what we're asking to do at this time.



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MR. DONNELLY: The other issue is you also had a variance.

MR. CORDISCO: Correct.

MR. DONNELLY: We were wondering what the status of that is.

MR. CORDISCO: I looked at that as well. The variance -- actually, the timeframe for the variance to expire doesn't expire until after the Planning Board approvals.

MR. DONNELLY: After the plans are signed. It's still valid. It won't start ticking until the plans are signed. Then you can grant the full extension.

CHAIRMAN EWASUTYN: I would move for a motion to grant an extension to the Route 9W gas and convenience store to October 8, 2013.

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.

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ROUTE 9W GAS & CONVENIENCE STORE

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

I was talking with you the other  
evening. This is just for you as far as traffic  
and a decrease in the volumes on the roads.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: That was done  
locally. Just for your own education, Dominic  
also does a lot of teaching for the Orange County  
Municipal Planning Federation. I think you have  
an all-day program tomorrow.

MR. CORDISCO: I do a lot of talking.  
That's all right. Thank you very much. I  
appreciate it.

(Time noted: 8:00 p.m.)

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

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

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DATED: October 9, 2012

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

----- X  
In the Matter of

THE POLO CLUB  
(2006-09)

Request for an Extension of Conditional  
Preliminary Site Plan Approval

----- X

BOARD BUSINESS

Date: September 20, 2012  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID WEINBERG

----- X

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

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MR. BROWNE: The next item of business we have is Polo Club, project number 2006-09. The applicant is requesting an extension of conditional preliminary site plan approval which will run from September 29, 2012 to March 29, 2013.

If you will bring us along on your projects.

MR. WEINBERG: David Weinberg. I'm the developer of both the Polo Club and Driscoll. Presently the project has been slowly moving along in trying to get some of the easements that are necessary in order for the Route 300 sewer line to be finished. But really the crux of it is because of the economic conditions, right now things are just very, very difficult to get construction financing and move it along. We respectfully request an extension be granted.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to grant conditional preliminary site plan approval for the Polo Club to March 29, 2013.

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MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Joe Profaci. 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

Thank you.

(Time noted: 8:01 p.m.)

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

----- X  
In the Matter of

DRISCOLL SUBDIVISION  
(2005-46)

Request for an Extension of Conditional  
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: September 20, 2012  
Time: 8:02 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DAVID WEINBERG

----- X

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MR. BROWNE: Next is the Driscoll Subdivision, project number 2005-46. The applicant is requesting an extension of conditional preliminary subdivision approval which will run from September 29, 2012 to March 29, 2013.

CHAIRMAN EWASUTYN: The similar case before a presentation was made. Again I move to grant that condition, preliminary subdivision approval for the Driscoll Subdivision to the date of March 29, 2013.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: And myself. So  
carried.

(Time noted: 8:02 p.m.)

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Request for an Extension of Conditional  
Final Subdivision Approval

----- X

BOARD BUSINESS

Date: September 20, 2012  
Time: 8:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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MR. BROWNE: The next is Lands of Zazon, project number 2004-29. The applicant is requesting an extension of conditional final subdivision approval which will run from September 19, 2012 to March 19, 2013.

CHAIRMAN EWASUTYN: I'll move to grant the extension of conditional final subdivision approval for the Lands of Zazon to March 19, 20 --

MR. DONNELLY: 13.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Thank you. You said that earlier. I couldn't understand what you were saying when you were saying that. I wasn't part of the whole conversation.

MR. DONNELLY: Those things have a way of carrying themselves forward.

CHAIRMAN EWASUTYN: Who made the motion?

MR. GALLI: I did.

CHAIRMAN EWASUTYN: And a second?

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. There was

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discussion by Mike Donnelly. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. BROWNE: One other thing -- can I bring up? The application tonight for the tower, the applicant cited a code change.

MR. DONNELLY: You may have been --

MR. BROWNE: In light of that, I think we should send a note to Town Board requesting that if it meets those guidelines it does need a public hearing. Our consultant looked at it. If he approves it -- if he looks at it and tells us that everything is in order, then --

MR. DONNELLY: Jerry can update. The Town Board I think has come to some agreement

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with Mike Musso on the cost of his proposal to do just that.

MR. BROWNE: Okay, good.

MR. CANFIELD: For the record, Mike is a hundred percent right. If you remember, we had spoke about this in the past, about streamlining our code and also incorporating the legislation. Speaking with Supervisor Booth and the Planning Board Chairman, we decided to get a price quote from Mike Musso of what he would charge the Town to look at our existing code and incorporate the new legislation, and also look at and suggest streamlining the application process for these applications such as tonight.

Mike did submit a proposal. The cost proposal did include certain money to handle the SEQRA process. The Town Board felt we could handle the SEQRA process ourselves with inhouse attorneys. So it was renegotiated. He removed that price, the Town Board approved to move forward with the project. The next step will be to sit down with Mike Musso, my department, to start setting up meetings. Initially his first step will be to review the existing code and then

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we'll look at incorporating and then talk about streamlining. Before anything is finalized, this Board will have an opportunity to input and review, and then of course ultimately the end result will be amending the tower -- excuse me, the chapter of the municipal code that addresses telecommunication towers. That will need a Town Board action to take effect. So it's going to be a lengthy process but that's our objective.

MR. BROWNE: Thank you. Thank you, John.

CHAIRMAN EWASUTYN: I would then move for a motion to close the Planning Board meeting of September 20, 2012.

MR. WARD: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: And myself. So  
carried.

(Time noted: 8:08 p.m.)

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

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