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

----- X

In the Matter of

PET HOTEL & DAY CARE FACILITY
(2012-19)

West side of Route 9W, North of Lattintown Road
Section 9; Block 3; Lot 22.22
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: December 6, 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: THOMAS DEPUY

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I'd like to welcome you to
the Town of Newburgh Planning Board meeting of
the 6th of December.

We'll call the meeting to order with a
roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. BROWNE: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: With us this
evening we have professional consultants who make
recommendations to the Planning Board, and I'll
ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

MR. COCKS: Bryant Cocks, Planning
Consultant.

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CHAIRMAN EWASUTYN: All right. At this point we'll turn the meeting over to Cliff Browne.

MR. BROWNE: Please stand for the Pledge.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: The first item we have this evening is the Pet Hotel & Day Care Facility. It's a conceptual site plan located on Route 9W in the B Zone. It's being represented by Tom DePuy.

MR. DEPUY: Middlehope Pet Day Care is looking to acquire the 1.6 acre parcel of land that's adjacent to their existing facility, and they wish to consolidate that and they are proposing to build a new 11,500 square foot pet hotel and day care facility which it would be adjacent to. This is their existing facility here and this is the proposed facility here.

There is a stream that comes down through here and kind of severs this piece of land. We would access it both from their existing driveway, which they share with the vet hospital, and we would put a second access point

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in here with a parking lot here, and then there would be a small bridge over that small intermittent stream that's there. They would access in here and access here. This is a new parking lot.

What they would do is get their water service from the Town water system which is located out on 9W, and their sewer would pump up to what we're proposing as a two-stage sand filter which would eventually come back down and discharge into the small intermittent stream. Basically the flows are based on 94 dogs is what they are proposing. We would have wash down water that's involved in the facility itself. That's pretty much where all the sewer is coming from.

They would have probably between nine to ten employees.

This is Charlene from the pet hotel.

And so that would be the load with respect to the sewer. And we would propose, because of the -- it's a high flow for the wash down water, that's why we have such a large treatment facility for the project itself. It's

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more of a wash down water than actual domestic sewer issue, and that has to be treated.

MS. SCHAPER: The ten employees are only during peak times when the facility will be full.

MR. DEPUY: Stormwater wise we would collect the water off the new building. We've got a proposed rain garden in this area here and then we have a bio-retention basin in the back which would give us the water quality treatment that we need.

This water here, we have sheet flowing off. We have a proposed filter strip and then we have a linear bio-retention trench in here that would treat it for water quality.

I think that's about it for a description of the project.

CHAIRMAN EWASUTYN: Let's start out with questions from Planning Board Members. Frank Galli?

MR. GALLI: Just two issues. At the workshop I think we asked about the rain garden and they said no; right? When we asked Pat about the rain garden, didn't he say there wasn't any?

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MR. CANFIELD: He did. He did mention in the rear and on the side.

MR. DEPUY: This is a rain garden in the front but this is a bio-retention basin in the back.

MR. GALLI: The second issue that came up is fire protection. How do you get a fire truck up to the building? They can't cross the pond or the stream. It's only a foot bridge and there's a pretty good size retaining wall, or whatever kind of wall you want to call it, down to the stream. So that was an issue that Jerry will bring up, I'm sure, when we get to Jerry. That was just two of the issues -- or one of the issues, actually, that was brought up

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: One of the things Pat mentioned to us was the water flow up the parking lot area. He thought it was to flow out into the road and you're showing the contours over to the side.

MR. DEPUY: What happens is we're going to sheet flow it in this direction. We're proposing -- it's on our erosion control and

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stormwater management. This is going to be a filter strip and then we have a linear bio-retention trench here that would come down and then it would flow back into here and then eventually make its way into the stream. So what happens is the water comes this way, goes into a catch basin, flows there and then discharges in the stream, but it will be treated in this big buffer area here.

MR. BROWNE: Your plan is showing you're going to have zero going out to 9W?

MR. DEPUY: Right. Right.

CHAIRMAN EWASUTYN: Is that it, Cliff? Any other questions?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Tom, you mentioned that you could access the pet hotel through the existing lot there.

MR. DEPUY: Yeah.

MR. MENNERICH: Are you going to have to take down any buildings or anything to get a roadway in there?

MR. DEPUY: No. They share a roadway

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with the vet hospital here. This roadway here.

MR. MENNERICH: Okay.

MR. DEPUY: So they would be able to access this. This large piece of land will be accessed at this point and then over here.

MR. MENNERICH: But you wouldn't be able to get from the left side up to the --

MR. DEPUY: I see the comment on the fire access. We could regrade this in here and maybe put a fire access lane off this corner here up into there. That would probably be what we'd have to do.

MR. MENNERICH: And is there two veterinarian hospitals there?

MR. DEPUY: No. The vet hospital is here but this is the existing pet hotel or day care center.

MR. MENNERICH: Okay.

MR. DEPUY: So when you pull in, the one on the right is the day care center and the one on the left is the vet hospital, and this is the one they're expanding.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: The existing.

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Okay.

MR. MENNERICH: I think on your drawing it shows an existing vet hospital on the --

MR. DEPUY: Maybe that was mislabeled. It says existing pet day care and this is the veterinarian hospital.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Could you explain a little bit more about the bridge over the stream, how that's going to be constructed?

MR. DEPUY: Right here?

MR. FOGARTY: Yup.

MR. DEPUY: Basically what we're going to do is we'll have a large -- we pulled the retaining wall system away from the stream bed itself. It spans quite a distance here. It's mainly to stay out of any environmental sensitive areas, the small stream corridor. The stream itself is a class C. I checked with Doug Godler from the DEC, so there's no permitting required or anything from the DEC, but you still have to follow the rules. Basically we're using a large block retaining wall system, one would come down

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through here and the other through here, and then we have a small foot bridge that would span over those two small retaining wall systems.

MR. FOGARTY: Good. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: What are the existing structures that will be -- there's a few of them.

MR. DEPUY: There's three. They were old residences that were on that piece of property. Basically they've been vacant I think for ten years now, at least, and they've pretty much been ransacked through and everything. They would have to be demolished. I think we have a separate demolishing plan showing the removal of all three of those structures. They were residences at one time.

MR. WARD: In the parking lot you don't show any lighting all?

MR. DEPUY: Unfortunately that was -- we were going to have several lights and we were going to have some lighting on the sidewalk, too. I think that was one of the comments about having a lighting plan.

MR. WARD: We have 16 foot for a

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requirement minimal.

MR. DEPUY: Yeah.

MR. WARD: All right. Thank you.

MR. DEPUY: Yup.

CHAIRMAN EWASUTYN: Jerry Canfield, maybe you could pick up where Frank Galli left off and Tom Depuy discussing putting a road there with access to on what more than likely would be the south side of the building somewhat.

MR. CANFIELD: During the work session, like Frank said, we had discussed it. As the site is now, Tom, it does not lend itself to good firefighting accessibility. A building of this size would more than likely warrant the use of an aerial device. If you could make an appointment, we could sit down and discuss, you know what I mean, that proposal to come up around the rear perhaps with a better access road to get a little closer to the building.

MR. DEPUY: Yeah, okay.

MR. CANFIELD: Another point fire protection wise, the building will be required to be sprinklered.

MR. DEPUY: Okay.

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MR. CANFIELD: Town of Newburgh has a sprinkler ordinance which is more restrictive than the State International Building Code.

On the demo of the existing structures on the Moriello site, they'll need permits for that of course, independent demo permits.

MR. DEPUY: All right.

MR. CANFIELD: On the use, there's no issue with that. I think Bryant will comment on that. That's all we have.

CHAIRMAN EWASUTYN: Okay. Bryant, you had mentioned earlier this evening about a referral to the ZBA.

MR. COCKS: Yes. The existing pet motel, a front yard setback at 30 feet is shown on the plans and 40 is required. Since you're combining these lots it loses its nonconforming status so you will need a ZBA referral for a front yard setback.

Tom, you did mention that there's going to be a drainage area on the north side of the site. There is a 30-foot required landscape buffer that needs to be shown on the plans. Are you going to request a variance for that?

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MR. DEPUY: Well, we wanted -- we still want to landscape that area up. I don't know if we need a variance because we're not getting the full 30 foot because we're using some stormwater management.

MR. COCKS: That is required. So you will need another variance for the 30-foot landscape buffer. I'm sure the ZBA is going to ask you to show something. You'll need a variance for that because that does need to be shown on the plans as 30 feet.

MR. DEPUY: Once I detail that area there, and like I say we're going to have a bio-retention trench, that does require some vegetation planting. I don't think it will really meet your buffer requirement to the full thing. Okay.

MR. COCKS: The dumpster location is going to need to be shown for the new building. I don't know if you can fit it in the corner of the parking lot, in the top right corner. If you can try to squeeze it in there. That will need to be fenced and detailed on the site plan sheet.

MR. DEPUY: Okay.

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MR. COCKS: You discussed the stream which I had in the comments.

The EAF should just be revised to show the interested and involved agencies. Also a set of the site plan will be sent to them with intent for lead agency. I have listed the ZBA, the DEC, Orange County Planning Department, Orange County Health Department, City of Newburgh for sewer flow acceptance, the local fire department and the DOT.

ARB drawings with material and color samples will be needed at a later date.

As mentioned, a demolition permit will be required.

As mentioned, the lighting plan will need to be updated with an iso foot candle diagram.

CHAIRMAN EWASUTYN: Can you take the opportunity to explain to us the operation? You said 94 dogs. I don't know what that means. I know what 94 dogs means, but is it like kennels inside the --

MS. SCHAPER: Sure. We're actually a luxury pet hotel. We are an activity based

1 facility. We're all about as much activity as we
2 can possibly get for the pets. As opposed to
3 your standard like chain-link enclosure type
4 things, we have actual room enclosures. Our
5 hotel currently, the suites that we have for
6 them, they have their own beds, there is cable
7 TV, there's web cams that owners can access them.
8 It is very different. It's totally not like any
9 other kennel in the Hudson Valley. And so this
10 new facility is going to be multifunctional for
11 us. It will have additional enclosures for us,
12 which are, you know, depending upon the size of
13 the dog can range up to -- some of our suites in
14 the hotel now are like as large as eight foot by
15 eight foot, so they can accommodate multiple dogs
16 in the same family, that kind of thing.
17 There's also a sizable indoor play area for them.

18 We have the few outdoor play areas as
19 well and one building that we use for inclement
20 weather for them. So this will also have some
21 play space in there and a couple other grooming
22 areas and office space. That kind of thing.

24 MR. FOGARTY: They use office space?

25 MS. SCHAPER: They do. These dogs can

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do it all.

MR. GALLI: Do you get a lot of noise complaints?

MS. SCHAPER: We have not, as far as I know, have had any noise complaints.

MR. CANFIELD: We haven't acted on any.

MS. SCHAPER: We don't ever allow a dog to be outside unattended. Unlike a typical kennel where they maybe have an indoor/outdoor thing and dogs go out and just bark and bark and bark, they're outside with staff members playing ball or whatever. Honestly, the only noise normally is in the morning there is a dog up the hill from us that lives in a house, and when our dogs are out he's barking because he wants to come down and play.

MR. FOGARTY: When I first read this I said pet hotel and day care facility. I said they are going to be mixing dogs and kids. This is going to be some project. I'm glad you clarified it.

CHAIRMAN EWASUTYN: At this point I'll move for a motion to declare our intent for lead agency, to circulate to the Orange County

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Planning Department and to have Mike Donnelly present to us the letter being referred to the ZBA.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, a second by Tom Fogarty. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. DONNELLY: The letter will be for an area variance for a front yard setback on the existing building, where new construction is proposed and lots are to be consolidated. And secondly, an additional variance for landscape

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buffer requirements along the north property line.

MR. DEPUY: Can I just bring up one other issue? Parking. I think I need a parking variance because we couldn't really get it to fit into any category. I don't know --

MR. COCKS: I counted for the site as a whole and it looks like you have enough --

MR. DEPUY: Okay.

MR. COCKS: -- with using the other parking lot. I guess I could clear that up. You are going to need an access easement for that.

MR. DEPUY: That actually exists. It got frozen on the drawing. There's a 25-foot easement that actually comes in on that piece of property and accesses that parking lot. That was from a previous subdivision.

MR. COCKS: So maybe a clarification.

MR. DEPUY: A clarification with respect to parking maybe also. If I need it I might as well get it.

MR. DONNELLY: Actually, the Planning Board can adjust the parking requirements based upon the nature of the use by the ITT manual.

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MR. DEPUY: Okay. So then we probably don't need that.

MR. DONNELLY: I don't think you would need that.

CHAIRMAN EWASUTYN: One other motion I'll make is to grant conceptual approval for the pet hotel and day care facility.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Thank you.

(Time noted: 7:18 p.m.)

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

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

DATED: December 30, 2012

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

----- X

In the Matter of

LANDS OF WILLIAMS
(2012-23)

Fox Hill Road and Kings Hill Terrace
Section 3; Block 2; Lot 4.15
Section 3; Block 1; Lot 5.12
AR Zone

----- X

LOT LINE CHANGE

Date: December 6, 2012
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL YANOSH

----- X

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CHAIRMAN EWASUTYN: The next item we have is the Lands of Williams. It's a lot line change located on Fox Hill Road and Kings Hill Terrace. It's in the AR Zone. It's being represented by Daniel Yanosh.

MR. YANOSH: This is part of a subdivision that was approved by the Board back in 2006 and 2001, a couple lots off of Fox Hill and Kings Hill Terrace.

There's a small piece of property here, .83 acres, which backs onto Fox Hill Road which fronts on the Campbell property. Mr. Williams owns this one here, lot 4.14, which is existing 4.44 acres. Mr. Campbell has the lot back here at the end of Kings Hill Terrace which is now 4.81 acres with this house on it here. This one has a proposed house on it which is up for sale. There's no house here at all.

We just want to transfer .83 acres of land from lot 4.14 to the Campbell lot which gives them more of a front yard, evens up the property.

No new building, no new construction concerned with this. The proposed house stays

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the same and the septic system on this one is the existing house. No new improvements, just a lot line change and .83 acres from one lot to another.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: There are no issues with this project. Both lots will meet zoning after the lot line change is completed.

No public hearing is required since it's a simple lot line change.

The applicant has shown all the required information on the plans.

Just the signature of the owners would be required when they're submitted for final approval.

We will have to do a SEQRA determination on this project.

Since there's no buildings being affected and no land being affected, I think that a negative declaration would be fine for the project.

CHAIRMAN EWASUTYN: Any comments from Board Members?

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MR. GALLI: No additional.

MR. BROWNE: None.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the lot line change for the Lands of Williams.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point Mike Donnelly, Planning Board Attorney, will give us conditions of approval for the lot line change for the Lands of Williams.

MR. DONNELLY: Let me make one clarification first. Is it lot 4.15 or 4.14?

MR. YANOSH: 4.14. It is 4.14.

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MR. DONNELLY: So it's 14. Okay.

The resolution will recite the issuance of the negative declaration on today's date. We'll need a sign-off letter from Bryant Cocks on the one item he mentioned in his memo dated November 30th. Our standard conditions for the lot line require that you have a note on the map that says from the best available knowledge, and I'll send it to you Dan, there are no utilities buried within or adjacent to the lot line change that will cause encroachments or create violations of the Sanitary Health Code. Pat Hines has already told us that that is in fact the case but the note should be on the map anyway. The remaining conditions relate to the code provisions. You'll need to give us one reproducible mylar, ten copies. You will have to file a map with Real Property Tax Service. You will have to show the metes and bounds as well as the new acreage computations. We want you to copy the Planning Board on all of your letters of transmittal to the Orange County Clerk for both the filing and the deed. Ultimately you'll need to provide two copies of the lot line change plat

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certified by the Orange County Clerk together with liber and page information on the deed. It's all spelled out in this. I'll send it to you tomorrow.

MR. YANOSH: Okay.

CHAIRMAN EWASUTYN: Having heard the conditions of approval presented by Attorney Mike Donnelly for the lot line change for the Lands of Williams, I'll move for approval.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

(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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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Thank you, Dan.

MR. YANOSH: Thank you.

CHAIRMAN EWASUTYN: Then we'll see you for the next meeting for Noah for the public hearing. If you could, the Tuesday before the meeting --

MR. YANOSH: Right.

CHAIRMAN EWASUTYN: -- bring the notice. Okay.

(Time noted: 7:23 p.m.)

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

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

DATED: December 30, 2012

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

----- X
In the Matter of

RICHICHI SUBDIVISION
(2011-31)

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

----- X

THREE-LOT SUBDIVISION

Date: December 6, 2012
Time: 7:23 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: SUSAN RICHICHI

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is the three-lot subdivision for Richichi. It's located on Coach Lane in an R-2 Zone and it's being represented by Susan Richichi.

MS. RICHICHI: I do have a copy of the comments and recommendations.

CHAIRMAN EWASUTYN: Do you have any questions or comments on them? Clarifications?

MS. RICHICHI: The one question I have is on number 2, it says waive the requirement for the topography. We did the topography that will affect the two lots but it's a 10 acre parcel. To do topography for the whole thing. If that's okay and acceptable.

CHAIRMAN EWASUTYN: Then I'll move for a motion from the Planning Board to waive the requirement to do a complete topo for the entire 10.7 acres of the lands of Richichi.

MR. GALLI: So moved.

MR. WARD: Second.

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

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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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MS. RICHICHI: Number 3, the existing parcel needs to demonstrate that it meets all zoning. My engineer did speak with Mr. Hines and he said the existing lot is not part of the application and the work that's being done within the lot is within an existing easement, and he thought that that would be okay.

MR. COCKS: That's fine.

CHAIRMAN EWASUTYN: Bryant Cocks, do you concur with that?

MR. COCKS: That's fine.

MS. RICHICHI: Number 5, the way the house is -- we did do the houses facing each other. In Meadow Hill that's the way it is. There is a road in between. We thought it would

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be nicer than looking at the back of the house.
We could always put a screen in between. Or if
we have to we can rotate them back the other way.

CHAIRMAN EWASUTYN: For myself speaking
and having reviewed Bryant's comments, I think I
mentioned to him logically it makes sense to have
the houses face out.

MS. RICHICHI: And we thought it would
look better.

CHAIRMAN EWASUTYN: That's fine.

MR. FOGARTY: Do we need a motion for
that?

CHAIRMAN EWASUTYN: No. It was just an
overall comment. It's logical.

MS. RICHICHI: There is the issue of
there is some doghouses and sheds. It's a 10-
acre parcel so it's really hard -- it's very
heavily wooded.

MR. GALLI: It's up to the buyer.

MS. RICHICHI: It's up to the buyer if
it has to be removed.

MR. GALLI: I'm sure there will be a
note somewhere on the map.

MR. DONNELLY: We'll include a

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condition in the resolution that doesn't endorse or approve those encroachments and that becomes a private issue for you, your buyer or the owner of those doghouses to work out.

MS. RICHICHI: Okay, thank you.

And I don't know if there were certain trees you wanted us to use. You showed a screen and said evergreen trees and --

CHAIRMAN EWASUTYN: Did we say that or was the note on there?

MR. COCKS: There was a note on the plans showing 16 trees and then saying it will be up to the buyer of the home which trees to plant. We felt that probably just removing the trees from the plans would be better because when you go for your CO the code compliance department is going to see that there's no trees there. So if they are just removed then the buyers of the new homes can plant whatever they want in whatever quantity they want and just give them the option for that. It would make it easier to just remove them all together. There's no requirement for the screening so they don't need to be there anyway.

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MS. RICHICHI: Okay. I guess that's pretty much it. I don't know what the next step is we can do with the neighbors.

CHAIRMAN EWASUTYN: I think the next step is to ask the Planning Board Members, if you don't mind, if they have any comments.

MS. RICHICHI: I'm sorry. I'm nervous.

CHAIRMAN EWASUTYN: Give us a chance to say something.

MR. GALLI: Everything is fine.

MR. BROWNE: I think it's good.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

MR. FOGARTY: You answered all of my questions.

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I have no further comments.

CHAIRMAN EWASUTYN: At this point I'll make a motion to make a SEQRA determination, Bryant?

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MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to declare a negative declaration for the three-lot subdivision for Richichi on Coach Lane.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Since we haven't adopted -- can we really set it, at this point, for a meeting date in 2013? I'll make a motion to schedule this for the second meeting in January, and we'll notify you at the beginning of the year once we adopt our new schedule.

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Offhand do you know what the date might be?

MR. COCKS: The 17th.

CHAIRMAN EWASUTYN: It would be the 17th of January. Bryant Cocks will give you the mailing list and he'll walk you through how that has to be mailed.

MR. BROWNE: Does this have to go back to the Town Board?

MR. DONNELLY: After the hearing you'll have to get back to the Board advice on the open development area.

John, you may also want to refer it to the Planning Department.

MR. COCKS: I was going to say that.

CHAIRMAN EWASUTYN: You'll get a copy of the maps to Bryant Cocks. Since your proximity to 84 is within 500 feet, we're required to circulate to the Orange County Planning Department.

MS. RICHICHI: Okay.

CHAIRMAN EWASUTYN: So when you have a chance we'll work with you on that.

MS. RICHICHI: Okay.

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CHAIRMAN EWASUTYN: So for now we'll make a motion to set this for the 17th of January for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

A minor note, that would be the 15th, which is a Tuesday before the meeting, if you could bring to the Planning Board office the return receipts from your certified mailing, it gives Frank Galli the opportunity to review them. In your case your mailing is going to be quite extensive. I think we discussed that on the phone.

MS. RICHICHI: Yes.

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MR. DONNELLY: Do you remember if you granted conceptual approval on the first appearance or was that built into your resolution?

CHAIRMAN EWASUTYN: More than likely not. Just to protect everyone, I'll move for a motion to grant conceptual approval for the three-lot subdivision -- thank you Michael -- for the lands of Richichi.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Wonderful. Good presentation. Well prepared.

MS. RICHICHI: Thank you.

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

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

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

DATED: December 30, 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: December 6, 2012
Time: 7:32 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The last item on the agenda this evening is Parke Lane at Newburgh. It's a 160-unit residential site plan and lot line change. It's located on Stewart Avenue in an R-3 Zone and it's being represented by Dominic Cordisco.

MR. CORDISCO: Good evening, everyone. The last time we were before you we received final subdivision approval and preliminary site plan approval with a number of conditions that we obtain our outside agency approvals. I'm happy to return to you at this point and report that we have received all of our outside agency approvals, most notably from the Department of Transportation regarding the re-timing along Route 300, as well as the Department of Health for the utility lines into the site. We received our will serve letter sewage flow acceptance letter from the City of Newburgh. All the outside agency approvals are in place and we're here before you requesting final site plan approval. I'd be happy to address any comments you may have.

I'm here with Joe Sarchino from John

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Meyer Consulting and Joe Forgione who is the project developer.

CHAIRMAN EWASUTYN: Bryant Cocks, do you want to summarize the Planning Board's outstanding items? Mr. Cordisco said they were complete. Do you agree?

MR. COCKS: I did receive the outside agency approval letters that were discussed including the two road intersection waivers, the stormwater maintenance agreement, the V&T 1660-A authorization, the road name approval, Jim Osborne's sign off on the project being in the sewer district, the water and sewer connection designs, the City of Newburgh flow acceptance letter, the DOT approval and Orange County Health Department approval. The applicant also submitted the final minor subdivision plans. Everything was fine with that. They showed the bulk table and setback lines as requested. All the site plan issues were also addressed.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, Code Compliance?

MR. CANFIELD: I don't have anything additional, John.

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Just one thing. You may want to mention Ken Wersted's sign off letter on the traffic.

CHAIRMAN EWASUTYN: We received that.

MR. CANFIELD: November 30th the Board received a letter from Creighton, Manning indicating that all the traffic issues have been addressed and signed off.

CHAIRMAN EWASUTYN: Okay. Any additional comments from Board Members? John Ward?

MR. WARD: Is the gazebo on the site plan?

MR. SARCHINO: Yes, sir.

MR. WARD: Thank you very much.

MR. CORDISCO: We've been busy.

MR. FOGARTY: You have been business. I have no further comments.

MR. MENNERICH: No questions.

MR. BROWNE: I'm good.

MR. GALLI: Good job.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us the conditions for final approval in the resolution for the Parke Lane,

1
2 160-unit residential site plan?

3 MR. DONNELLY: The resolution will be
4 for final site plan approval. ARB and lot line
5 changes were granted earlier. The first
6 condition is to reference, as we did in the
7 preliminary resolution, the zone change approval
8 granted by the Town Board and incorporate it's
9 recorded agreement and conditions into this
10 resolution as if set forth herein at length.
11 Beyond that, since everything else is satisfied,
12 we will recite the requirement of a landscape
13 security and an inspection fee in the amount of
14 \$4,000, a stormwater improvement security and
15 inspection fee, water main extension security and
16 inspection fee, sewer main extension security and
17 inspection fee, Town road security and inspection
18 fee, the required offers of dedication, our
19 standard requirement that you are only permitted
20 to build that which is shown on the site plan and
21 no structures or amenities not shown on the site
22 plan may be constructed without amended approval.
23 Finally, as we recited in the preliminary
24 resolution, the requirement that you pay fees in
25 lieu of parklands in the total sum of \$320,000.

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CHAIRMAN EWASUTYN: Dominic, are you satisfied with that?

MR. CORDISCO: Yes, we are.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final site plan approval for the Parke Lane at Newburgh subject to the conditions presented by the Planning Board Attorney, Mike Donnelly, in the resolution that we just heard.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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Thank you.

MR. CORDISCO: Thank you all very much.

I hope you have a good holiday.

(Time noted: 7:37 p.m.)

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

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DATED: December 30, 2012

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

----- X
In the Matter of

ROUTE 300 CENTER
(2012-05)

Request for the Planning Board to Declare
their Intent for Designation of Lead Agency

----- X

BOARD BUSINESS

Date: December 6, 2012
Time: 7:37 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: We have two small items under Board Business, the first item being Route 300 Center. The applicant is requesting that the Planning Board declare their intent for lead agency. The applicant is also appearing before the ZBA for a variance for a drive aisle on the rear exit drive.

I'll move for a motion from the Board to declare our intent for lead agency for the Route 300 Center.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Bryant, you'll work with John Cappello

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as far as the materials necessary to circulate?

MR. COCKS: Yes.

(Time noted: 7:38 p.m.)

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

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

DATED: December 30, 2012

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

----- X
In the Matter of

LONGVIEW FARMS
(2006-39)

Request for a Six-Month Extension
of Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: December 6, 2012
Time: 7:38 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The next item is Longview Farms. We received a letter from Tom Depuy. The applicant is requesting a six-month extension on the preliminary subdivision approval which will run from December 14th to June 14, 2013.

I'll move for that motion.

MR. FOGARTY: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes.

(Time noted: 7:39 p.m.)

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

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

----- X
In the Matter of

DISCUSSION OF PROPOSED LOCAL LAW I-9 OF 2012

Rezoning of Tax Map Parcel 75-1-36.2
from the B Zoning District to the R-3 Zoning District

* * * * *

LANDS OF CHRISTIAN KELLY

Rezoning a .9 acre of land from the B Zoning
District to the R-2 Zoning District

----- X

BOARD BUSINESS

Date: December 6, 2012
Time: 7:39 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

1
2 CHAIRMAN EWASUTYN: Michael, would
3 you discuss with us the Local Law 1-19 of 2012?

4 MR. DONNELLY: The local law that has
5 been sent to you is one that will rezone a piece
6 of property that covers the land for the
7 eleven-lot subdivision which is presently located
8 in a -- I have to read this letter -- in the B
9 Zone. They will rezone it to R-3. I'm sorry, the
10 other way around. From the current -- yes, I had
11 it right. Current B zoning to R-3.

12 The request of the Town Board is that
13 you render the report that's required by Section
14 175-60 of the Code, and that is to report on four
15 separate criteria your advice and
16 recommendations.

17 First is whether the use permitted by
18 the proposed change would be appropriate in the
19 area concerned. Since I couldn't remember the
20 name of the file that this was connected to, I
21 didn't have a chance to look at the map. I'm
22 sure some of you have a recollection.

23 MR. COCKS: I remember it.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. COCKS: When you come off Route 32

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onto Chestnut Lane, there's an open parcel on the left. The back part of the parcel is zoned B but they can't access it because of the topography, so they wanted to run an access through a couple of the residential lots that would be along Chestnut which isn't allowed by zoning. You're not allowed to access the B Zone through a residential district. They originally came in and showed that access way but now they decided that there's no B use that would fit back there or be allowed by zoning, so they just wanted that back one parcel to go in the R-3 and now they can just make those home lots instead.

MR. DONNELLY: Is that consistent with the surrounding area?

MR. COCKS: Yeah. It's all very small lots for the R-3. They'll be the same size as the existing homes on Chestnut Lane.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: In addition to what Bryant has indicated, this subdivision was before the Board and this one lot that was in the B Zone, they did indicate some type of commercial use. The Board at that time referred it to the

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2 Zoning Board because they had contemplated using
3 it for residential in addition to the other lots.
4 They did go before the Board. The Board kind of
5 indicated to the applicant that they would rather
6 see him go for a zone change as opposed to a use
7 variance because, like Bryant said, they didn't
8 find that lot conducive to commercial. It would
9 be better suited another lot in the residential
10 subdivision. That's why it went to the Town
11 Board for a zone change.

12 CHAIRMAN EWASUTYN: Thank you.

13 MR. DONNELLY: The second criteria
14 which you were to report is whether adequate
15 public school facilities and other public
16 services exist or can be created to serve the
17 needs of any additional residences likely to be
18 constructed as a result of such change. I take
19 it we have eleven of them.

20 MR. COCKS: There is water and sewer
21 right there.

22 MR. CANFIELD: Yes.

23 MR. DONNELLY: And I guess it's for you
24 to suggest whether eleven new lots places any
25 inappropriate burden on the school system.

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MR. GALLI: Enrollment is down.

MR. FOGARTY: No.

MR. DONNELLY: Thirdly, whether the proposed change is in accord with any existing or proposed plans in the vicinity. As distinct from the first one which is the existing established character, this is whether there are any -- well this includes existing but any proposed plans in the area.

MR. COCKS: That's the only vacant parcel on Chestnut. That would just be filling in the rest of the street.

CHAIRMAN EWASUTYN: The closest thing to anything is Balmville Estates, but that's far away.

MR. FOGARTY: This is the area up behind Ethan Allen?

MR. MENNERICH: Basically it's a lot that couldn't be used for B.

MR. CANFIELD: You can't get to it.

MR. FOGARTY: Is that where they wanted to do the overlay district for --

MR. COCKS: The self-storage. Patrick Paige owns the other self-storage.

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MR. DONNELLY: Lastly whether the proposed amendment is likely to result in an increase or decrease in the total residential capacity of the Town and the probable effect thereof. Obviously it would result in an increase of -- how many acres is the total?

MR. COCKS: The zone change is 1.8. I'm not sure what the overall parcel is. I'd have to check.

CHAIRMAN EWASUTYN: About 10 acres, plus or minus.

MR. DONNELLY: But the area that will be shifted to residential is 1.8 acres.

MR. CANFIELD: It's only one lot.

MR. DONNELLY: And that won't have any effect that you discern I take it?

MR. BROWNE: No significant effect.

MR. MENNERICH: That one lot could be subdivided in the R-3 area; right?

MR. COCKS: If you could get a couple houses in there? I'm not sure. It wouldn't have direct access to the street so it's only going to be one flag lot I would assume with a common driveway to access two homes there I would think.

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MR. CANFIELD: That would be the extent of it because of accessibility.

CHAIRMAN EWASUTYN: Eleven lots to twelve lots possibly.

MR. COCKS: I would think so.

MR. DONNELLY: That constitutes -- I took notes and I'll send the report letter on your behalf.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: The second one you had, do you want me to do that?

CHAIRMAN EWASUTYN: The second one was just -- do you want to go on record on that one?

MR. DONNELLY: We discussed it at work session. I don't know if it's terribly complicated.

This one involves the property of Christian Kelly. You have a more complete packet here than you did on the first one. You have a map. It's a proposal to rezone a .9 acre of a portion of the land of Christian Kelly from B to R-2. I don't know if you want to give the background as well, Bryant.

MR. COCKS: I wasn't too sure about

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this lot. This was a three-lot subdivision that had an existing business on it.

MR. CANFIELD: Yes. That's correct. It was a previous three-lot subdivision. The one lot in question is in the B Zone. Very similar. At the time of the subdivision the applicant had proposed to put two businesses on the two lots. At a later point they decided that instead of the second business, they wanted to put a residence there, which of course is in a B Zone and would need a zoning variance, a use variance. The applicant did go before the Zoning Board. The Zoning Board requested or suggested that the applicant go before the Town Board for a zone change as opposed to apply for a use variance. The applicant then petitioned the Town Board and that's how it came before the Board.

MR. DONNELLY: I take it there are existing residences in that area?

MR. CANFIELD: Yes.

MR. DONNELLY: This is not going to stick out like a sore thumb, which is the first criteria, whether the use permitted by the proposed change would be appropriate in the area

1 concerned.

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3 Secondly, again whether adequate school
4 facilities and other public services exist or can
5 be created to serve the needs of any additional
6 residences likely to be constructed as a result
7 of such change. It involves .9 acres of land. I
8 don't know what public services exist in the
9 area, the B Zone.

10 MR. CANFIELD: There is no water and no
11 sewer in that area.

12 MR. DONNELLY: A meter would be needed
13 for one single-family home.

14 MR. CANFIELD: .9 acres force a single
15 family, depending on how they situated it, it's
16 potentially -- they could fit a well and septic
17 in there.

18 MR. DONNELLY: That single home, which
19 is the likely result of the zone change, would
20 not place any additional burden on the school
21 facilities?

22 MR. FOGARTY: No.

23 CHAIRMAN EWASUTYN: No.

24 MR. FOGARTY: I don't think so.

25 MR. DONNELLY: The third criteria, what

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are the proposed changes in accord with any existing or proposed plans in the vicinity?

CHAIRMAN EWASUTYN: Currently that's a quiet section of the Town of Newburgh anyway.

MR. DONNELLY: Lastly, whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable effect.

MR. CANFIELD: One lot.

CHAIRMAN EWASUTYN: It's minor.

MR. DONNELLY: Okay. I will take those notes and send that report off with your permission as well.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 6th of December.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 7:48 p.m.)

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

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

DATED: December 30, 2012