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

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In the Matter of

2010 RE-APPOINTMENTS FOR THE
TOWN OF NEWBURGH PLANNING BOARD

- - - - - X

BOARD BUSINESS

Date: January 7, 2010
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

- - - - - X

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

MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of January 7, 2010.

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.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Present.

MS. HAINES: 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. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MS. HAINES: Thank you. At this time I'll turn the meeting over to Joe Profaci.

MR. PROFACI: Please join us in a salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you have cell phones, would you please turn them off. Thank you.

MS. HAINES: Starting with the reorganizational, John?

CHAIRMAN EWASUTYN: Yes.

MS. HAINES: Okay. This is our first meeting since the Town had their reorganizational meeting and we have some actions before us tonight for our reorganization.

The first item we have is for the appointment of Ken Mennerich for the Vice

Chairmanship of the Planning Board.

MR. FOGARTY: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Mr. Fogarty, a second by Frank Galli. I'll move for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MS. HAINES: Next we need a motion for the appointment of Michael Donnelly for the position of Planning Board Attorney.

MR. WARD: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: So carried.

MS. HAINES: Next is a motion for the
appointment of Bryant Cocks of Garling Associates
as our Consulting Planner.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Tom Fogarty.
For the record, that's Bryant Cocks of Garling
Associates. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So

carried.

MS. HAINES: We also need a motion to appoint Karen Arent, Registered Landscape Architect, as our Landscape Architectural Consultant.

MR. PROFACI: So moved.

MR. WARD: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MS. HAINES: We need a motion to appoint Kenneth Wersted of Creighton, Manning Engineering as our Traffic Consultant.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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2010 RE-APPOINTMENTS

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MS. HAINES: We need a motion to appoint McGoey, Hauser & Edsall, Consulting Engineers as our Consulting Engineers.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. We'll ask 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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2010 RE-APPOINTMENTS

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

MS. HAINES: We need a motion to
appoint Michael Musso of HDR LMS as our
Telecommunications Consultant.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MS. HAINES: And then we need a motion
to appoint Michelle Conero as a Stenographer to
the Planning Board.

MR. GALLI: So moved.

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MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have motion by Frank Galli and 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MS. HAINES: We need a motion to adopt the Planning Board meeting schedule for the year 2010.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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2010 RE-APPOINTMENTS

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MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MS. HAINES: And lastly we need a
motion for the adoption of the consultants' work
session schedule for the year 2010.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich, a second by John Ward. Roll call
vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

I would like to congratulate Frank
Galli and Tom Fogarty for being reappointed by
the Town Board for another three-year term.

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2010 RE-APPOINTMENTS

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Congratulations.

(Time noted: 7:10 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: January 30, 2010

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

- - - - - X
In the Matter of

BANK OF AMERICA
(2009-18)

Route 300 and Meadow Hill Road
Section 66; Block 2; Lot 10
IB Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: January 7, 2010
Time: 7:10 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: BARRY MEDENBACH

- - - - - X

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

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BANK OF AMERICA

MS. HAINES: Our first item on the agenda tonight is the Bank of America. It's a conceptual site plan, it's located on Route 300 and Meadow Hill Road, it's in an IB Zone and being represented by Barry Medenbach.

MR. MEDENBACH: Yes. I'm here.

MS. HAINES: Go ahead.

MR. MEDENBACH: This is the site. It's an existing bank. Currently it's the Bank of America. It's on the northeast corner of Union Avenue and Meadow Hill Road.

What they're proposing to do is to put a free-standing ATM machine here. This is an existing paved aisle, about twenty-four feet wide, and they have two teller windows here in the building. This would be in a little kiosk with a little roof over it and site lighting. There is also proposed some signage.

Right now this area, this connection here is blocked off by placing the dumpster here. They would like to remove that and put some signage here so people can exit this way if they want to go back out. If there's cars here and they simply want to leave that way. So those are

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BANK OF AMERICA

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the proposed improvements.

I see I have received consultant comment letters today which raise a bunch of issues about the site. This is an existing site. I'm not sure when it was built. It was some time ago. It doesn't exactly conform to current standards. Some of the areas are pointed out as this driveway in the back here is quite narrow with the parking. I mean there's plenty of road to widen the pavement. I don't know if that's desirable. In talking to the management people they say it functions well the way it is, although, you know, they're open to making other improvements as the Board so desires.

CHAIRMAN EWASUTYN: Thank you, Barry. We'll start with Bryant Cocks, our Planning Consultant.

MR. COCKS: Sure. The EAF that was submitted, just provide the DEC endangered species list.

We're going to need a signed and sealed survey sheet of the existing conditions on the site. Currently it was just the site plan with the improvements.

Topography is a requirement that's to be shown on the site plan. The Planning Board does have the authority to waive that requirement if they so feel inclined.

The bulk table needs to show the actual dimensions of the bulk requirements, not just the minimum required.

I spoke to Jerry Canfield about the ATM kiosk being in the front yard, and it was determined since it was an accessory structure that it would not be over the front yard setback.

Parking calculations have to be shown on the plans. There are 39 spaces currently. That's plenty for the site but we need to see the calculation.

We discussed drive aisle width at the work session. Jerry said the two lanes going to the ATM and drive-through aisle are going to be okay.

Any additional signage to the ATM machine is going to have to be detailed. We need a signage chart showing what's existing right now and what's going to be added so we know if it goes over the allowed amount.

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BANK OF AMERICA

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And also on the ATM machine, the color has to be shown, and also the color should be shown for the details.

The existing Bank of America sign is in the DOT right-of-way. I was just asking if now might be a good time to move that out. The DOT wouldn't be able to just tell them move it. I don't know if they were planning on it or not.

MR. MEDENBACH: I haven't had that discussion with them. To be quite honest with you, we're waiting to finalize the boundaries, and some of the issues we have is with the highway taking. It's not matching up with some of the monumentation out there. We're requesting some more information from DOT to hopefully resolve that. I believe the bank was probably here when the taking was made. Why they would have made the taking here. Sometimes when they do that they would then get back a lease. There may be something on record about the use of the sign in the right-of-way since it was most likely on their property before the taking. I really don't have solid information on that at this point.

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MR. COCKS: Okay.

MR. MEDENBACH: I'll discuss that when we confirm its exact location in relation to the right-of-way. I will discuss with them possibly moving it.

MR. COCKS: Okay. Sounds good. Any directional signage that is shown to be installed on the site is going to need to be detailed on the sheet.

The dumpster relocation, we were discussing possibly putting either landscaping or a fence around it.

I just made a comment with the lighting fixture, that it's twenty feet high and that's about the size of the lights that are currently installed there. So it will match the existing lighting fixtures.

MR. MEDENBACH: There are no free-standing signs there -- lighting I mean. There is lighting on the building right now.

MR. COCKS: I thought there was one out there.

MR. MEDENBACH: We're proposing three, and at twenty feet that gives us -- with the ATM

1 BANK OF AMERICA 18

2 machine there's a security requirement to get the
3 illumination within the fifty-foot radius. If I
4 put them up at twenty feet with three lamps you
5 can accomplish it relatively easily. You may
6 need another fixture or brighter lamps. What's
7 the pleasure of the Board? I want to point that
8 out, that we do show them at twenty feet. I will
9 point out to you there's quite a bit of adjacent
10 lighting. This part of the Town is very well
11 lit. There's street lighting out here. They
12 have to be like twenty-four feet high, the street
13 lamps.

14 CHAIRMAN EWASUTYN: I think Bryant was
15 referencing more the guideline standards where
16 there's recommendations for a certain height.

17 MR. MEDENBACH: Right.

18 CHAIRMAN EWASUTYN: The heights would
19 be more of a minimum nature, being more
20 pedestrian friendly, being sixteen feet in
21 height. We've had people discuss your point,
22 that by having poles of sixteen foot high may
23 then call out for additional poles. So there's
24 been discussion on that.

25 Bryant.

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MR. COCKS: That's all I have.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: I have nothing
additional.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: We have no comments on
this.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: We discussed during work
sessions various site improvements that you might
want to consider. One of them would be to curve
the sidewalk up in the, I guess it's the
north, --

MR. MEDENBACH: Right.

MS. ARENT: -- to make a nice curve. I
have the Mini and it was really hard for my Mini
to get around that curve, that point. If you
could show a nice big sweep to make it easy for
cars to go around.

In my comments I mentioned the parking
spaces at the property line. The Planning Board

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felt that they function very well with the layout of the site, so they should just stay.

The parking spaces along Route 300 should be screened with either a stonewall or low-growing vegetation and a couple of street trees in that area. Probably three street trees.

MR. MEDENBACH: Mm'hm'.

MS. ARENT: The street trees should grow tall so that you can prune the lower branches to get good --

MR. MEDENBACH: You can recommend some species?

MS. ARENT: Yes. I would be happy to. Sugar Maple, Red Maple.

MR. MEDENBACH: There are power lines there.

MS. ARENT: I don't believe there are. Did you show the power lines on your plan? The power lines I know are on --

MR. MEDENBACH: We show the utility poles. There's quite a network of lines that --

MS. ARENT: I think it's all open. I'm talking about on Route 300. I think that's all open. On the plan I don't see any lines shown

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BANK OF AMERICA

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there, so --

MR. MEDENBACH: Sugar Maples you're saying?

MS. ARENT: That would be great. Wait a minute. Nevermind the Sugar Maples. Make it Red Maples because the Sugar Maples would be too sensitive in that spot. Red Maples would be better.

We discussed putting a crosswalk across connecting to the sidewalk across --

MR. MEDENBACH: (Indicating.)

MS. ARENT: Yes. To get all the people to park in those back lots so when people are pulling out of the ATM they know they have to be careful. So if you could show a crosswalk in there.

Then the dumpster should be screened. I think if you put -- since it's such a small dumpster, if you put adequate landscaping, that would be a nice way to screen. That's a small dumpster.

And then the guide rail on the south side of the property, I don't think it's necessary.

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BANK OF AMERICA

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MR. MEDENBACH: This guardrail here?

MS. ARENT: Yes.

MR. MEDENBACH: With all the trees
behind it it's probably not.

MS. ARENT: It would be great if that
was taken out.

And then if there's no other lights in
the parking area, is it possible for you to see
what would happen to the number of fixtures or
poles if you did lower the light? Can you do an
analysis to see if you need additional poles?

MR. MEDENBACH: Mm'hm'.

MS. ARENT: The building is only one
story and a twenty-foot high pole would be --
this is up to the Planning Board but a twenty-
foot high pole is almost two times -- more than
two times the height of the building.

MR. MEDENBACH: I think that building
is around twelve or fourteen feet.

MS. ARENT: If you could just see if it
would be required.

MR. MEDENBACH: What is the standard?

MS. ARENT: It's sixteen.

MR. MEDENBACH: Sixteen feet?

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BANK OF AMERICA

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MS. ARENT: Yeah. That's it.

MR. MEDENBACH: You had in your
comments the discussion about sidewalks along the
roads.

MS. ARENT: Forget that. It's not
enough space. That would only be if the Planning
Board was requesting redesign of the site.
There's not enough space.

Oh, there's a tree in the island. That
would need to be replaced because it was hacked.
You could use like a Hedge Maple or something
like that.

MR. MEDENBACH: A what?

MS. ARENT: A Hedge Maple. You have to
say that it's street tree grown so it branches up
high enough. Those types of trees have very --
they won't grow up into the power lines. They
are fairly low growing. That's it.

CHAIRMAN EWASUTYN: Comments from Board
Members. Frank Galli?

MR. GALLI: No other.

MR. BROWNE: I have one request to
bring up that we talked about at our work
session. Can you find some way to limit traffic

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from making a left turn onto Union?

MR. MEDENBACH: You mean from here?

MR. BROWNE: Yes. I constantly see people try to cross that four or five lanes with heavy traffic.

MR. MEDENBACH: We can put signage up.

MR. BROWNE: It's something we don't really want to have to request of the State but --

MR. MEDENBACH: I'm surprised people attempt that.

MR. BROWNE: It's nuts.

MR. HINES: If you're going to change that signage we need DOT approval for that or we'll have a Home Depot incident.

MR. BROWNE: There's no way --

CHAIRMAN EWASUTYN: Why don't you explain that.

MR. HINES: What happened with the Home Depot was the Board requested, when it was being constructed, that they put up a no left-turn sign when they constructed Home Depot. DOT, because they hadn't approved it, held up, number one, I think the completion of their permit, and for

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BANK OF AMERICA 25

several years I think the signs were required to be bagged by DOT because they didn't authorize them to be there. That's the problem with doing that.

MR. BROWNE: Okay. Then you can lose your customer base.

MR. HINES: You can ask. The DOT may say yes.

MR. MEDENBACH: I can look into that.

MR. BROWNE: If it turns out to be something like that, but --

MR. MEDENBACH: Sometimes when DOT restricts it they want you to curb everything. I'll inquire.

MR. BROWNE: It's just trying to help those people that can't help themselves.

MR. GALLI: Put a flowerpot there.

MR. BROWNE: That's all I have.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think the requirement for topography for the site should be waived. We should waive that.

MR. MEDENBACH: Was that a waiver for topography? I was going to ask that.

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BANK OF AMERICA

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich to waive the topography for the Bank of America as shown. Do I have a second to that motion?

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: 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. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Thank you.

MR. MEDENBACH: Thank you.

CHAIRMAN EWASUTYN: Anything else?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Tom Fogarty?

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BANK OF AMERICA

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MR. FOGARTY: Nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have one question. When you move the dumpster, you've got one way going through but I have a feeling when they come off 300 they're going to -- whether it's one way or not they're going to make a shortcut going through the parking lot not to go through the light. I'm suggesting possibly like a little small speed bump where the dumpster was.

MR. MEDENBACH: All right.

MR. WARD: And your lighting, I'm recommending going with the sixteen feet instead of twenty because that's the guidelines.

MR. DONNELLY: Karen's suggestion was between now and the next appearance show it both ways and see what the compromise is between the number of poles and height. Certainly if you can do it with the same number of poles it would be easy. If it takes more poles, the Board should see it.

MR. BROWNE: Even with the fewer poles, if he went to a brighter light, then you get into the candle issues or whatever.

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MR. MEDENBACH: Sixteen feet, I don't know if we can spread it that far. We get a hot spot underneath the lamp but we may not get the illumination we need at the fifty foot. Fifty foot is pretty far to shoot light. I will look into it. If we have to put in a lamp fixture. The thing is there's a utility pole here. We would probably have to put something on that. You know, that's a Central Hudson utility pole. We would have to use their lamp and I think they just have one trick. They only do it one way. Let me look into that.

MR. WARD: You're putting an ATM machine at night. They could be there at 3 o'clock in the morning. The more light to benefit the --

MR. MEDENBACH: I agree. We definitely need the light. I'm just concerned that if I have to put another pole out here to get the illumination, I don't have anywhere to put it over here.

CHAIRMAN EWASUTYN: Okay.

MR. MEDENBACH: Let me look into that. I know there was lighting on the building. We

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could measure that.

MS. ARENT: That would be great.

CHAIRMAN EWASUTYN: Barry, can they consider restriping the area when the weather is favorable?

MR. MEDENBACH: I don't think that's a problem at all. Just restriping the way it is?

CHAIRMAN EWASUTYN: Yeah. It's a very tight site. The more they can do to tie it all in, make it functional.

At this point, Bryant, you'll need to have copies of the plans so you can submit to the Orange County Planning Department?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: If you'll get copies of the plans to Bryant.

MR. MEDENBACH: The plans the way they exist now?

MR. COCKS: That would be fine.

MR. MEDENBACH: How many copies do you need?

MR. COCKS: Just one.

MR. MEDENBACH: I have one here tonight.

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CHAIRMAN EWASUTYN: I'll move for a motion from the Board to grant conceptual approval for the Bank of America amended site plan.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by John Ward. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. MEDENBACH: Okay. I just have a question for Bryant. On the DEC data, do you want me to get what their website showed for the endangered species?

MR. COCKS: I think that would be fine for this site.

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MR. DONNELLY: It's a Type II.

MR. MEDENBACH: All right. We're done?

CHAIRMAN EWASUTYN: For now anyway.

You have to come back.

MR. MEDENBACH: Thank you very much.

(Time noted: 7:25 p.m.)

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

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

DATED: January 30, 2010

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

- - - - - X
In the Matter of

TARBEN SUBDIVISION
(2004-43)

Revere Road off of North Fostertown Road
Section 6; Block 1; Lots 18, 19, 20, 21, 91 & 110
AR Zone

- - - - - X

NINETEEN-LOT SUBDIVISION

Date: January 7, 2010
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

- - - - - X

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

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TARBEN SUBDIVISION

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MS. HAINES: The next item on our agenda tonight is the Tarben Subdivision. It's a twenty-lot subdivision located on Revere Road off North Fostertown Road, it's in an AR Zone and being represented by Ken Lytle.

MR. LYTLE: Happy new year. Good evening. Since our last meeting we've been working with the Board of Health, received our approval. The minor changes they asked for, I completed those.

We've also raised the money for the road bonds for these to allow us to file the maps.

We're back tonight looking for final approval.

We received the consultants' comments. We believe they're minor technical in nature.

CHAIRMAN EWASUTYN: At this point we'll refer to Bryant Cocks, Planning Consultant.

MR. COCKS: My first comment was just stating they did receive Health Department approval.

Also the bond estimates, as Ken

mentioned, has been approved by the Town Board.

The drainage district has been approved by the Town Board.

They had a public hearing and preliminary approval was granted in December of 2006 and a negative declaration was issued in November of 2006, so that's been addressed.

We have no further planning comments at this time. That was it.

CHAIRMAN EWASUTYN: Ken, this is actually a nineteen-lot subdivision; is that correct?

MR. LYTLE: That's correct.

CHAIRMAN EWASUTYN: For the record, it's a nineteen-lot subdivision.

Pat Hines, Drainage Consultant?

MR. HINES: Our first comment has to do with the concrete curb detail and the fact that I know your bond estimate, you've had conversations with the highway superintendent regarding the asphalt curbs. We're suggesting that that detail be provided if that's what you're going to propose so we know what the asphalt curbs are going to look like, and whoever constructs it

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knows that.

My next one had to do with the drainage district which I'm told is complete.

There are several easements on the site that will need Mike Donnelly's review. They adjoin other properties.

There's a note on the plans that says the storm sewer will be constructed of casted water tight pipe. That a Health Department requirement.

MR. LYTTLE: Yes. One area where the septic is. I think it's 35 feet. That one section they wanted casted.

MR. HINES: Your note says all of it is going to be. I was surprised to see that.

MR. LYTTLE: I'll clarify that.

MR. HINES: It's going to be quite expensive to run casted pipe. If it's just that one area, show that one area. That's why I have the comment.

It will need a SPDES permit, which is a standard condition I know in the resolution.

The catch basins need to show curbing rather than the flat grates you have there.

There's a note on there saying you can only come into the five-foot portion of the catch basin but your design doesn't work that way. Take a look at the catch basins at the entrance drive. It looks like they need to be moved a little bit to the low point.

We're suggesting the pond outlets be labeled. There are two outlets. The only way you can tell is if you look at the inverts. Clean that up.

The 22-inch pipe needs to be modified to something other than 22-inch pipe.

You have chain-link fence shown on there, I know Karen will have that. It should be black vinyl coated on the detention ponds.

We're suggesting the discharge from the large detention pond be moved further into the lot to allow that to return to sheet flow prior to the neighboring property.

Rip rap at the flared end sections at the basins.

A lot of the comments have to do with drainage and are technical. I think they can be cleaned up.

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TARBEN SUBDIVISION

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CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: Just one clean-up item.
Ken, we request if you could add the bulk use
table requirements.

MR. LYTLE: I believe it actually is on
the sheet.

MR. CANFIELD: On the latest submittal?
I didn't see it on what I had today.

MR. LYTLE: Here it is. It's actually
sheet 4.

MR. CANFIELD: It is there?

MR. LYTLE: On the right-hand side.
Yup.

MR. CANFIELD: Thank you.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: Ken, one of the concerns
that I had was the stonewall at the entrance and
then the fence right behind it. Is it possible
to collect the stone and use that as the fence
and raise it up the four feet high and then put
the fence at the end of the stonewall? In other
words, the stonewall would act like the fence.

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TARBEN SUBDIVISION

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MR. LYTTLE: You wouldn't have to have both. I think we have the fence shown about five feet behind the wall. You want me to take the stonewall and move it back to where the fence would be located? Do that on the front two sides instead of doing both?

MS. ARENT: Yeah. Make sure you're not dropping it down low.

MR. LYTTLE: Okay.

MS. ARENT: That would be great.

MR. LYTTLE: On the ends we just put fence around the back side?

MS. ARENT: Yes. Make sure your fence is either wire mesh or ranch style fence, or the black vinyl coated chain link.

MR. LYTTLE: Yes.

MS. ARENT: Show a detail of the stonewall. It does have to be four feet using it to act like a fence.

MR. LYTTLE: Four feet wide, three feet high?

MS. ARENT: Four feet high. It will look really nice. That will probably help you sell all those lots.

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That's it.

Just the landscape cost estimate. I'm sure Mike will talk about whatever notes you need on the plans for the feature.

MR. LYTTLE: Thank you very much.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICYH: Nothing.

MR. FOGARTY: Just a comment. The notes that came along with the plans I thought were helpful because what it did is it took the comments from each one of the consultants and then you addressed them. I like that format. It was helpful for me.

MR. LYTTLE: Helpful for us, too.

CHAIRMAN EWASUTYN: It was helpful for me to call you to tell you to remember --

MR. LYTTLE: It was a move. I understand. Thank you.

MR. FOGARTY: On the front page you have argicultural notes and I was looking for the farm. I don't know if you need the argircultural

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notes.

MR. LYTLE: I think it's in the zone,
that's why we had them on there.

MR. COCKS: It's not in an ag district.
It's in the AR zone. You mean the notes --

MR. LYTLE: I'll take them off. Free
space. Thanks.

MR. FOGARTY: The other one was, I
can't remember if it was page 6.

MR. HINES: The swale.

MR. FOGARTY: The grass-lined swales.
There was a cross section of one and there aren't
any.

MR. HINES: It's under your septic
design chart. There's a swale detail there.

MR. LYTLE: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was just talking about the
blacktop curbs. If anything, just I would prefer
concrete but, you know --

MR. LYTLE: I agree too. I believe
it's the highway superintendent that prefers the
blacktop because it's a repair issue.

MR. WARD: As long as it takes the

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TARBEN SUBDIVISION

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drainage the right way, high enough and the right contour for it.

MR. LYTLE: A question. Will that require going back to the Town Board for the bond? The blacktop would be much cheaper.

CHAIRMAN EWASUTYN: I would think in this market anything to reduce bonding should --

MR. LYTLE: We should revise it and -- bring it to you before we actually revise the maps?

CHAIRMAN EWASUTYN: Do you have Town Board road name approval?

MR. LYTLE: Yes, we do.

CHAIRMAN EWASUTYN: You'll give us something.

MR. LYTLE: I'll give you a copy of that. Thanks. That's fine.

CHAIRMAN EWASUTYN: I'll turn to Mike Donnelly now to discuss with us the resolution, the conditions for final approval.

MR. DONNELLY: First Ken, this past summer the Town Board passed a resolution that allowed, at the applicant's request, the deferral of the landscape security and the fees in lieu of

1 parkland. If you wish to have your client avail
2 himself of that you need to do several things.
3 There is specific notes that have to go on the
4 map. You need to sign an acknowledgement and
5 undertaking and file it with the Town under which
6 your client acknowledges the obligation to pay
7 that. And thirdly, we need to include a
8 condition to that effect in the resolution.

9
10 The first question is do you wish to
11 defer the payment of landscape and parkland fees?

12 MR. LYTLE: I'm going to say yes.

13 MR. DONNELLY: We'll include that
14 condition. Obviously we're going to have to have
15 Pat sign off that the map notes have been added.
16 Bryant can provide you with the information on
17 the acknowledgement.

18 Using the preliminary approval
19 resolution as a guide, we'll start with the
20 requirement under the Health Department approval.
21 There was some discussion about the possibility
22 that some of these changes may require you to
23 amend it or --

24 MR. HINES: We need the plans stamped I
25 understand.

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MR. LYTTLE: By the Board of Health.

MR. HINES: Yes. You're going to have to have that.

MR. DONNELLY: We're going to need that amended approval from the Health Department. I think we can still act because --

MR. HINES: None of my comments affect the septic systems. It should be a procedural --

MR. DONNELLY: The drainage district has been created. That condition goes away. We'll include reference to the requirement of the SPDES permit. The street trees have been shown. I'll leave the road name condition in the resolution as a checklist until the proof is provided. We'll need a common driveway easement and maintenance agreement. There are several driveway access agreements we will refer to in the earlier resolution. There's also a no access provision for lots, I assume the numbering is still the same, 14 and 13 without further approval of the Planning Board. The resolution will tie into the cul-de-sac waiver that was granted by the Town Board. You need to merge the lands of Geicus and Daly through a deed that I'll

1 need to see before the map can be signed. You'll
2 need to mark the clearing limit areas in the
3 field. The subdivision contains more than ten
4 lots and will be bound by the Architectural
5 Review Board conditions contained within the
6 ordinance. You will need to post a landscape
7 security and inspection fee, a stormwater
8 improvement security and inspection fee, Town
9 road security and inspection fee. You'll have
10 offers of dedication that you'll need to deliver.
11 You'll have to pay parkland fees on the deferred
12 basis in the amount of \$38,000.
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14 CHAIRMAN EWASUTYN: Mike, you know
15 better than I so I'll just ask you. On one of
16 the notes they reference that they got a waiver
17 from the Town Board for the road length and it
18 didn't say the cul-de-sac. Does the language
19 matter?

20 MR. DONNELLY: I might as well correct
21 it if that's what it was. Thank you.

22 MR. LYTTLE: Thank you.

23 CHAIRMAN EWASUTYN: Having heard the
24 conditions of approval for the nineteen-lot
25 subdivision for the lands of Tarben, I would move

1 TARBEN SUBDIVISION 45

2 for that motion.

3 MR. FOGARTY: So moved.

4 MR. WARD: Second.

5 CHAIRMAN EWASUTYN: I have a motion by

6 Tom Fogarty. I have a second by John Ward. Any

7 discussion of the motion?

8 (No response.)

9 CHAIRMAN EWASUTYN: I'll move for a

10 roll call vote starting with Frank Galli.

11 MR. GALLI: Aye.

12 MR. BROWNE: Aye.

13 MR. MENNERICH: Aye.

14 MR. PROFACI: Aye.

15 MR. FOGARTY: Aye.

16 MR. WARD: Aye.

17 CHAIRMAN EWASUTYN: Aye. So carried.

18 MR. LYTTLE: Thank you.

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20 (Time noted: 7:37 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: January 30, 2010

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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
- - - - - X
In the Matter of

BALMVILLE ESTATES
(2007-10)

River Road and Susan Drive
Section 43; Block 5; Lot 20.35
R-1 Zone
- - - - - X

SEVEN-LOT SUBDIVISION

Date: January 7, 2010
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
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
DINA HAINES
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE
- - - - - X
MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

MS. HAINES: The last project on tonight is Balmville Estates. It's a seven-lot subdivision located on River Road and Susan Drive. It's in an R-1 zone and being represented by Ken Lytle.

MR. LYTLE: Good evening. It's been awhile since we've been here. We've been working with the Board of Health to get their approval.

We've received the comments from the consultants.

Actually Pat, I have a question for you regarding your comment. You referenced about removing the well on lot number 6. I believe the water lines aren't installed from the Pinnacle subdivision. I believe it actually started at the intersection by -- the Bennett intersection just north of our property and continued up. I don't think anything has been installed in the road in front of us. I think the original plans were that way.

MR. HINES: I'll check. I assumed that that was done per the plan.

MR. LYTLE: Right. From Pinnacle.

MR. HINES: Sorry. I'll check on that.

MR. LYTLE: I'm pretty sure it stops at the intersection of Bennett.

MR. HINES: We'll take a look at that. If in fact that water line is not in service or not there, then the note can remain.

MR. LYTLE: I believe also in Bryant's comments he referenced regarding the parks and recreation, historic. I believe there was a lot to the north.

MR. COCKS: You can submit that to the Planning Board.

MR. LYTLE: I will.

CHAIRMAN EWASUTYN: Okay. Are you ready? Are you finished?

MR. LYTLE: Yes.

CHAIRMAN EWASUTYN: I'll turn to Bryant Cocks, Planning Consultant.

MR. COCKS: We need seals and signatures on the plans for final approval.

We do have a letter from the Health Department saying that the plans look like they're ready to go.

We have a letter from the Town highway department, and I also spoke to them today. He

accepts saving the two large trees and the drainage issues around it.

The applicant has shown the common curb cuts for the driveways on the cul-de-sac that we requested at the last Planning Board meeting.

I said there wasn't a snow storage area but Pat showed me there was a hashed out mark there. It was kind of hard to see. It looks like topography. So that is shown.

Jim Osborne submitted the amounts from the Town Board. I never got approval. I'm assuming it was --

MR. LYTLE: We actually submitted all of them, and we did give you a copy of the approval today.

MR. COCKS: I just saw Jim's letter approving the recommended amount.

MR. LYTLE: It's been approved.

MR. COCKS: The same thing with the parkland and landscape bond. So I'll send you that language. That was all I had.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I have a question for Mike.

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BALMVILLE ESTATES

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When there's a deferral of the landscape bond, I forget whether or not he should submit a cost estimate at this point.

MR. DONNELLY: Yes. It is subject to change.

MS. ARENT: You still have to submit a cost estimate.

MR. LYTLE: Yup.

MS. ARENT: If you could show your tree -- take your tree protection note on sheet 2, take that off and make it big letters "For tree protection see sheet 5," and just make sure that that note is on sheet 5.

MR. LYTLE: Okay.

MS. ARENT: Just make sure you write it in big letters to really alert the excavator. Maybe write that tree protection must be completed before construction begins or something like that. That's it.

MR. LYTLE: I'll submit a copy of it to you for your sign off.

CHAIRMAN EWASUTYN: Let me understand. They waive the landscape bond now but the Town Board approves the bond amount. That's in place,

so if there are no changes price wise in the time it's a requirement then they move forward.

MR. DONNELLY: Right. There's language to say if things change they can up the amount.

MR. LYTTLE: I believe the inspection fee still has to be paid.

MR. DONNELLY: Now.

MS. ARENT: Should the applicant include a ten percent -- I forget what it's called.

MR. HINES: Escalation.

CHAIRMAN EWASUTYN: Jim Osborne, generally in a lot of his reviews, adds a ten percent --

MS. ARENT: Contingency. Perhaps we should do that because we know it's going to change.

CHAIRMAN EWASUTYN: Mike, may I make a suggestion? Have Mike Donnelly speak to Mark Taylor to see what the Town's position is.

MR. DONNELLY: You don't generally include that in your recommendations.

CHAIRMAN EWASUTYN: That way we have an appropriate grounds rather than just pulling

things.

MS. ARENT: Thank you.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: My first comment actually
is where it says curbs should say curb in each
location.

You need to add a catch basin. I don't
know why we didn't pick it up earlier. There's a
bend in that.

We just discussed the well on lot 6.
We'll figure out between now and signing the
plans whether there's a water main in River Road
where it should be.

The pump chambers on lots 3 and 6 look
like they're designed for four bedrooms and
they're three-bedroom designs.

Bonding for the water main is required.

Looking for a detail on the connection
to the catch basin there. I don't know if that's
a precast concrete catch basin or block. If it's
block I don't need the detail. If it's precast
they're going to want it.

An access and maintenance agreement for

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Mike Donnelly.

That's all we have.

CHAIRMAN EWASUTYN: Jerry, do you have
any input on this?

MR. CANFIELD: On the bulk use
requirements, maximum building coverage for an
R-1 zone is ten percent, not fifteen. The plans
show -- the table shows fifteen. It's not an
issue with any of the lots, it's just the bulk
use table itself.

MR. LYTTLE: That's required. Thanks.

CHAIRMAN EWASUTYN: Final comments from
Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing additional.

MR. FOGARTY: One thing. I was happy
to see that some time and effort went into coming
up with a tree preservation plan which is
something I've seen before.

MR. LYTTLE: Thank Karen.

MR. FOGARTY: Good job, Karen.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No more. Beautiful trees there, though.

MR. LYTLE: There are a lot of beautiful trees. A lot of work back and forth. It's going to work out nice.

CHAIRMAN EWASUTYN: Mike, we discussed we are in a position to grant conditional final without having the Board of Health final approval.

MR. DONNELLY: Normally you would have the Health Department approval. You have only a letter. I don't remember whether we've done this in the past, approved it on the letter and not the approval.

MR. LYTLE: I can explain to you why. When we dealt with Old Little Britain we had to go back and have the actual plan resigned. We got the letter from them and then as a couple minor comments and we'll have them sign the plans. It was easier for us.

MR. HINES: I would do it that way. In my office I would encourage that because of exactly the multiple signing of maps.

CHAIRMAN EWASUTYN: What's the action before us now?

MR. HINES: I'm okay with approval.

MR. DONNELLY: Conditional final approval conditioned upon delivery of the written approval of the Department of Health.

MR. HINES: We have a letter saying that the plans are in approveable condition. It's a matter of finally getting them done. It's similar to when you're going to the County to file the maps. Before we have the Planning Board chair people sign them we make sure that the County is going to accept them. If they find one number with a contour line through it they reject them.

CHAIRMAN EWASUTYN: We've been running into more and more of that.

MR. HINES: We send them for preview first to see if they're going to accept them.

CHAIRMAN EWASUTYN: Bryant, should we make that a recommendation to people now?

MR. COCKS: Sure.

CHAIRMAN EWASUTYN: I think maybe we should. It's becoming more commonplace.

MR. HINES: I did it three times on a project once. I had a planning board chairman sign them three times.

MR. DONNELLY: Using the preliminary resolution then, and I'll ask you again does your client wish to defer payment of landscaping and fees in lieu of parkland? You'll need to make the changes to the map note, file the acknowledgement and certification, and I'll include a condition in the resolution. We'll need sign-off letters from Bryant Cocks, Karen, as well as from Pat Hines. Written receipt of Health Department approval. Private roadway easement and maintenance agreement. The same condition that was in the preliminary resolution requiring the grading of the site be accomplished only as infrastructure is installed and houses are constructed. We will need approval of the roadway. We had that on the original resolution. Is that required here?

MR. HINES: This is a private road.

CHAIRMAN EWASUTYN: They still have --

MR. HINES: It has to have a name.

MR. DONNELLY: The name needs to be

approved. Landscape security and inspection fee.
Stormwater security and inspection fee. Water
main extension security and inspection fee.
Private road security and inspection fee.
Parkland fees in the amount of \$14,000.

CHAIRMAN EWASUTYN: Okay.

MR. LYTLE: Very good.

CHAIRMAN EWASUTYN: I'll move for a
motion to grant conditional final approval.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. I have a second by Cliff Browne.
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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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carried.

MR. LYTTLE: Thank you very much.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of January 7th.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Tom Fogarty. 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. FOGARTY: Aye.

MR. WARD: Aye..

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 7:49 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: January 30, 2010