

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

CABRERA SUBDIVISION MODIFICATION
(2018-24)

520 & 522 Fostertown Road
Section 17; Block 2; Lots 31.2 & 31.1
AR Zone

----- X

PUBLIC HEARING

Date: February 7, 2019
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: We'd like to welcome you, good evening, to the Town of Newburgh Planning Board meeting of the 7th of February 2019.

We'll start with a roll call vote.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

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

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

CHAIRMAN EWASUTYN: This evening we have six items on the agenda and one item of Board business. The first item is the Cabrera Subdivision Modification, it's a public hearing, it's located on Fostertown Road, it's in Zone AR. Talcott Engineering, Charles Brown will be representing them.

Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town law on the application of Cabrera amended subdivision, project 2018-24, for an amended subdivision to revise an easement and driveway access. The project is located on Fostertown Road at the intersection of Hinchcliffe Road in the Town of Newburgh, designated on Town tax maps as Section 17, Block 2, Lots 31.2 and 31.3. The project involves the following: amended

1
2 subdivision plan changing the easement area and
3 the driveway location on said map. A public
4 hearing will be held on the 7th day of February
5 2019 at the Town Hall Meeting Room, 1496 Route
6 300, Newburgh, New York at 7 p.m. at which time
7 all interested persons will be given an
8 opportunity to be heard. By order of the Town of
9 Newburgh Planning Board. John P. Ewasutyn,
10 Chairman, Planning Board Town of Newburgh. Dated
11 7 January 2019."

12 CHAIRMAN EWASUTYN: At this point I'd
13 like to turn the meeting over to Mike Donnelly.

14 MR. DONNELLY: The purpose of the
15 public hearing tonight is to hear comments from
16 you, the members of the public, about the
17 project. After Mr. Brown describes the project
18 for the Board and the public, the Chairman will
19 ask those that wish to speak to please raise your
20 hand. We'd ask you to step forward, give us your
21 name, spell it for our stenographer and tell us
22 where you live in relation to the project.

23 Please direct your comments and questions to the
24 Board. If you have a question that can be
25 answered easily either by the applicant's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

engineer or one of the Town's consultants, we will do so.

CHAIRMAN EWASUTYN: Charles.

MR. BROWN: Thank you. These are two existing lots. There was a common driveway easement for both driveways to come in to Fostertown Road, a County highway. The driveway that's shown on the original subdivision for lot 3 came pretty much straight down the hill here, and this is very steep in this area. The builder asked if we could amend this to bring the driveway together and bring it back over here so the grading works better on the driveways.

CHAIRMAN EWASUTYN: If anyone in the audience has any questions, would you please give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Okay. Let the record show that there was no one in the audience that had any questions or comments.

At this point we'll turn the meeting over to Pat Hines.

MR. HINES: We circulated to the Orange County Planning Department. We received a Local

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

determination. They recommended that the shared driveway agreement be filed. I know Mike Donnelly's office has a copy of that.

Also, the County DPW sent a comment letter back in response to the circulation requesting some technical changes to the plans, which should be a condition of approval.

We don't have any other outstanding comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No.

MR. BROWNE: Nothing.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: If there are no questions or comments from the public, then I'll move for someone from the Board to make a motion to close the public hearing.

MR. MENNERICH: So moved.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by John Ward.

I'll turn to Mike Donnelly to give us conditions for approval for the modification of the Cabrera Subdivision.

MR. DONNELLY: Although we issued a negative declaration at the time of the original approval, we did re-notice our lead agency, or re-announce it, at your December meeting. I think we should include in the resolution the reaffirmation of that negative declaration.

The approval is for amended subdivision. The conditions are as follows: First, except as modified in this resolution, all conditions attached to the original approval shall remain. We'll tie into the Orange County Department of Public Works approval and any changes they may make.

Charlie, you told us that the amended common driveway easement and maintenance agreement has been recorded. Will you get me a copy just to make sure that -- you may have but I don't see it in the file.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWN: I don't have a copy with me
but --

MR. DONNELLY: Send it to me tomorrow.

MR. BROWN: -- it doesn't have the
filing date or liber and page.

MR. DONNELLY: If you could get that,
that will be helpful. We'll keep that as a
condition, a checklist.

The resolution will note that there's
no imposition of parkland fees because they were
collected at the time of the original subdivision
approval.

CHAIRMAN EWASUTYN: Any questions or
comments?

(No response.)

CHAIRMAN EWASUTYN: Would someone make
a motion to approve the subdivision modifications
subject to the conditions that were presented by
Planning Board Attorney Mike Donnelly?

MR. DOMINICK: I'll make a motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Dave
Dominick, second by John Ward. Can we have a
roll call vote starting with Stephanie?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CABRERA SUBDIVISION MODIFICATION

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried.

MR. BROWN: Thank you.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

NORTH PLANK ROAD LLC SUBDIVISION
(2019-01)

1785, 1787 & 1789 North Plank Road
Section 14; Block 1; Lots 4.11, 82.1 & 83.2
R-2 Zone

----- X

INITIAL APPEARANCE
SUBDIVISION, LOT LINE & SITE PLAN

Date: February 7, 2019
Time: 7:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: RODNEY BREWER

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The second item of business this evening is North Plank Road LLC Subdivision. It's located on North Plank Road. It's in an R-2 Zone. It's an initial appearance for a subdivision, a lot line and also site plan.

Is Rodney Brewer here this evening?

MR. BREWER: This is my first time doing this, so bear with me.

The whole purpose of what I'm attempting to do is lot 1 and lot 2 is one lot right now and we are zoned to have a business there. This used to be my parents' property and they've since passed. What I'm doing is trying to get a driveway for the house out back which would be landlocked if we were to subdivide it. I didn't really want to turn it into a subdivision. I was attempting to straighten out the lot --

MR. CANFIELD: Would you speak up so the stenographer can hear you?

MR. BREWER: I thought straightening out the lot lines would make it a lot cleaner and try to keep the square footage so we can keep it buildable. Apparently there's a few things I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

overlooked.

We have a couple issues with drifting off into a residential property, which we could probably iron that out.

The existing house which has a lack of a side setback, I bought it that way. I don't know how I would prove that that was approved of back when it was done back in the `70s.

CHAIRMAN EWASUTYN: There's a good benefit for you being here because we're going to work with you to outline what needs to be accomplished and how we can accomplish that. Between Pat Hines, Jerry Canfield and Mike Donnelly we can walk through the steps.

MR. BREWER: Okay.

CHAIRMAN EWASUTYN: Who wants to take the lead?

MR. DONNELLY: Why don't I start with perhaps what might be the easiest issue to explain but maybe not the easiest to solve. This property got a use variance in 1982.

MR. BREWER: And I don't want to lose that.

MR. DONNELLY: Right. The issue isn't

1 that you're going to lose it. It travels with
2 the land. It's whether or not the activities
3 that are currently carried out on the site are
4 protected by that use variance. We looked at the
5 use variance quickly. It made reference to a
6 site plan that was attached to it. It doesn't
7 have a lot of details but it has one significant
8 condition, and that was that the storage of all
9 equipment and vehicles must take place inside the
10 buildings shown on the site plan. It looks like
11 the land that was the subject of the use variance
12 was not the full spread of the parcels you showed
13 there. The question becomes whether what you
14 spread out onto the other parcels is also
15 protected.
16

17 What the Planning Board proposes to do
18 would be to write a letter to the Zoning Board,
19 send them a copy of the existing variance, or
20 they can get it in their files, and ask them to
21 rule on whether or not what you are carrying out
22 on the site is protected by that use variance.
23 If it is not, if you choose to do so, you can
24 apply for a modification to that use variance.
25 In any event, you'd have to follow up the letter

1
2 I would send on behalf of the Board with an
3 application to the Zoning Board and explain your
4 position and have the give and take with them
5 that you need to see whether or not all of what
6 you want to do is still protected by that
7 variance or whether it needs to be amended.

8 MR. BREWER: Yeah, because -- would it
9 help if I was to take lot 4 and eliminate that
10 and put a right-of-way out to the house on lot 2?

11 MR. DONNELLY: I can't tell you. It's
12 really what the Zoning Board decides is
13 permissible. It may be that you can demonstrate
14 that you need to have that use variance expanded.

15 The requirement is you have to show
16 that there is some financial hardship through
17 dollars and cents proof that wouldn't allow you
18 to use this property for any use allowed in the
19 zoning chapter for that district but that this
20 use will return a reasonable return on your
21 investment.

22 I suggest strongly that you have both
23 an engineer or a surveyor, a design professional,
24 and a lawyer that's familiar with the rules of
25 use variances because it's important to you to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

preserve this. I think your money and time would be well invested in putting your best case before the Zoning Board.

MR. BREWER: All right. Any other suggestions? Start there?

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add to Mike Donnelly's --

MR. CANFIELD: No. I think Mike very nicely explained it. We can't go any further. Everything is predicated on what the use of the property is. Like Mike had said, because of the 1982 use variance that was granted, we need the ZBA to determine if what's happening at the site today is still covered and if you still have that protection of that use variance.

MR. BREWER: All right. All right then. I'll get started with that.

MR. HINES: Hold on.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: As you're going to the ZBA for that use variance, because of the subdivision and lot line changes you lose the protections of the preexisting nonconforming bulk requirements.

Lot 1, the existing structure has a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

rear setback issue along the New York State Thruway.

Lot 2, which is the house where you stated you want to get an easement to, becomes a landlocked parcel, and then that's going to have an access by easement issue that will need to be resolved.

Lot 4 has insufficient lot width. Because you're changing those lot lines you lose that protection as well.

So all of these things need to -- the ZBA can, along with the use variance, grant area variances if they determine to see fit.

Lot 3 has a side yard setback of 25.5. It is an existing condition but because of the realignment of the lot lines in the subdivision, it loses that protection.

The house or the business on lot 1 doesn't show any water or sewer facilities. Those need to be indicated on the plans.

As the Board moves through the subdivision and lot line process, the DOT will be an involved agency. They may come back and have some issues with your access. They may not.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

They'll be reviewing this as well.

The Orange County Planning Department will review this and provide their comments.

We will circulate to the New York State Thruway Authority as an adjoining property owner.

There's some mulch or landscape advertising bins towards the Thruway bridge, for lack of a better term, that aren't shown on the map. Those should be depicted on the map.

Any signage should be shown on the plans.

The structure on proposed lot 3 --

MR. BREWER: It's a clear span they move around. We move them as the season changes.

MR. HINES: Information provided on lot 4, which is the mulch lot, the one in between the two houses and the business, so that is a residential parcel. If it wasn't included in the original variance, and I don't think it was because the site plan that I took a quick look at shows the two triangles that tax map 4.11 shows. I don't know that the use on there was ever approved by the ZBA.

MR. BREWER: Lot 4?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: Your proposed lot 4. That may be an issue for the ZBA as well.

Then lot 4 needs to be shown as usable some way with the water and sewer. It's a standalone residential lot right now I believe.

MR. BREWER: Yeah. It was never engineered.

MR. HINES: There's been nothing shown there. Moving forward you should be able to show that it can standalone as a lot. We're changing the lot lines on that lot as well. I don't know if there's an area for a well and septic to function on that lot.

MR. BREWER: All right.

MR. HINES: Let me get back to your first comment. You said all you want to do is provide an easement to the existing house.

MR. BREWER: Yes.

MR. HINES: You're doing a whole bunch of stuff to provide an easement to that house.

MR. BREWER: I didn't think it was going to be --

MR. HINES: You may, and I'll defer to Mike or your own legal counsel to be able to give

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that a private easement and you wouldn't even be standing here before us.

MR. BREWER: I should have done more homework.

MR. HINES: If that's the intent of the whole project. This Board does not get involved in private easement matters.

MR. BREWER: Okay.

MR. DONNELLY: There is a prohibition on a lot obtaining it's access by easement. There is a solution to that, but that would involve the Town Board, and that would be the creation of something called an open development area. So unless you can refigure this in a fashion that gives that lot frontage on the roadway such that it's driveway travels across it's own land to get there, you'd have another complication. I think you really need to sit down with some professionals and figure out how you can accomplish what you want. In any event, I think you're going to face the need of trying to find out whether or not everything that you're doing on the property was allowed by that use variance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BREWER: So basically it would be like a flag lot?

MR. HINES: I have to take back what I said. I missed the proposed addition on the business.

MR. BREWER: That was the other reason.

MR. CANFIELD: That's a huge component of this application. That's actually the issue that requires a site plan, that addition.

MR. BREWER: All right.

CHAIRMAN EWASUTYN: Michael, reasonably speaking, the referral letter to the ZBA which will cover the area variances and the use will be available about when?

MR. DONNELLY: I should be able to get that letter out by Tuesday at the latest.

CHAIRMAN EWASUTYN: You'll get a copy of that.

MR. HINES: We're going to include the area and the use.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Correct.

MR. CANFIELD: We're going to request an interpretation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DONNELLY: I'll put the applicant so desires for a modification of the use variance. If the Zoning Board determines that the activities you're carrying out are not protected by the 1982 use variance, you may want to ask them to enlarge that use variance to now include the activities that are being carried out. As I said, that's something that's going to require what's called dollars and cents proof. You may need an accountant or a real estate appraiser or somebody else in addition to an engineer and a lawyer to help you out.

MR. BREWER: All right.

CHAIRMAN EWASUTYN: So plan by the middle to the end of the week you'll have this guidance letter available.

MR. BREWER: Thank you very much.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

CHADWICK WOODS
(2019-02)

1785, 1787 & 1789 North Plank Road
Section 14; Block 1; Lot 51
RR Zone

----- X

INITIAL APPEARANCE
FIVE-LOT SUBDIVISION

Date: February 7, 2019
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Our third item of business this evening is Chadwick Woods. It's in an RR Zone. Talcott Engineering, Charles Brown is representing the applicant. It's an initial appearance for a five-lot subdivision.

MR. BROWN: Thank you. This is an existing parcel in the RR Zone which is a minimum two-acre lot on Route 32.

The proposal is to cut four two-acre building lots off and leave the balance.

Soil testing out there was pretty thick and very difficult until the leaves fell. We do have some more soil testing to do.

These lots will be accessed through driveways to Route 300.

They're all proposed with wells and septics.

CHAIRMAN EWASUTYN: We'll turn the meeting over to Pat Hines.

MR. HINES: My first comment is not in my comments, but I got a call from Jim Osborne today asking me why there was proposed wells when there's a water line in front of the parcel. I said I don't know the answer to that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWN: Well due to the length of the driveways and the size of the lots. I guess if we have to go with Town water we will.

MR. HINES: You have to go with Town water.

MR. BROWN: Okay.

MR. HINES: That's the indication I have.

My first comment had to do with the width of the roadway. We talked about that at work session and that's no longer an issue.

My second comment has to do with DOT approval and the number of driveways proposed. We talked about it at work session and the Board also identified similar concerns about having the common driveway and the other driveway come out together and then the possibility of a future subdivision of the balance parcel resulting in four, possibly five or six driveway locations.

MR. BROWN: We've actually had Zibby out there. She's a little backed up these days. We actually located these driveways with her present. We'll get something from her for you on that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: I think the Board still may have a concern about it.

MR. DONNELLY: One piece of that, Charlie, is you're going to have multiple driveway cuts but you have other land that has the potential for development in the future that if you continue to use even a series of common driveways we're going to end up with even more. It may be, we're not going to decide it tonight, but in order to avoid that possibility, if you're not inclined now to put in a private road to serve them, that the Board will impose a condition that doesn't allow any further subdivision because we can't continue to allow you to have all those driveways on the State highway just as a matter of safety for our own citizens even if the DOT doesn't cause you a problem. Nobody wants to see you lose the right to develop your land, but if you choose to do it in a fashion that is going to lead to even more driveways, that may be a condition that the Board will have to consider.

MR. BROWN: I will talk to my client about that. Perhaps he'll agree to do this as a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

straight five-lot with no future subdivision and we would show lot 5 as a buildable lot.

MR. DONNELLY: Maybe if you put in a private road you can put the water main down it.

MR. BROWN: We had a problem with the top parcel right smack in the middle.

MR. DONNELLY: I was joking.

MR. HINES: That was my comment 4 as well that we just talked about.

I have comments on well separations which may be mute at this point.

I have numerous comments on the septic systems which can be addressed with additional testing and a review of those soils.

It will need DOT driveway access.

The EAF identifies them as a 15.1 acre parcel while the map says it's 14.9. Just a clean-up item.

The amount of disturbance on each lot should be identified. It's probably going to need -- it is going to need a stormwater SPDES permit for a one to five-acre disturbance residential.

Portions of the property are depicted

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

on the wetland navigator and the wetland check area. We just want to make sure there's not any DEC buffer areas there.

Similarly, the EAF identifies this in the Chadwick Lake critical environmental area. It goes to the road. I don't know which side of the road. I think that we're going to circulate to DEC based on that. It will be a Type 1 action if it is in that critical environmental area. With the scale of the map you can't tell. Just as a checks and balances we'll do that.

Orange County Planning circulation will be required once we get more detailed plans.

There are a couple of additional septic comments that need to be reviewed.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: With the three driveways in one area and one driveway down below, I think you should look into a private road. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I echo John's comments, Charlie.

CHAIRMAN EWASUTYN: Cliff Browne?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: That was a major concern.
The water was taken care of. Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Charlie, if you did go
with a private road could you put it between lot
2 and the lot that's not yours in the middle and
run it up that way and just keep lot 1 on a
separate driveway?

MR. BROWN: Yes. Yes. I could do
that. I left 50 feet there.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Mike, so the motion
at this time is to, and Pat Hines, to declare our
intent for lead agency, circulate to the DOT and
the DEC?

MR. HINES: I almost think we should
wait and see what Charlie comes back with from
his client on the layout.

MR. BROWN: I agree.

CHAIRMAN EWASUTYN: Okay.

MR. BROWN: Thank you.

(Time noted: 7:24 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

MOZO PROPERTIES
(2016-11)

286 North Plank Road
Section 34; Block 2; Lot 55
B Zone

----- X

SITE PLAN

Date: February 7, 2019
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The fourth item of business this evening is Mozo Properties. It's located on North Plank Road in a B Zone. It's represented by Talcott Engineering, Charles Brown. It's a site plan

MR. BROWN: Thank you. Since our last trip before the Board, when we were out in the field we noticed that there seemed to be some sewage effluent entering into this swale by this treeline -- proposed treeline. We did dye test that system and it is failing. We have to design a new septic. We also want to use infiltration if possible for the stormwater, but we haven't been able to do the soil testing required for either one of those.

Other than that, we have the landscaping. He went down over the entire back area. That's not erodible any more. He's already done some of this landscaping up in the front.

That's where we're at.

CHAIRMAN EWASUTYN: Okay. Pat Hines, would you lead the discussion, please?

MR. HINES: Our first comment has to do

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

with the indication that the existing septic system is failing. That was from a comment about connecting the proposed office building to the existing septic. The redesigned septic system will have to be designed to treat the flows from the existing residence as well as the commercial use.

The stormwater management, I see that you provided some details from a proprietary product. We're awaiting the stormwater management plan and report design moving forward.

Compliance with Section 185-30, outdoor storage. We need notes on the maps that identify each of those. It has to do with screening, type of storage, et cetera.

The DOT approval for the commercial driveway access will be required. Details of whatever needs to be done there to meet those should be shown.

Site lighting should be identified on the plans.

The landscaping plans should identify the number and species of the trees that are proposed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Board at work session preferred that a solid fence be provided rather than the landscaping there as a maintenance issue. There was concern --

MR. BROWN: Along here?

MR. HINES: Yeah. There was a concern with plowing snow and impacts to that, long-term viability of that single row of trees to provide screening.

We're recommending a note that the existing stonewall along the westerly portion of the storage yard be labeled as to remain. It provides a definitive boundary for the outdoor storage area as well as it defines the wetland areas in that vicinity.

Details of the proposed gate should be shown on the plans. That will probably be easier now that you're going to use a fence.

We just note for the Board that a 30-inch high dry laid stonewall has been incorporated as a landscape feature.

The sign has been shown and some additional landscaping in that area.

The Board is looking for a more

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

complete submittal prior to being able to send it to DOT and the County Planning addressing stormwater management, the septic system issue on the site, site lighting and landscaping.

MR. BROWN: If the weather holds we should be able to get out there to do the field testing in the next two weeks.

MR. DONNELLY: Charlie, most of these issues aren't new. I think there's some frustration there's not a whole lot of progress being made. I don't mean that on your part. I mean it's just not getting done.

MR. BROWN: We finally got some clear communication lines open between us and the Mozos. Their lawyer sat them down and told them when we call they have to come see us. It's kind of hard to communicate with them over the phone. That's the way it's set up now, we call them, they come into the office and I explain to them right on the map.

I want to get this out of my office too.

Again, within the next two weeks we should have soil testing done, the septic design

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and the answers on the stormwater.

MR. HINES: The Board also at work session discussed a detail for the storage bins, a height with material. There's that height requirement in the outdoor storage code.

CHAIRMAN EWASUTYN: What is the height in the code?

MR. HINES: Eight feet. It can't be higher than the screening.

MR. DONNELLY: It has to be screened.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing additional.

MR. HINES: I want to say the opaque barrier has to be at least eight feet, at least eight feet, and the storage can not be higher than that.

MR. DONNELLY: Section 185-30 has the requirements for outdoor storage.

MR. HINES: I think eight feet is the maximum height of the fence as well. So it's eight feet.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DONNELLY: It can't be closer than ten feet to any side or rear line. There's a bunch of requirements. You'll have to go through them.

MR. BROWN: Okay.

MR. HINES: We're looking for those to be put on the map as notes for compliance.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: With the fencing, if you could have lattice to screen it.

MR. BROWN: Yeah.

MR. WARD: With the gate, too. This way it hides the back.

MR. BROWN: Okay.

MR. WARD: At the same time, with all the landscaping stuff and everything else, it's for supplying their landscapers, not for sale, like retail?

MR. BROWN: No. They are landscapers. That's what they do.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: Cliff?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BROWNE: No. It's all been covered.

CHAIRMAN EWASUTYN: My only question is there had been once a drainage pipe on the property that's no longer there.

MR. BROWN: Correct.

CHAIRMAN EWASUTYN: Why wouldn't you show drainage pipe on the new proposal? The new trucks advertise excavation.

MR. BROWN: He has an excavator now.

CHAIRMAN EWASUTYN: I would assume that it would benefit --

MR. BROWN: Right.

CHAIRMAN EWASUTYN: -- to show that use on the lot. That's my only question.

Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No questions.

MR. BROWN: Thank you.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

POLO CLUB
(2018-12)

Route 300 & Jeanne Drive
Section 39; Block 1; Lots 1 & 2.12
R-3 Zone

----- X

SITE PLAN

Date: February 7, 2019
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAYNE WEINBERG

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Our fifth item of business is the Polo Club. It's located on Route 300 and Jeanne Drive, it's zoned R-3 and it's being represented by Engineering & Surveying Properties. It's a site plan.

MS. WEINBERG: My name is Jayne Weinberg, I'm in for Ross Winglovitz. I'm the attorney for the applicant. I'm here with Mike Puzio from Engineering Properties and the applicant, David Weinberg.

We were before you in December with the plan, which has been slightly modified since last you saw it.

There was a building, another sixteen-unit building in the center here that we removed. We haven't changed the unit count. What they did was they took those sixteen units and put four in each of these four buildings. The way they did that was the grade here drops off significantly, so they're proposing to have a two-story building from the front, three from the back on each of these four buildings. It reduces our impervious surface and makes this a much more open field. So now we have fifteen buildings

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

instead of sixteen.

In addition to the plan modification, in early January we met with the supervisor and the town attorney to discuss the sewage treatment plant and the senior housing component to the project. The supervisor -- well, the town attorney was telling us about the sewage treatment plant and some of the standards they were talking about. They are willing to allow us to move forward as a single user with a single owner and not form a transportation corporation. So both the town attorney and DEC have indicated that that would be acceptable.

After that meeting the engineers and the project owner met with Jim Osborne. They are working through the standards for the sewage treatment plant, and with the plant designers, to make sure we can meet those standards. That's ongoing.

We also talked with the supervisor and the town attorney about the senior housing component. Mark Taylor indicated that they're waiting for a referral from this Board to them so that they can consider our application for a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

density bonus. As Pat Hines pointed out in his comments, the Town Board can't make their determination until you complete SEQRA, but they can, after hearing our application and seeing our documentation, send you a letter, if it's appropriate, indicating that it's okay for you to proceed with the design as indicated.

CHAIRMAN EWASUTYN: Thank you, Jayne.

At this point we'll turn to Pat Hines.

MR. HINES: I concur with everything the applicant's attorney said. I'm aware of the meetings with the Town.

Several outstanding items are identified in the response plan. There's a wetland determination outstanding from the Army Corp of Engineers, the revised traffic report, the stormwater report, the sewer system design, water system design. This is a sketch plan at this point. Those items still need to be submitted moving forward.

I requested that they dimension the distance between several of the buildings that are identified. The Town has a code requirement regarding distance to buildings as it relates to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the building height. Those should be labeled on the plan.

If the buildings are proposed to have decks they should be shown now. We've had issues with multi-family dwellings being shown as rectangles on the map, that when they have architectural design they have decks that cause encroachment issues. We do want to see the footprint as the plans move forward.

The applicant's representative has provided a matrix for the SEQRA consistency document for the Board to review moving forward. It identifies the original approved components of the project versus the currently proposed project, including parking, impervious surface, water use, number of bedrooms. So the Board has that for their use moving forward.

We did, at the last meeting that they were here, authorized circulation for lead agency. My office will do that now based upon the revised plans. We'll send those out to keep the SEQRA process moving.

The bonus density for seniors needs to be referred to the Town Board as was mentioned.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I think this plan has appropriate detail to begin that process, if the Board wishes, to refer it to the Town Board for their initial review.

An emergency access drive has been proposed out to the State highway, and sidewalks have been proposed on the plan based on conversations at the last meeting.

The bus stop/gazebo structure has also been shown out by the State highway.

As the plans move forward the Board is going to want to see construction phasing plans showing how the project will be constructed so that the building department and the field review personnel know what's going to be constructed when and how COs can be issued for each building.

We'll review the project further once we get the detailed plans.

I think the Board's action tonight would be possibly a referral to the Town Board for their initial review.

CHAIRMAN EWASUTYN: Did you also say to recirculate?

MR. HINES: You approved that last time. Now that we have the revised plans, I'll

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POLO CLUB

47

make sure that gets done.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: The applicant's representative has met with the jurisdictional fire department. As Ross Winglovitz' documentation indicates, the items that they had discussed, there are some fire department recommendations on the plan. It should be noted that the jurisdictional fire department has approved and signed off on the emergency access.

CHAIRMAN EWASUTYN: Okay. John Ward?

MR. WARD: Two things. With the two buildings you said you moved down on the bottom, you said the third floor. Is it like a basement, like low?

MS. WEINBERG: So if you can imagine, there's eight units on the first floor, eight units on the second floor, and then four units. You could call it a basement but it's above ground on one side.

MR. WARD: How do they get access?

MS. WEINBERG: So if you go -- the little entrance area is here. If you walked in here, there's a hallway in the middle here on the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

first floor to access the apartments, there's a staircase upstairs with a hallway through the center where you would access and a staircase downstairs where the hallway would access to four apartments instead of eight.

MR. WARD: Is there any -- how would you put it -- exit for any of those apartments down below to go out? God forbid there's a fire or something.

MS. WEINBERG: We would have to build that in.

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

MS. WEINBERG: Okay.

MR. WARD: At the same time, with the fire access with the gazebo, I think we were talking about a walkway somehow. A sidewalk or something. Is that included?

MR. HINES: They provided that.

MS. WEINBERG: A sidewalk has been included here. So the sidewalk runs down here, there is a crossing here, the sidewalk runs along this area here, right out to the road.

MR. WARD: Thank you very much.

CHAIRMAN EWASUTYN: Dave Dominick?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. DOMINICK: Jayne, thank you for taking care of that sidewalk that we discussed at the last meeting. It just makes sense running it the entire width.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I don't have anything additional. I thank God for bringing up that issue with the basement units.

CHAIRMAN EWASUTYN: Jayne, can you make it a point of contacting Rob Petrillo, he's the commissioner of Parks & Recreation, about possibly showing an area for the Dial-A-Bus to pick up seniors?

MS. WEINBERG: Okay. Certainly.

CHAIRMAN EWASUTYN: That's my only comment.

MR. MENNERICH: The sewer treatment plant, will you be able to provide some sort of architectural view of what that will look like or pictures?

MS. WEINBERG: Certainly. Once the plan is designed we'll present that all to you.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Stephanie?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. DeLUCA: No questions at this time.

CHAIRMAN EWASUTYN: Michael, you'll
prepare a letter?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Michael, would you
state for the record what you'll be preparing?

MR. DONNELLY: It's a letter to the
Town Board referring it for consideration of the
senior density bonus. Of course they won't rule
on it until SEQRA is closed out but they can
begin to look at it.

CHAIRMAN EWASUTYN: Is that
satisfactory?

MS. WEINBERG: Perfect. Thank you.

CHAIRMAN EWASUTYN: Anything else?

MS. WEINBERG: Thank you.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

11 OLD BALMVILLE ROAD

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

----- X

In the Matter of

11 OLD BALMVILLE ROAD
(2018-18)

11 Old Balmville Road
Section 84; Block 5; Lot 26
04 Zone

----- X

AMENDED SITE PLAN

Date: February 7, 2019
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The sixth and last item of business this evening is 11 Old Balmville Road. It's located in an 04 Zone, it's an amended a site plan. Jason Pitingaro is representing the applicant.

MR. PITINGARO: Good evening. I'm Jason Pitingaro from Pitingaro & Doetsch Consulting Engineers. We're here, as the Chairman mentioned, representing 11 Old Balmville Road.

It's a site plan for the existing -- prior Jones Home that existed on the site. The applicant has been before the Board twice before, last in December.

We're proposing to renovate the space and turn it into office use space. The primary use will be the occupant of their own company. Going forward there will be some other occupancy of the building as well.

The site was entered into the Overlay District to allow the office use in this area by the Town Board in the fall of 2018. We've been working with the Board to get the site plan in order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

At the last meeting there were a number of comments, engineering items that were outstanding and some landscaping items were outstanding, and some comments from the Board's traffic consultant as well. We've addressed all the traffic comments at this point. We've addressed the majority of the engineering items. There are a couple of minor things regarding the stormwater.

We've since provided a lighting plan and amended the landscaping plan. There are some items that still need to be addressed on the landscape plan. Our goal is in the next few weeks, as the weather permits, to meet with Karen out there. I think that will be the best way to address those items going forward.

At this point, if the Board has any questions, we would be interested in hearing those.

CHAIRMAN EWASUTYN: We'll start with Pat Hines.

MR. HINES: It's been determined the existing site utilities, water and sewer, will remain. There are no changes to those.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We do, as the applicant's representative said, have some technical comments on the stormwater management plan. There's some details that need to be cleaned up as well. The stormwater narrative report can be revised also.

I think at this point we would recommend the project be submitted to Orange County Planning and a public hearing, if the Board desired, could be held at a future date.

We would recommend a negative declaration for the redevelopment of the site.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I had one question. In reference to the handicap parking in the back, do you have the building, like ramping and all for handicap access?

MR. PITINGARO: So there will be ramps in this area of sidewalk here, and those will be designed in accordance with ADA accessibility. There's also a couple -- actually three handicap spaces -- two handicap spaces and an additional space here and an existing ramp that comes into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the building for the front area as well.

MR. WARD: Thank you.

MR. DOMINICK: No questions.

MR. BROWNE: Nothing more.

MR. MENNERICH: On Pat's comment on the fencing for the wooded area, we're suggesting using the four-foot high vinyl fence. Is that acceptable?

MR. PITINGARO: Yeah. I believe that will be acceptable. So you want a chain-link fence with vinyl inserts or a chain-link fence with vinyl coating?

MR. HINES: Not the inserts. Typically the Board prefers the black vinyl coated chain-link fence. They've also had split rail fence with the black vinyl coated chain-link put in there. We'll leave that decision to you. They're looking for something more aesthetic than the detail proposes right now.

MR. PITINGARO: Sure.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No. You covered it.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to add?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

11 OLD BALMVILLE ROAD

57

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Will someone make a motion to declare a negative declaration, circulate to the Orange County Planning Department and to schedule the 21st of March for a public hearing?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Dave Dominick. Could I have a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Jason, you'll work with Pat Hines as far as the mailing list, and he'll give you the details of that.

MR. PITINGARO: Certainly. Thank you.
Good night.

(Time noted: 7:46 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

DICKINSON
(2018-22)

Discussion - Open Development Agreement

----- X

BOARD BUSINESS

Date: February 7, 2019
Time: 7:46 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DICKINSON

60

CHAIRMAN EWASUTYN: The last item is a Board Business item. It is the Dickinson open development.

I'll turn this over to Mike Donnelly.

MR. DONNELLY: An application was made to create an open development area for this land. You had given a report recommending favorably to the Town Board. Mark Taylor then contacted me and questioned whether or not the owners of the land involved had the right to use Tarben Way. Tarben Way is a street that has been offered for dedication but not accepted. He wanted to know on behalf of the Town Board whether or not you were aware of the status of Tarben Way and whether that would change your recommendation.

I did some follow up and recently we got a letter from a title company certifying that yes, in fact the owners of the land to which the open development area is sought do have the right to use Tarben Way.

So if you'd like, I will write back to the Town Board telling them that while we may not have been aware of the question of whether that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DICKINSON

61

right existed, we are now aware of it and we stand by the recommendation for creation of the open development area. If you have other concerns, I can include those in the letter.

CHAIRMAN EWASUTYN: Pat, do you have anything to add to this?

MR. HINES: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: John Ward, any questions?

MR. WARD: No.

MR. DOMINICK: No.

MR. BROWNE: I'm good.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Then would someone make a motion to authorize Mike Donnelly to prepare a letter and send it to the Town Board, Mark Taylor, as far as the open development agreement for Dickinson?

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Second by Cliff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DICKINSON

62

Browne, motion by Ken Mennerich. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Okay. The last item of business this evening is a motion to close the Planning Board meeting of the 7th of February.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward, second by Dave Dominick. Can I have a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:50 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February 2019.

Michelle Conero

MICHELLE CONERO