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

----- X
In the Matter of

LANDS OF TUTTLE & CONROY
(2008-12)
West side of Sloan Road
Section 43; Block 5; Lot 2.22
Section 44; Block 3; Lot 1.2
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: May 15, 2008
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
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: WILLIAM HILDRETH

----- X

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

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MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of May 15, 2008.

At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Court Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance, Fire Inspector.

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

MR. GARLING: Ed Garling, Garling

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Associates, Consulting Planners.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

(Pledge of Allegiance.)

MR. PROFACI: Please turn off all cell phones and pagers.

MS. HAINES: The first item of business we have tonight is the lands of Tuttle and Conroy. It's a public hearing for a two-lot subdivision located on the west side of Sloan Road. It's being represented by Bill Hildreth.

I'll ask Mr. Mennerich to 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 and to the Municipal Code of the Town of Newburgh, Chapter 185-57, Section K on the application of lands of Thomas and Jennifer Conroy and lands of James and Michelle Tuttle for

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a two-lot subdivision approval allowing the adjustment of a lot line between two adjoining property owners listed above on premises 23 Sloan Road and 27 Sloan Road in the Town of Newburgh, designated on Town tax map as Section 44; Block 3, Lot 1.2 and Section 43; Block 5; Lot 2.22. Said hearing will be held on the 15th day of May at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interest persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated April 21, 2008."

MR. GALLI: The notice of hearing was published in The Sentinel on May 9, 2008 and The Mid-Hudson Times on May 7th. The applicant's representative sent out five registered letters, five were returned. The publications and the mailings are all in order.

MS. HAINES: Thank you.

MR. HILDRETH: Good evening. My name is Bill Hildreth, I'm the land surveyor that prepared this plan.

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As was stated in the notice, this is just a lot line adjustment between two existing single-family residential lots on Sloan Road, the west side of Sloan Road about 1300 feet north of River Road in an R-3 Zone.

The transferred parcel consists of a strip that runs from the road in a westerly direction along the existing boundary about 25 feet wide. It's going to be taken from the Tuttle parcel and added to the Conroy parcel.

Both lots will conform to current zoning bulk regulations once that lot line change is effected. And there are -- both lots are served by Town water and septic systems on the property. There's no improvements proposed or required as part of this action.

A couple of comments from last meeting. I can address them now or wait for the public comment.

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to the public for your comments.

(No response.)

CHAIRMAN EWASUTYN: All right, Bill.

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Why don't you continue addressing the comments.

MR. HILDRETH: One of the items from the last meeting was Conroy, the sanitary system. It's located in the front yard between the stonewall and the road and on the south side of the driveway. Beyond that I don't have any as-built information, but the final plans were submitted. I can designate an area that's approximate, the septic system area.

And I'm also going to add the prior lot areas to each lot. That was a comment that Pat Hines had.

CHAIRMAN EWASUTYN: Okay.

MR. HILDRETH: That's all.

CHAIRMAN EWASUTYN: Any additional comments from our consultants. Pat Hines?

MR. HINES: I have no additional comments.

CHAIRMAN EWASUTYN: Ed Garling?

MR. GARLING: No further comments.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: No comments.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: No comments.

LANDS OF TUTTLE & CONROY

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CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: One more time, is there anyone here from the public who has any comments or questions?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for the lands of Tuttle and Conroy.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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Mike Donnelly, would you give us the conditions for approval?

MR. DONNELLY: This is a subdivision approval but it will carry the single condition that you normally have in your lot line resolutions, and that is that the map to be filed show the metes and bounds description of the acreage computation for the parcels, and that will authorize the conveyance of that parcel.

CHAIRMAN EWASUTYN: I have a question for you. Since this is new and it's the first application and we do list it as being a two-lot subdivision, strictly a question, is there a rec fee associated with this?

MR. DONNELLY: No, because they're both existing parcels.

MR. HILDRETH: There's no new lot being created.

CHAIRMAN EWASUTYN: Thank you. I know you don't want any more surprises.

MR. HILDRETH: Do you have at least one more for me?

CHAIRMAN EWASUTYN: Having heard the conditions for the two-lot subdivision for the

LANDS OF TUTTLE & CONROY

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lands of Tuttle and Conroy, I'll move for that motion.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself aye. So carried.

MR. HILDRETH: Thank you very much.

(Time noted: 7:07 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: May 27, 2008

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

----- X
In the Matter of

LAXMI PROPOSED DUNKIN DONUTS
(2006-23)
5277 Route 9W
Section 40; Block 2; Lot 20
B Zone

----- X

SITE PLAN

Date: May 15, 2008
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JIM GILLESPIE
----- X

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MS. HAINES: The next item of business is Laxmi proposed Dunkin Donuts. It's a site plan located at 5277 Route 9W in a B Zone. It's being represented by Jim Gillespie.

MR. GILLESPIE: Good evening. Jim Gillespie from Bohler Engineering. I just want to go over a couple of the changes here we made since the last time we met. Some of the things we've submitted in our last submission and addressed some of the comments that we've recently received.

We've submitted the DOT approval letter.

We submitted the SPDES permit.

Some of the changes we've made to the plan and the details that we submitted are as follows: It was requested that we add a monument-style sign. We've included a monument sign in the same location that was previously proposed, and we've added a detail showing that type sign. All signs have been proposed as externally illuminated as required.

Karen had requested we provide some wall samples for the small Versa-Lock wall in the

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back of the site. I've got some samples I'll bring over to you in a minute. You can check those out.

There were some other comments about the slope in the back, as far as stabilizing the slope. Just to give you a little history of what we've done here, as requested we submitted a soil sample to Cornell Laboratories. They came back with some recommendations on fertilization. We've included those recommendations in our plan. We've proposed on the lower portion of the slope that's going to be disturbed a slope stabilization mat, some topsoil and seeding. And on the upper slope, per Karen's recommendations we're going to propose a Coco-Flex treatment which is coupled with hydroseeding which provides some additional stabilization. So during the hydroseeding process there will be fertilization mixed in in the first pass and then the Coco-Flex slope stabilization is mixed in with the hydroseed application to provide some additional stabilization.

What we don't want to do here -- one of the reasons we moved this whole site forward was

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2 to get away from the banks so we're not
3 disturbing it. It's obviously been disturbed in
4 the past. There's some vegetation growing on it.
5 It's growing slowly. Our intent here is to, you
6 know, expedite that growth of vegetation. Karen
7 had mentioned we might want to try a different
8 seed mix. We're certainly willing to work with
9 her on what she would recommend for the seed mix.
10 There are some organics in the soil. I don't
11 think it makes sense to topsoil the whole thing.
12 I think that that might cause -- I can't see the
13 topsoil -- it's probably going to slide down the
14 bank. We just would rather assist in getting
15 that vegetation going, assist in stabilizing it,
16 not disturb the bank any further than it's
17 already been disturbed. So that's what we'd like
18 to try at the initial stage of this.

19 There was another comment regarding the
20 26 -- the aisle that surrounds the building. We
21 confirmed with the building department that the
22 24 is acceptable, it doesn't have to go to 26.
23 26 kicks into place per the new Code if it's a
24 building over 30 feet I believe, and if there's
25 hydrants on the site.

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And I did bring -- I know we have to go through the architectural review process. We're not looking to get any architectural approvals tonight. I did bring a black and white if you guys care to see that. I think we're on the right track with Karen.

The applicant has requested that we ask for a workshop with you to go over the colors. I don't know if that's something you set up at this meeting. We'd certainly like to do that so when we do file our application we get it right the first time.

We don't have a colored rendering but we're going down the gable roof style building path. I don't know if you've seen the latest one, Karen. You probably have. It's a little more residential type look. I heard a lot of oohs and ahhs the last time I presented something, so hopefully this looks a little better to you guys than the last one.

That's pretty much it. We're ready to get a vote tonight, an approval, and hopefully we can achieve that tonight.

CHAIRMAN EWASUTYN: Pat, we had

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discussed at work session the success that the applicant had with receiving sign offs and approvals from the involved agencies. Do you want to bring us along on that?

MR. HINES: Yes. As the applicant's representative stated, the SPDES permit has been issued for the discharge of the -- surface discharge of the treated sewage effluent from the site.

DOT has issued an acceptance letter for the access roadways as well as the acceptance of the drainage from the site.

We have received a point-by-point response from Bohler Engineering regarding our outstanding comments which addressed each and every one of them. So the majority of our comments are addressed on the plans or have been addressed in narrative form which was acceptable.

Any approvals should be conditioned on receipt of a DEC permit to construct. He has a sanitary sewer disposal system. I explained how the system works with the buried sand filter and the discharge, so the Board is aware of that.

With those changes the plans are much

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improved and we have, with the exception of those outstanding comments and the payment of the securities, have no additional comments.

CHAIRMAN EWASUTYN: Ed Garling for Bryant Cocks?

MR. GARLING: The signage was provided and that was adequate. It meets the design guidelines.

We had a question about the building prior to the meeting. Now that we've seen this, I understand that Karen had taken a look at something like that, and we think this might work.

The only question we'll have, if we could discuss that at work session, would be the hiding of the utilities on the roof, whether that will be screened properly.

The other issue was the lighting. I think with a building like this we would be looking for a more appropriate lighting that would be somewhat more similar to the building or any lighting that you might have on the building rather than the standard lighting.

The architectural review could be done

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at another meeting.

We had discussed this recently and we have no other problems or questions. I think Karen's issues will be the primary ones tonight.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield, there was a discussion of the 24 foot width on the site. Will that work as far as the Codes?

MR. CANFIELD: Yes. We had discussed that at the work session. The road access as proposed does comply with the fire code. 24 feet in this scenario is acceptable.

CHAIRMAN EWASUTYN: Ken Wersted isn't present this evening. We received a comment from him. As mentioned, he would like for us to consider an access easement to the adjoining properties. I'll go on record.

MR. DONNELLY: Is that anything that presents a difficulty to you?

MR. GILLESPIE: I think we discussed it briefly at the last meeting. The only -- we didn't want to really give a blanket cross easement at this time. The applicant is willing to consider that if one of these property owners

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2 came to the Town with an application, but he
3 would certainly like the opportunity to review,
4 you know, what that use would be and if it would
5 cause any adverse impacts on the site. And then,
6 you know, we had discussed that there's nothing
7 that would prohibit that. You know, there would
8 certainly -- we're not proposing anything that
9 wouldn't allow it, we just didn't want to give a
10 blanket cross easement without --

11 MR. DONNELLY: I don't think that's
12 unfair. We can recite within the resolution the
13 applicant's willingness to consider, upon
14 application by an adjoining property owner, a
15 satisfactory cross easement for access purposes.

16 CHAIRMAN EWASUTYN: Can we have a note
17 on the map to that effect also?

18 MR. DONNELLY: Sure. I don't think
19 it's any problem whether it's in the resolution
20 and added to the map as well.

21 CHAIRMAN EWASUTYN: Karen Arent,
22 Landscape Architect?

23 MS. ARENT: The one issue is the slope
24 and getting some organic matter on the slope. I
25 was thinking that perhaps something could be

1
2 blown on the slope to get a little bit of organic
3 matter. I know on the Cornell soil tests they
4 don't put that as a recommendation ever even
5 though there's no organic matter in the soils and
6 they do recommend it at all their talks. In
7 fact, I've called Cornell about that and asked
8 them why if there's no organic matter in the soil
9 you're recommending it at all your seminars that
10 you're not recommending it on their soil test
11 analysis. They agreed with me they should be
12 recommending it but they're not. So I think that
13 it's important to get some kind of organic matter
14 on the slope. We don't want you driving up and
15 down with a machine. In fact, it's probably
16 dangerous for the operator. So if you can
17 investigate maybe getting two inches blown on
18 with some kind of like a mulch blower or
19 something like that.

20 MR. GILLESPIE: Okay.

21 MS. ARENT: Even a hydroseeder. I
22 don't know.

23 MR. GILLESPIE: It might be able to be
24 done as part of that process.

25 MS. ARENT: I'm not really sure of the

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technique but it would be important. From everything I've learned it's very important to have organic matter on the slope. It appears there's hardly any existing.

You are correct that the entrance, exit signs are illuminated. I made a mistake with that comment. One thing, they are not included in your signage calculations and they are advertising signs because they have your logo and your name, the Dunkin Donuts on them. They have to be included on the signage table, which means you would be over the allowable signage on the site. Either they're removed or they're -- we have to go for a variance.

We were just -- I was asking for a color of the block wall. You didn't need to bring a whole sample in, just to label that on your plan.

MR. GILLESPIE: Well would you like to see them?

MS. ARENT: Since you brought them in, might as well.

MR. GILLESPIE: Is it just the wording of the directional signs or -- I mean is there a

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2 leeway there?
3 MS. ARENT: You can't have any Dunkin
4 Donut references. It has to say exit, entrance.
5 MR. GILLESPIE: What about a coffee
6 cup?
7 MS. ARENT: A coffee cup is the same.
8 MR. GILLESPIE: Come on.
9 MS. ARENT: You want to show the Board,
10 too. We were just looking for something natural.
11 MR. GILLESPIE: I mean they're all
12 looking pretty natural.
13 MS. ARENT: Not that one.
14 MR. GILLESPIE: That one does look
15 terrible, I agree.
16 MS. ARENT: I've seen that, that's
17 horrible.
18 MR. GILLESPIE: How about an orange and
19 pink?
20 MS. ARENT: The grays, you don't get --
21 you can mix these two together, it might be nice,
22 or just do one.
23 MR. GILLESPIE: Okay. Anything but
24 this one?
25 MS. ARENT: That one is red and black.

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2 MR. GILLESPIE: Does anybody have any
3 preference?
4 MR. PROFACI: Which one did she not
5 like?
6 MR. GILLESPIE: This one.
7 MS. ARENT: You have to see that in
8 person.
9 Just label the colors on the drawing.
10 MR. GILLESPIE: Okay.
11 MS. ARENT: Thank you. And then we
12 also talked at work session, if you could just
13 give in your landscape cost estimate -- break
14 that lump sum out a little bit for the erosion
15 control --
16 MR. GILLESPIE: Okay.
17 MS. ARENT: -- on the slope so that --
18 MR. GILLESPIE: Actually, it might be a
19 little high. I dove into it.
20 MS. ARENT: Include putting the compost
21 on, too.
22 MR. GILLESPIE: That might bring it up.
23 MS. ARENT: We also talked about making
24 sure that that's seeded exactly the correct way.
25 So you have to put the limitations on the drawing

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about when it can be seeded.

MR. GILLESPIE: Okay.

MS. ARENT: And Pat mentioned it's important for that slope to be stabilized before you put in your sand filter --

MR. GILLESPIE: Oh, absolutely.

MS. ARENT: -- because that sand filter is very expensive and you wouldn't want -- make a note on the drawing and make it clear to everybody that that has to be done first.

MR. GILLESPIE: Okay.

MS. ARENT: And then we also spoke about a possible field inspection of the installation of the organic matter. If you could put a note on the drawing in reference to that, too.

That's it. If you need -- I can make you a list of the notes that aren't on my -- I can make a list of the notes that aren't in my comment letter that we spoke about during work session so you have a copy.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Karen, on the one-way signs

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in and out, are they DOT signs or Dunkin Donuts?

MS. ARENT: They're Dunkin Donuts.
They actually say Dunkin Donuts in, Dunkin Donuts out.

MR. GALLI: If they were the DOT signs they wouldn't be part --

MR. HINES: There are going to be DOT signs required.

MR. GALLI: Double signage.

MR. HINES: They're required. Do not enter and one-way signs.

MR. GALLI: I mean they're showing the proposed signage. Where would the other sign go?

MR. HINES: There are details I saw from Ken's comments. There are details on the plans showing the DOT signs. I don't know where the ones Karen is referencing are.

MS. ARENT: I can show you. Do you want me to show you what they look like?

MR. GALLI: No, that's okay.

MS. ARENT: They're right at the entrance. They're on page 9.

MR. GALLI: So if they decide to keep those signs they have to go to the Zoning Board?

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MS. ARENT: Right. Or just say in, out or exit, entrance.

MR. GALLI: And if they have to go to the Zoning Board we can't do anything until they come back from the Zoning Board. Is that correct?

MR. DONNELLY: We can put a note on the site plan, which you've done at times, that says this approval shall not constitute an approval of the signs shown on the plan which have to be approved by the Building Department and, if necessary, by the Zoning Board.

MR. GALLI: Okay.

MR. GILLESPIE: So it would be an option to reduce the monument sign on -- we just need to include those in the count? In other words, if we reduce the monument sign to allow for those --

MS. ARENT: Entrance and exit signs are allowed.

MR. GARLING: They have to be included in the count.

MS. ARENT: Yes. That's an option.

MR. GALLI: Nothing additional, John.

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2 CHAIRMAN EWASUTYN: Ken Mennerich?
3 MR. MENNERICH: Karen, in work session
4 wasn't there something about changing the
5 stonewall --
6 MS. ARENT: Yes.
7 MR. MENNERICH: -- to come into the
8 monument --
9 MS. ARENT: We were talking about if
10 it's possible to just make a stonewall base for
11 your monument sign. Carry the stonewall around
12 the front and have a nice stonewall base for your
13 monument sign. You know how you've shown brick
14 here. If it was just stones to carry around.
15 MR. GILLESPIE: You've got to do that
16 whole stonewall anyway.
17 MS. ARENT: It might be less.
18 MR. GILLESPIE: That's fine.
19 MS. ARENT: I'll put that on there.
20 CHAIRMAN EWASUTYN: Anything else?
21 MR. MENNERICH: No.
22 CHAIRMAN EWASUTYN: Joe Profaci?
23 MR. PROFACI: At work session we also
24 were curious to know about the cooler and what
25 that's -- what the material is on the outside of

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the cooler.

MR. GILLESPIE: Based on this -- it's not a very detailed elevation. It looks like they're intending to use the same material as on the building, but again --

MS. ARENT: It's not shown. I wrote -- that was one of my comments, the materials need to be labeled for the cooler. The two comments I had on that were the materials for the cooler need to be labeled, because it's highly visible, and they need to show the mechanical units on the roof to make sure they're screened.

MR. GILLESPIE: Yup.

MS. ARENT: Otherwise it's a very nice elevation.

CHAIRMAN EWASUTYN: When will you be ready to submit your ARB so we can consider sending it for a consultants' work session?

MR. GILLESPIE: Well they wanted to do the work session prior. Is that -- can they do that?

CHAIRMAN EWASUTYN: In other words, Ed Garling, what's the next available date for the work session?

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MR. GARLING: The 27th.

CHAIRMAN EWASUTYN: Will you have plans available?

MR. GILLESPIE: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to set Laxmi up for a consultants' work session to review the ARB.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike, I guess approval of the light pole fixtures which are undecided right now we'll hold off as far as ARB.

MR. DONNELLY: It's part of ARB.

CHAIRMAN EWASUTYN: Recommendations from our consultants now as far as site plan

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2 approval. Jerry Canfield?
3 MR. CANFIELD: I have nothing
4 outstanding.
5 CHAIRMAN EWASUTYN: Pat Hines?
6 MR. HINES: I'm fine with that with
7 just the condition that the DEC permit to
8 construct is an outstanding condition.
9 CHAIRMAN EWASUTYN: Ed Garling?
10 MR. GARLING: We're okay with that.
11 CHAIRMAN EWASUTYN: Karen Arent?
12 MS. ARENT: I'm okay with that provided
13 the notes for the organic matter do get -- all
14 those that we spoke about are put on the
15 drawings.
16 CHAIRMAN EWASUTYN: Any final comments
17 from Board Members?
18 MR. GALLI: No additional.
19 MR. MENNERICH: No.
20 MR. PROFACI: No.
21 CHAIRMAN EWASUTYN: Mike Donnelly,
22 conditions for approval in the resolution.
23 MR. DONNELLY: This would be site plan
24 only. We'll need sign-off letters from Karen and
25 Ed on the items that they reviewed earlier.

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2 We'll include a condition that announces that
3 we're reserving the ARB approval until a later
4 date, and we'll specifically mention within that
5 that the architectural submissions must
6 demonstrate that all rooftop mechanical units are
7 fully screened from view. We'll also note the
8 requirement that the light pole fixtures will
9 have to be satisfactory as part of that ARB
10 approval. We'll carry a condition regarding the
11 applicant's expressed willingness to consider a
12 future access easement to adjoining properties.
13 We'll include the condition that the signs
14 themselves are not approved and they're subject
15 to Building Department and potential Zoning Board
16 approval. We will carry a reference to the ZBA
17 variance approval from April of 2005. The
18 approval will be subject to all of the terms and
19 conditions of the SPDES permit issued by the New
20 York State Department of Environmental
21 Conservation and any specific work permit that
22 they shall issue. We'll carry the typical
23 condition regarding no ground fixtures or
24 amenities can be constructed that aren't shown on
25 the site plan. And there will be the required

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posting of a landscape security and inspection fee. I think this is the one where we were mentioning the requirement Karen will be present at the time of the stabilization material application to make sure that it's done correctly.

CHAIRMAN EWASUTYN: Having heard the conditions for final approval for the Laxmi site plan, I would move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. GILLESPIE: Thank you.

CHAIRMAN EWASUTYN: Jim, later on in

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the process, within a week or so, we will mail you a copy of the final resolution. I think what's very important there is you work with that as far as the checklist for getting the securities approved, the inspection fees, because inevitably what happens in the process is there's a desire to move forward with getting a building permit but part of getting that building permit is getting these -- the Town to accept the securities, the posting of the fees.

MR. GILLESPIE: Okay.

CHAIRMAN EWASUTYN: So we cross reference that resolution for that.

MR. GILLESPIE: All right.

CHAIRMAN EWASUTYN: There's a task that needs to be accomplished before the plans can be signed.

MR. GILLESPIE: Great. Thank you.

(Time noted: 7:30 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: May 27, 2008

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

----- X

In the Matter of

LABORER'S LOCAL #17
(2005-41)
Little Britain Road
Section 97; Block 1; Lot 40.2
R-3 Zone

----- X

AMENDED ARB

Date: May 15, 2008
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOSEPH THOMPSON

----- X

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

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MS. HAINES: The next item of business is Laborer's Local 17. It's here for an amended ARB. It is located on Little Britain Road in an R-3 Zone. It's being represented by Joe Thompson.

MR. THOMPSON: Good evening. My name is Joseph Thompson, I'm here on behalf of Minuta Architecture to represent Laborer's Local 17 Union Hall. I also have with me tonight Mr. Justin Dates from Maser Consulting to speak on the project.

We're here tonight for amended Architectural Review Board approval.

The project, just to briefly recap, was about a 7,000 square foot office building addition right across from the access way that currently exists on the site.

The only change we're here before you with tonight is that the physical connection between the two buildings, the pedestrian bridge and the stair tower to access it, we'd like to deem as a phase II item on the project due to budgetary constraints for our client.

The building without the stair tower --

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2 the difference in scale is here. Although
3 there's no physical connection, there's a visual
4 connection between the two. The material will
5 remain the same, the scale is comparable and
6 forms are comparable. I believe that we will
7 still have a unified site with or without the
8 stair tower, which as I mentioned is a phase II
9 item. It's still intended to be constructed,
10 just at a later date.

11 Justin, I believe you had a quick note
12 on the site plans that had changed.

13 MR. DATES: We just added a note,
14 pretty much what Joe just said, regarding the
15 phase II to be constructed at a future date.

16 CHAIRMAN EWASUTYN: Can you, for the
17 sake of the Board, just put it up and read the
18 verbiage that you have?

19 MR. DATES: "The pedestrian bridge is
20 intended to be constructed under phase II at a
21 future date that meets the owner's needs. At
22 such time the Planning Board and Building
23 Department shall be duly notified upon submission
24 of the building permit specifically for the
25 bridge."

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CHAIRMAN EWASUTYN: Jerry, are you --
did you hear that? Are you satisfied with that
type of verbiage?

MR. CANFIELD: Yeah. I understand it's
a two-phase process. Correct? They will come
back at a later date for the tower. I'm okay
with that, I just have a question. The stair
tower that's being removed, that was not computed
at all for any current or the proposed building
for the exit occupant load? The removal of the
stair tower --

MR. THOMPSON: Does not affect it at
all. The egress routes that were proposed with
that stair tower remain the same regardless. The
stair tower is actually built in front of the
exit that is right behind it that leads right to
the access way. So that's still in place. The
stair tower actually extends off that vestibule.
Those exits remain exactly the same regardless.
The stair tower will be off to the side. It
won't affect egress at all.

MR. CANFIELD: I'm fine with that.

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

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MR. HINES: No.

CHAIRMAN EWASUTYN: Ed Garling?

MR. GARLING: No.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I just had a question. If it's a phased project does it need to come back to the Planning Board or does it just go to the Building Department?

MR. DONNELLY: The way I'm envisioning it, it would go to the Building Department because phase II would be self-efficient.

MS. ARENT: Maybe you can take the Planning Department off of that note.

MR. THOMPSON: Is it on your note?

MR. DATES: We can do that and say just the Building Department.

MR. DONNELLY: I think that's the intent. We're going to give you amended site plan phase I and phase II, then you would not need to come back here.

MR. THOMPSON: I think that would facilitate things and make it easier.

MS. ARENT: I would think so.

MR. DATES: We can take that off.

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CHAIRMAN EWASUTYN: Frank Galli, any comments?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm good.

CHAIRMAN EWASUTYN: Mike Donnelly, there's two actions before us this evening.

MR. DONNELLY: One is amended ARB. In reality the amended ARB is for phase I which is the version of the project without the pedestrian bridge, and then there is a resolution that would grant a two-phase site plan, phase I being construction of the improvements without the pedestrian bridge, and the phase II that could be implemented at a future time would be the implementation of the pedestrian bridge to what had already been built.

The only conditions would be a carryover of all the conditions of the original resolution and then a statement that the applicant would need to return to the Building Department for further approvals at the time

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phase II was to be implemented.

CHAIRMAN EWASUTYN: Mike, will they need to present an amended site plan showing phase I and phase II?

MR. DONNELLY: Yes. I think there needs to be a plan that shows the phasing, yes.

CHAIRMAN EWASUTYN: Those final plans would have to be submitted to Ed Garling's office or Bryant Cocks to review for a sign off so they could be signed by the Planning Department.

Okay. I'll move for a motion to -- a two-part motion, for amended ARB approval and also for an amended site plan approval showing phase I and phase II for Laborer's Local 17.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

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MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. THOMPSON: Thank you.

(Time noted: 7:36 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: May 27, 2008

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

----- X
In the Matter of

BROOKSIDE FARM PLACE
(2007-48)
Northern side of Brookside Road
Section 97; Block 1; Lot 20.2
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: May 15, 2008
Time: 7:36 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ANDREW FEATHERSTON
----- X

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

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MS. HAINES: The next item of business is Brookside Farm Place. It's a conceptual site plan located on the northern side of Brookside Road. It's in an IB Zone and being represented by Andrew Featherston.

MR. FEATHERSTON: Good evening. Andrew Featherston, Maser Consulting. Mr. Chairman, Members of the Board, we've returned with a revised plan for Brookside Farm Road which is a proposed retail and office building, a three-story building. We have modified the plan based on our original application.

Basically the biggest changes were that we removed the parking that was shown in the middle -- for the middle access to the building to the second floor. We removed all of the retaining walls that were previously shown along Brookside Farm Road. We added some of the landscaping areas. We actually did somewhat of a minor grading plan to make sure that we could do this all with slopes and removal of these walls.

We received the comments from the consultants and there's just a few of them that I just wanted to mention if I could. These walls

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2 on the northern side of the property will not be
3 visible from Route 84 because the walls here and
4 here are supporting the earth. The earth will be
5 higher off of our property and this will be cut
6 in. So those walls will not be visible from 84.
7 There were some comments that they thought that
8 they would be, and I understand how that could
9 possibly be mistaken without having all the
10 grading that we had previously.

11 Just very quickly, I took a snapshot
12 off of an aerial, put our site plan on top of it,
13 and I just wanted to show the Board and
14 Consultants the amount of -- the amount of wooded
15 area that my client is not in control of that we
16 certainly wouldn't be clearing for the
17 construction of this parcel. So I think that
18 will further prevent views from 84. That area is
19 on the right-of-way of I-84, all this area here.

20 We're seeking the Board's comment.

21 CHAIRMAN EWASUTYN: Do you want to
22 start?

23 MR. DONNELLY: Andrew, one of the
24 issues that we discussed at the work session is
25 you show the site plan as being a corner lot,

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2 therefore it has two front yards. You're
3 complying with the two front yard setbacks.
4 Normally that puts a developer at a disadvantage.
5 We looked at the definitions, however, and the
6 definition of a rear -- I'm sorry, of a front
7 yard is the unoccupied ground area fully opened
8 to the sky between the street line, and I'll come
9 back to that in a moment, and a line drawn
10 parallel thereto at the appropriate setback.
11 Street is defined within that section of the
12 Zoning chapter as a public or private way which
13 affords principal means of access to abutting
14 properties. I think since the word street within
15 the definitional provision is referring to that
16 class of roadway that provides access to the
17 abutting properties, that in this context the
18 Route 84 interstate is not a street. That makes
19 that a rear yard, not a front yard. In this
20 zoning district the rear yard requirement is
21 actually greater than the front yard requirement.
22 I believe that's the correct reading of it but
23 you certainly are free to seek either an
24 interpretation or variance relief from the Zoning
25 Board of Appeals. Of course the other option

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2 would be to reduce the size of the building or
3 relocate the building in some fashion. That
4 would alleviate the failure to comply with that
5 setback. We're sorry we didn't notice it
6 earlier. As a matter of fact, we went back and
7 looked at the earlier approval on the site where
8 the issue was not noticed at that time either,
9 but the fact that we didn't notice it then is not
10 a reason to perpetuate that.

11 MR. FEATHERSTON: Our options would be
12 to seek -- would not the access ramp give primary
13 access to the adjoining parcel which is --

14 MR. DONNELLY: Certainly it talks in
15 the plural about abutting property owners.
16 Obviously the Zoning Board is the final arbiter
17 of the meaning of that term. It caught my eye
18 because it used the word street. When we talk
19 about road frontage we use the word road which is
20 a different concept. Within that definition I
21 think it presents a problem for you. You could
22 move the building perhaps. I don't know if that
23 would work. You could shrink the building or you
24 could seek either an interpretation or a variance
25 from the Zoning Board of Appeals.

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MR. FEATHERSTON: I'm thinking right now perhaps our best option would possibly be to go to the Zoning Board.

MR. DONNELLY: Given that the most important factor is the character of the immediate neighborhood, it might not be an impossible variance to obtain.

MR. FEATHERSTON: Right. Right. We've significantly -- we have reduced the building, we reduced the parking. Unfortunately I only saw the comment tonight as it was only noticed recently with your Board.

MR. DONNELLY: I'll write a letter to you that you can incorporate into your application.

MR. FEATHERSTON: Okay. I guess, would you direct us to the Zoning Board?

MR. DONNELLY: We could refer you.

CHAIRMAN EWASUTYN: That would be for an interpretation.

MR. DONNELLY: And/or a variance from those definitional provisions.

MR. FEATHERSTON: Understood.

CHAIRMAN EWASUTYN: While we have you

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here let's review the site plan. You discussed earlier and you showed us some renderings of how you see the property works. That brings us to a point in time where we're going to look for more detail how all this will work, and I'll have Karen speak about that before we move for conceptual approval.

I think what we're looking at is an understanding of the area that you're in, the site itself. We had an application before us, Brook Trust, for a hotel recently. We're talking about the design guidelines, we're talking about the eventual approval of The Market Place, and we're trying to look at the Town as far as the long-term impact and design guidelines that we're working with that were recently developed.

Karen.

MS. ARENT: This design is definitely better than the other design. I was looking at the asphalt in front, the proposed parking in front of -- located in the front yard and I saw possible ways to leave that out of the front yard. I listed on my comment letter some ways to do that, maybe moving the dumpster, changing the

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2 locations of the parking spaces to put it closer
3 to the front of the building. Maybe eliminating
4 some of the islands in the back parking area so
5 that they become a space. I think that it's most
6 important to get that street scape along
7 Brookside Road looking the best it can look and
8 tucking the parking places as best as you can.

9 And then also for you to really study
10 how the relationship of the front of that
11 building is going to work. Instead of just a
12 stepped walkway with, you know, twenty steps all
13 together and then a flat spot and twenty more
14 steps, to maybe pull that out into the front yard
15 a little, build planter walls. Create some kind
16 of very interesting way to get from one level to
17 another that's aesthetically pleasing. I was
18 suggesting perhaps you have your landscape
19 architect or architect work closely together with
20 each other to develop a plan that could be really
21 nice.

22 Before the Board reviews your plan for
23 SEQRA, these sketches should be provided to the
24 Board so that they have an idea of what the
25 proposed project will look like.

1
2 And the other -- another concern I did
3 have was the wall in the back is going to be
4 quite high in some spots, so just make sure it's
5 a nice looking wall, maybe terrace it wherever
6 you can. That will be visible from Brookside
7 Road more than -- it won't be visible from 84 but
8 it will be visible from Brookside Road, so use a
9 material that is nice looking and works.

10 I was just -- just food for thought,
11 somebody actually asked to do a poured wall with
12 the veneer because the modular walls are so
13 expensive. There's all varieties of walls.
14 There's even some that look like natural boulders
15 but it's a structural wall. So you can consider
16 all the options when you're proposing that wall.
17 And also show what it's going to look like from
18 the road.

19 I also suggested that perhaps instead
20 of doing a pretty picture at the end of the
21 project to sell the Board, that the designer
22 draws it as they're figuring it out to kind of
23 come up with the best solution rather than making
24 a pretty picture of something that wasn't
25 carefully studied. Perhaps those sketches could

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be presented to the Board --

MR. FEATHERSTON: Okay.

MS. ARENT: -- if they were legible enough.

CHAIRMAN EWASUTYN: I think what we're looking for is we're looking for a balance from the work that you've done professionally so far as far as the grading, the drainage report that you have. You've done a fine job in providing some of the engineering work that's necessary. Now we're looking for some design features to be shown at the sketch plan, and I'll let the Board speak also, so we can find a comfort with granting conceptual approval.

MR. FEATHERSTON: Understood.

CHAIRMAN EWASUTYN: The only other item that I find in review of our comments, if not today at a later date I'm sure you'll be working on this, Ken Wersted, our Traffic Consultant, has said there will be some supporting traffic studies that will need to be made on this. That was made the first time around. It's still commented again this time. He talks about some widths of walkways that should be six feet as

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2 compared to the five that you're talking about,
3 and truck and fire apparatus movements. He's not
4 here this evening, --
5 MR. FEATHERSTON: Yes.
6 CHAIRMAN EWASUTYN: -- that's why I'm
7 speaking for him.
8 Let me turn to my fellow Members as far
9 as sketch and street scapes. Frank Galli?
10 MR. GALLI: Karen covered a lot of it
11 -- most of it. We need to see what it needs to
12 look like before we can move on with it.
13 CHAIRMAN EWASUTYN: Ken Mennerich?
14 MR. MENNERICH: I agree.
15 CHAIRMAN EWASUTYN: Joe Profaci?
16 MR. PROFACI: I have nothing more to
17 add.
18 CHAIRMAN EWASUTYN: Pat Hines, do you
19 want to take the opportunity now? I know you
20 came up with the front yard and rear.
21 MR. HINES: I apologize for getting it
22 to you that late, but that leads into my next
23 comment. I now have a file in my office that
24 says Hillside -- whatever that says in bold in
25 your title block.

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MR. FEATHERSTON: Right.

MR. HINES: We need to have Brookside larger. I misfiled the plans. I didn't but my office did.

MR. FEATHERSTON: You've got it.

MR. HINES: I looked around. Dina and I discussed it. If it's going to be Brookside Farm Place let's make that the largest one and you would have had my comments earlier.

MR. FEATHERSTON: No problem.

MR. HINES: We did look at that and we discussed extensively at work session whether that was a front yard or rear yard. I think it's open to interpretation, and the Zoning Board is the board to do that.

The drive aisles I know Jerry Canfield will speak of.

MR. FEATHERSTON: Understood.

MR. HINES: The three-story building requires a 26-foot aisle now. That needs to be addressed.

There's just some clean-up items. I do apologize for getting that comment to you late. It was a title block issue.

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CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: These comments are mostly technical in nature. The building's required to be sprinklered, which I'm sure you were aware of. The last submission did have those provisions.

We request that you verify the water line location, pressure and volume. Because we're dealing with a three-story building, there may or may not be the need for a pump, fire pump. I don't know but you should speak with the engineering department and the water distribution superintendent.

FD connection needs to be accessible. That's a detail.

Again as Pat eluded to the 30-foot -- excuse me, the building is 30 feet in height, which I believe this will apply on the western portion of that building, --

MR. FEATHERSTON: Yes.

MR. CANFIELD: -- that access drive needs to be 26 feet.

MR. FEATHERSTON: Okay.

MR. CANFIELD: Along with that, also

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the previous plans displayed storm tech chambers subsurface there. Just design consideration should be given to the weight of an aerial apparatus --

MR. FEATHERSTON: Okay.

MR. CANFIELD: -- so that they'll sustain the weight.

MR. FEATHERSTON: If I may, Mr. Chairman. Jerry, you mentioned a siamese-type connection. Because we have the vertical break, a high parking area, low parking, you're talking about one siamese or one on each end?

MR. CANFIELD: One can facilitate the whole building but it just needs to be accessible. Again, I'm going by a previous submission. I believe the water line comes in on the southeast side of the building. There was parking there and with the elevation difference I'm not certain that that's accessible enough.

MR. FEATHERSTON: We'll show you something.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Before I turn to Ed Garling, we received a comment from Jim Osborne.

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MR. DONNELLY: Yes. Apparently this needs to have an outside user agreement for sewer with the Town Board.

MR. FEATHERSTON: Yes. We're not in the district but the district lines actually traverse the site.

MR. DONNELLY: You'll need to follow that up with the Town Board.

MR. FEATHERSTON: Understood.

CHAIRMAN EWASUTYN: Ed Garling?

MR. GARLING: Some of our comments have been addressed. I guess the main question/comment that we have is the architectural review so that we can focus on the layout of the building.

Jerry has gone over the fire code issues, hydrant locations.

We're also going to be looking for a truck circulation plan for the rear of the building for certain areas of the site to make sure that vehicles can get in and out of there and circulate in and around the site.

The bulk table has to show actual dimensions of the setback.

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The inclusion of sidewalks on Brookside Farm Road due to increased development in the area may be something that we will have to discuss at another meeting.

The aesthetic area, as we discussed before on previous projects, is a little hard so we'll have to take a look at that.

We want to look at the size of the building because it is three stories. With the layout of the site we're not sure exactly how tall the three stories is going to be, what the roof is going to look like. As we mentioned previously, with the site for the Harley Davidson Maroney's there was one use on three different floors so it wasn't an issue. If this is going to be one use, then it wouldn't be a problem. I think, as you're suggesting in the application, it's three different uses.

MR. FEATHERSTON: Yes.

MR. GARLING: So if that's the case and you're not just anticipating that but know it, it would be helpful then to see exactly how that's going to function.

Is there going to be an interior

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elevator.

MR. FEATHERSTON: Yes. That was planned I believe.

MR. PEREZ: Yes. There's actually two, one freight and one pedestrian.

MR. FEATHERSTON: That also led into another comment from one of the consultants. I don't know if it was yours, Ed, about the loading. The one loading would be to service the entire building. For that reason that would be fed from internal of the building with the freight elevator.

MR. GARLING: I think that's what we need to see after you finish with the ZBA, how this is going to be designed. Even if it isn't a detail, even if it's a rough sketch of how it would function.

MR. FEATHERSTON: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to refer this to the ZBA for either an interpretation --

MR. DONNELLY: Or for a rear yard variance.

MR. GALLI: So moved.

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MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. FEATHERSTON: Thank you.

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

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

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

DATED: May 27, 2008

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

----- X
In the Matter of

LANDS OF ANTHONY TARSIO
(2004-77)
Old Little Britain Road
Section 101; Block 6; Lot 8.11
R-2 Zone

----- X

TWELVE-LOT SUBDIVISION

Date: May 15, 2008
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE
----- X

MICHELLE L. CONERO
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MS. HAINES: The next item of business is the lands of Anthony Tarsio. It's a twelve-lot subdivision located on Old Little Britain Road in an R-2 Zone. It's being represented by Ken Lytle.

MR. LYTLE: Good evening. Since our last submission we've been with the Board of Health for water main approval for the sewage approval for individual septic. We met their requirements. You guys have a copy of the approval letter.

We had a workshop with the consultants. Karen has given us some landscape comments. I believe they are addressed on the current set of plans.

We're here for hopefully final approval.

CHAIRMAN EWASUTYN: Will someone take the time to read the -- I've been reading your submission. I don't think they're saying -- the Health Department is saying that you got final approval.

MR. LYTLE: We asked them -- they usually would sign the plans for final approval.

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We didn't want them to sign the plans. We asked them not to do that in case the Board had minor changes to it.

CHAIRMAN EWASUTYN: I beg to differ with you.

MR. HINES: I don't have the letter.

CHAIRMAN EWASUTYN: Do you have the letter, Dina?

MS. HAINES: I think Ed had it.

CHAIRMAN EWASUTYN: Ed, do you have a copy of the letter from the Health Department?

MR. GARLING: Did I give it to you, Pat, or did you give it back?

It was a very convoluted letter.

MR. LYTTLE: I saw it.

MR. GARLING: It was anything but clear. Here it is.

CHAIRMAN EWASUTYN: Pat, why don't you just take the time to read it for the record.

MR. HINES: It's a letter from the Health Department dated today to Zen Design regarding Tarsio Realty Subdivision. It states here, "We are in receipt of the plans dated 14 September 2004, latest revision 2 April 2008

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2 regarding the above-referenced project. We have
3 not further comments based on the information
4 available at this time. We will require a full
5 submission of the properly revised plans prior to
6 final approval by our office. An approval is not
7 being issued at this time as requested by your
8 office in a fax dated 8 April. In accordance
9 with this department's policy, failure to respond
10 to technical review within ninety days will be
11 considered sufficient reason for disapproval."
12 I'm not clear at all what that says.

13 MR. LYTLE: Basically what it was is we
14 had to make some landscape changes for Karen, so
15 we asked them not to sign the drawings. Once
16 they sign the drawings we have to go back to
17 them.

18 MR. HINES: You're suggesting that
19 where it says we have not further comments,
20 you're suggesting we have no further comments?

21 MR. LYTLE: Yes.

22 MR. HINES: That would certainly make
23 more sense.

24 MR. GALLI: Doesn't it say --

25 MR. HINES: Properly revised plans.

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MR. DONNELLY: Normally the purpose of having a preliminary and a final is in those circumstances where the Health Department has to re-approve the plans before the Planning Board does, I know you asked hem to hold off, we can see if there's any other issues that need to be resolved. You're going to need their approval before this Board can give you final approval.

MR. LYTLE: That's why they gave us actually that letter. Again, they have to sign the drawings and we didn't know if actually some of these changes Karen asked for were going to be okay or if we had actually to modify the drawings.

MR. DONNELLY: Why don't we see what else is outstanding. It's going to require the Health Department to approve it.

MR. LYTLE: It's on the drawings. I have no problem with that. It's on the Mylars.

MR. DONNELLY: I can go through the conditions of the preliminary resolution. There were some outstanding issues for Pat to sign off on as well as for Karen. There was reference to the Town Board's road length waiver, and we

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2 incorporated those conditions. There was a
3 condition that would be satisfied in the field
4 regarding foundation staking to make sure they're
5 located properly. There was a requirement that
6 street trees be provided as part of the final
7 approval submission. We have to find out if
8 that's outstanding. We need a written approval
9 from the Orange County Health Department for both
10 water main extension and realty subdivision
11 approval. We needed -- this says New York State
12 Department of Environmental Conservation
13 stormwater. Was that a notice of intent
14 condition?

15 MR. HINES: Yes. That was all.

16 MR. DONNELLY: Okay. A drainage
17 district needed to be created. We have a letter
18 from Mr. Tarsio's attorney saying those papers
19 will be submitted next week after Mr. Tarsio's
20 return. We have draft copies of those but that
21 has not yet been approved. And finally there was
22 a condition in addition to the standard bonding
23 ones that a satisfactory mechanism to ensure that
24 the clearing limits shown on the plans shall be
25 protected in the field shall be in place before

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2 final approval, and I don't know what the plans
3 show in that regard. CHAIRMAN
4 EWASUTYN: I'm just thinking out loud for myself.
5 In looking to set this up on the agenda you said
6 the approval from the Orange County Health
7 Department will be any day now, and that was
8 quite some time ago. I still don't read this as
9 being an approval for myself. I mean it just --
10 it sounds like you have to resubmit. What if you
11 were to resubmit the plans with the comments that
12 Karen wants and then get them done and come back
13 to us and we know it's done?
14 MR. LYTLE: We just have to let them
15 know there were some landscape comments and we
16 added them on the drawings.
17 CHAIRMAN EWASUTYN: Why don't you lay
18 it all out, send us a copy of the plans that are
19 revised, send it off to the Orange County Health
20 Department and when you get a sign off from them
21 we'll finalize it. In the meantime they're
22 working on setting up the drainage district with
23 the Town Board. We still haven't seemed to
24 complete, in a written sense, final approval from
25 the Orange County Health Department.

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MR. LYTLE: Again, the letter was signed this afternoon.

CHAIRMAN EWASUTYN: It's saying it's not an approval.

MR. DONNELLY: It doesn't say it's an approval.

MR. GARLING: I agree. I think that maybe it's their problem, they don't write letters well, but it certainly isn't clear. I mean I received this just before I walked out the door. Anyway, I figured I'll bring it to the meeting, maybe somebody can understand it better than I can.

I think all the landscaping comments remain. If we make the changes on those issues and then you send that to the Health Department, then they can actually stamp it and approve the plans and all we have to do is approve them because we won't be making further changes.

MR. LYTLE: Board business or actually to an agenda meeting?

MR. GALLI: I have no problem with Board business.

MR. MENNERICH: Board business.

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MR. PROFACI: That's fine.

CHAIRMAN EWASUTYN: We'll do it under Board business.

In all fairness, you've been due diligent in the last year or so with all your work and something happened with this particular application that, number one, between not returning my phone calls, which really surprised me, and I sensed that because I always return telephone calls as you know, and the fact that maps came in at such a late date and circulated so late, it's not fair to anyone at this point.

MR. LYTTLE: Okay.

CHAIRMAN EWASUTYN: So we'll tie it all together once we hear from the County. We'll do it under Board business. As always, cc us on what you're doing.

MR. LYTTLE: No problem.

MS. ARENT: John, can I quickly go over --

CHAIRMAN EWASUTYN: Go ahead.

MS. ARENT: Ken, I reviewed your revised plans and there's still outstanding items.

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2 There doesn't seem to be a note that
3 says -- I asked for the note under clearing limit
4 to note the words unfenced to be added after site
5 clearing limit lines. The fence should be
6 installed before construction begins. It appears
7 that that note was taken off the drawing
8 completely.
9 MR. LYTLE: It's on sheet number 2
10 right at the top there below the drainage.
11 MS. ARENT: Okay. I was looking under
12 the tree protection notes. Do you see the tree
13 protection clearing --
14 MR. LYTLE: Yes. We moved it to the
15 top of the clearing note.
16 MS. ARENT: That's fine. I don't see a
17 disturbance limit line on the western side of the
18 property.
19 MR. LYTLE: It's right down at the
20 edge.
21 MS. ARENT: Along the road?
22 MR. LYTLE: It's a line with little
23 hatching.
24 MS. ARENT: Is that correct because it
25 looks like you're grading on the other side of

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that line?

MR. LYTTLE: We go --

MS. ARENT: Fix that.

And the white pines that you were proposing for screening the stormwater management basin, if you could just put something a little bit more naturalistic, plants that tolerate -- that live on the side of a river because that would be the ideal soil conditions.

And then those plants that you're putting in for screening need to be listed on your landscape chart.

MR. LYTTLE: Okay.

MS. ARENT: Daryl Benedict asked for you to put the proposed screening as well as the street trees that are located in the Town right-of-way as close to the property line as possible. If you maybe put a note next to where you're showing the street trees in there to be located five feet or less from the property lines. That's it.

CHAIRMAN EWASUTYN: Any additional comments from the Board. Frank?

MR. GALLI: No additional.

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CHAIRMAN EWASUTYN: Ken?
MR. MENNERICH: No.
CHAIRMAN EWASUTYN: Joe?
MR. PROFACI: No additional.
MR. LYTLE: Thank you.

(Time noted: 8:06 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: May 27, 2008

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

----- X
In the Matter of

LANDS OF STEINER
(2007-38)
Corner of Frozen Ridge Road & Stacey Lee Drive
Section 106; Block 2; Lot 2.2
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: May 15, 2008
Time: 8:06 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

- BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
- FRANK S. GALLI
- KENNETH MENNERICH
- JOSEPH E. PROFACI
- ALSO PRESENT: DINA HAINES
- MICHAEL H. DONNELLY, ESQ.
- ED GARLING
- 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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MS. HAINES: The next item of business is the lands of Steiner. It's a conceptual sketch plan located on the corner of Frozen Ridge Road and Stacey Lee Drive in an AR zone. It's being represented by Ken Lytle.

MR. LYTLE: Since our last submission we went through the Board's comments and consultants' comments.

We've shown the area to the slope, and again they exceed the 5,000 square foot building area.

We've shown the septic as an Elgin and the associated details regarding that.

Mr. Garling made a comment regarding the paying of the fees into the road maintenance for Stacey Lee Lane. We're assuming that's all going to be assumed by the new lot, lot number 1. 2, it wouldn't be attached to that, it would actually be on its own on Frozen Ridge Road.

If the Board has any additional comments.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: My first comment identifies the incorporation of the Elgin sanitary sewer

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2 system into the site. That smaller footprint of
3 that system has allowed the system to be shown on
4 the portions of the lot that are 15 percent or
5 less based on the current plan.

6 We're requesting the cross section.
7 Our last comment was adding that to the plans.
8 We're looking to see the section line through so
9 it could be cross referenced to the cross section
10 detail.

11 I have a comment that we talked at work
12 session, Mike Donnelly's comment regarding Stacey
13 Lee Drive, the private road, and the removal, for
14 lack of a better term, of lot 1 from that -- lot
15 2 from ownership of any portion of that private
16 roadway and how that's going to work with regard
17 to the maintenance agreement.

18 We're looking for the bottom and top
19 elevation of the retaining wall that's shown. We
20 require that because this wall is being
21 incorporated into the plans to show the building
22 area, the available building area less the
23 percent slope required. It is required not only
24 for the grading but it's required to show that
25 the lot is buildable.

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Just a note that says there's no wells or septic systems within 200 feet up gradient and 100 feet down gradient. I believe that note may be there in reference to earlier today.

With that the project is acceptable to us for a negative declaration. It can proceed on.

CHAIRMAN EWASUTYN: Ed Garling?

MR. GARLING: Some of the concerns that were raised -- one is minor. The first one is that the setbacks should be shown on lot 2 as they are on lot 1.

The other question was raised in regard to the payment of fees. Obviously this rear lot is going to have to be part of that maintenance agreement but I think that it should be noted as to whether one or both lots are. I don't know if you know that now. We're not really concerned about who pays how much but whether or not both lots are still involved with the other road. I don't know. We know that the strip of land is there to preclude -- to attain the adequate lot area. We don't know if it's there to eliminate that lot from the frontage. So that should be

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indicated.

Our last comment is that since Pat has agreed that everything would work, that we have no objection to preparing that dec.

This building will be limited in size and there may be -- we don't know what's going to go there. You show that you may anticipate a relatively small house, so that there may be changes. If there are dramatic changes from what's shown on the site plan, those would have to be addressed by the building inspector who might have to send it back to the Planning Board. I don't know what's proposed -- going to be proposed and how that's going to work.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Do you know the proposed size of the house right now?

MR. LYTLE: No, I don't.

MR. HINES: Maybe it would be appropriate to put a note that any modification to the grading shown on the plans would require a submission after plot plan to the building inspector. We've done that on other lots.

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MR. GARLING: The building is only about 40 by 24, which even two stories with a garage underneath isn't that large of a building.

MR. GALLI: And the piece of property coming out to Frozen Ridge Road, is that so you can make the whole --

MR. LYTLE: It was to make the area and also to cut off any misinterpretation of lot 2 paying fees on Stacey Lee. The lot in the rear will be the only one to have access to Stacey Lee.

MR. GALLI: Was the original lot 1 supposed to come out on Stacey Lee Drive?

MR. LYTLE: The old plans, yes. That's why I had to get the letter from Daryl regarding how it got approved to where it did. It was before his time.

CHAIRMAN EWASUTYN: No one seems to know how it wound up that way.

MR. LYTLE: Right. Again, the grades on the side over here is probably why they did it, but who really knows.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: So I guess what I'm

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hearing is the maintenance agreement won't have to be changed at all for Stacey Lee Drive because that already calls for lot 1 to be part of that agreement?

MR. LYTLE: I believe so.

MR. DONNELLY: I don't believe that we can force a change to that, and I'm sure by its terms, though I haven't seen it, all of the land that is both lot 1 and 2 are bound to share. Whoever buys or keeps, as the case may be, these lots may wish to clarify, if they're able to, with the other lot owners what this subdivision might do to change the obligations because there's a fairness argument that only one lot should pay if only one lot is going to access. If I were representing the property owners I might at least want to have an indemnification agreement if I'm the owner of lot 2 from lot 1. I think these are essentially private issues. The purpose of that maintenance agreement was to ensure that when that roadway was built and then continued to be used, that there was a mechanism in place to see it's upkeep.

To the other issue of the piece going

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2 up to Frozen Ridge Road, I think in fairness,
3 since the Board doesn't want to see two driveway
4 cuts and particularly a driveway cut immediately
5 adjoining that roadway, that it be limited both
6 by, you know, a map note and conceivably even by
7 the deed of conveyance to make clear that that
8 strip may not be used for accessing that roadway.
9 CHAIRMAN EWASUTYN: Joe Profaci?
10 MR. PROFACI: Nothing further.
11 CHAIRMAN EWASUTYN: Okay. Having heard
12 the conditions that will be written out in the
13 final subdivision plans described by Mike
14 Donnelly, Planning Board Attorney, having heard
15 from our consultants, Pat Hines and Ed Garling,
16 at this point I'll move for a motion to declare a
17 negative declaration and to set it for the next
18 available public hearing.
19 MR. GALLI: So moved.
20 MR. PROFACI: Second.
21 CHAIRMAN EWASUTYN: I have a motion by
22 Frank Galli. I have a second by Joe Profaci.
23 Any discussion of the motion?
24 (No response.)
25 CHAIRMAN EWASUTYN: I'll move for a

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

MR. LYTLE: Thank you.

MR. GALLI: Do you want to set up a public hearing?

CHAIRMAN EWASUTYN: We'll get back. I don't have a date in mind because of other public hearings that may be coming up. There's balancing. There's two potential other ones.

MR. LYTLE: I'll wait to hear from Dina for the date of the public hearing.

CHAIRMAN EWASUTYN: Dina will write the assessor's office as far as the mailing list and you can contact her in a few days time as far as that.

MR. LYTLE: Thank you.

(Time noted: 8:14 p.m.)

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

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DATED: May 27, 2008

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

- - - - - X

In the Matter of

LANDS OF GASLAND PETROLEUM

Route 17K and Homewood Avenue
Section 92; Block 5; Lot 9.2
IB Zone

- - - - - X

CONCEPTUAL SITE PLAN

Date: May 15, 2008
Time: 8:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

- BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
- FRANK S. GALLI
- KENNETH MENNERICH
- JOSEPH E. PROFACI
- ALSO PRESENT: DINA HAINES
- MICHAEL H. DONNELLY, ESQ.
- ED GARLING
- PATRICK HINES
- KAREN ARENT
- GERALD CANFIELD

- - - - - X

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MS. HAINES: The next item of business before us is Gasland Petroleum which will not be reviewed tonight. I'll read a letter from Charles Brown of Taconic Design dated yesterday, May 14, 2008. "Dear Chairman and Board Members, due to a conflict in scheduling I will not be able to attend the May 15, 2008 Planning Board meeting and therefore respectfully request that the above-referenced project be taken off the May agenda and placed on the June agenda. Please call me at your earliest convenience to discuss this matter. I can be reached at the above number or on my cell at 845-234-0393. Very truly yours, Charles T. Brown, Taconic Design Engineering, President."

This project will be scheduled for the next available agenda.

MR. MENNERICH: Could I make a suggestion that we don't schedule it until we get the drawings in?

CHAIRMAN EWASUTYN: Good point. Good point. We've tried. We've tried for a long time on that. They said they were coming and we got this letter.

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MR. GALLI: I thought it was me, I
couldn't find my drawings.

MR. MENNERICH: I sent an e-mail and
said I can't find my drawings.

CHAIRMAN EWASUTYN: We ran into a
little difficulty with this.

(Time noted: 8:15 p.m.)

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DATED: May 27, 2008

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

----- X

In the Matter of

ELM FARM
(2006-23)

180-Day Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: May 15, 2008
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI

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

----- X

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ELM FARM

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MS. HAINES: Ready for Board Business?

CHAIRMAN EWASUTYN: Please.

MS. HAINES: The first item of Board Business is Elm Farm.

I received a letter from Daniel Sullivan dated May 7, 2008. He's requesting a 180-day extension of his preliminary approval. The current approval expires on May 21, 2008. With a 180-day extension approval will be valid through November 17, 2008.

CHAIRMAN EWASUTYN: Any questions?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move to grant a 180-day extension for the lands of Elm Farm.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

ELM FARM

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MR. MENNERICH: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Yes myself. So
carried.

(Time noted: 8:16 p.m.)

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

----- X

In the Matter of

ORCHARD HILLS
(2003-41)
Determination for the Requirement of a Public
Hearing

----- X

BOARD BUSINESS

Date: May 15, 2008
Time: 8:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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MS. HAINES: The next item we have is Orchard Hills.

I received a letter from Ross Winglovitz dated May 7, 2008 regarding the determination as to whether or not a public hearing will be required due to the change in ownership and the reduction of the building size.

CHAIRMAN EWASUTYN: Did you want to speak, Ross?

MR. WINGLOVITZ: Only that it's our client's position based on the letter and the information that we submitted regarding no significant change in school children, the fact that we're actually impacting a smaller area than we were before, the layout is identical to the previous plan, other than the use being smaller. We would ask the Board not require a public hearing.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Frank Galli?

MR. GALLI: Before when we had the public hearing they weren't rental units.

MR. WINGLOVITZ: That's correct.

MR. GALLI: I personally would want it.

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2 I think the public is under the assumption that
3 they are under one thing and now we're changing
4 it. I don't care about the ownership. I'm
5 concerned they know upfront it's going to be
6 rental and not know after they start building. I
7 think we should have the courtesy to give the
8 public a public hearing on that. That's my
9 opinion.

10 CHAIRMAN EWASUTYN: Ken Mennerich?

11 MR. MENNERICH: Yeah, I think I agree
12 with Frank on that.

13 CHAIRMAN EWASUTYN: Joe Profaci?

14 MR. PROFACI: Agreed.

15 CHAIRMAN EWASUTYN: Okay. Then I'll
16 agree with that.

17 I'll move for a motion from the Board
18 to set this up for the next available date for a
19 public hearing.

20 MR. GALLI: So moved.

21 MR. MENNERICH: Second.

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

25 (No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Contact Dina as far as Dina will contact the assessor's office.

MR. WINGLOVITZ: For the mailing list.

CHAIRMAN EWASUTYN: And we'll let you know what date you'll have the public hearing.

MR. WINGLOVITZ: Very good. Thank you for your time.

(Time noted: 8:20 p.m.)

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

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DATED: May 27, 2008

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

----- X

In the Matter of

G.G. PROPERTIES
(2007-24)

Authorization for the Filing of Maps With
Change of Ownership

----- X

BOARD BUSINESS

Date: May 15, 2008
Time: 8:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
ED GARLING
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

----- X

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MS. HAINES: The next item is G.G. Properties. We have a letter from Mike Donnelly dated May 6, 2008 to authorize the filing of new maps with change of ownership.

MR. DONNELLY: As I mentioned in my letter, apparently maps were filed or were about to be filed and then the Health Department pointed out to us some revisions, or the clerk's office, I think it might have been the clerk's office, that needed to be made to the maps. In that time period the project was sold.

John Tarolli's question was whether or not he could record the old map when that person was no longer the owner. I thought largely the issue was one of the posting of financial security that the Town Board would have to be satisfied with, but I thought since we had this opportunity, a new map set would be prepared anyway, that it made more sense that the new map should be in the name of the new owner. I suggested that you put it on the agenda for resolution that simply acknowledges the change of ownership and authorizes the filing of the maps in the new owner's name.

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2 CHAIRMAN EWASUTYN: Any questions from
3 the Board Members?
4 MR. GALLI: No.
5 MR. MENNERICH: No.
6 CHAIRMAN EWASUTYN: I'll move for a
7 motion for that, Mike?
8 MR. DONNELLY: I think you should, yes.
9 CHAIRMAN EWASUTYN: Having heard from
10 Attorney Mike Donnelly authorizing the filing of
11 new maps with the change of ownership for what
12 was G.G. Properties, I'll move for that motion.
13 MR. PROFACI: So moved.
14 MR. MENNERICH: Second.
15 CHAIRMAN EWASUTYN: I have a motion by
16 Joe Profaci, a second by Ken Mennerich. Any
17 discussion of the motion?
18 (No response.)
19 CHAIRMAN EWASUTYN: I'll move for a
20 roll call vote starting with Frank Galli.
21 MR. GALLI: Aye.
22 MR. MENNERICH: Aye.
23 MR. PROFACI: Aye.
24 CHAIRMAN EWASUTYN: Myself yes. So
25 carried.

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Dina, you'll be notifying all these people.

MS. HAINES: Yes.

(Time noted: 8:22 p.m.)

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

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DATED: May 27, 2008

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

----- X

In the Matter of

The Release of Landscape Security Bonds
for the Following Projects:

- 1. First Hudson Valley Landscape (1996-55)
- 2. Sprint Spectrum, L.P. (1998-24)
- 3. Sprint/Omnipoint-OCI Management (2000-20)
- 4. WPA Acquisitions/Jeanne Drive (2001-22)
- 5. Racquet Road Bus/Hudson River Contract(2001-40)
- 6. Golf Store (2002-37)
- 7. Veterinary Diagnostic (2002-05)
- 8. Howard Johnson (2003-52)
- 9. Amerada Hess (2002-24)
- 10. Morehead Auto Sales (2002-22)
- 11. Vaughn & Ghikas/Lands of Ghikas (2004-14)
- 12. Vantage Construction, Inc. (2002-23)
- 13. BC&N Carpet One (2004-29)

----- X

BOARD BUSINESS

Date: May 15, 2008
Time: 8:22 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI

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

----- X

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BOARD BUSINESS

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MS. HAINES: Last we have for Board Business the release of quite a few landscape bonds, the first one being First Hudson Valley. It was originally deposited in March of 2008. The balance is \$3,177.96.

CHAIRMAN EWASUTYN: I think that might have been a typo. I think it was deposited in 2008.

MS. HAINES: I apologize.

CHAIRMAN EWASUTYN: Anyway, First Hudson Valley may have actually been 1990.

MS. ARENT: I think that's what it was.

CHAIRMAN EWASUTYN: It was 1998.

Why don't you go through all of them and then I'll move for a motion to approve all of them.

MS. HAINES: The second one is Sprint Spectrum. It was deposited December 1998. The balance is \$3,600.78.

The third one being Sprint/Omnipoint-OCI Management. It was deposited in August 2000. The balance is \$13,063.46.

Next is WPA Acquisitions, Jeanne Drive. It was deposited August 2001. The balance is

BOARD BUSINESS

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\$4,281.25.

The next one is Racquet Road Bus/
Hudson River Contracting Company. It was
deposited May 2, 2002. The balance is \$7,921.96.

Next is Golf Store. It was deposited
April 2, 2003. The balance is \$2,953.58.

Next is Veterinary Diagnostic. It was
deposited June 19, 2003. The balance is
\$5,304.81.

Next is Howard Johnson. Date deposited
is October 20, 2003. The balance is \$2,264.63.

Next is Amerada Hess. The date
deposited is April 13, 2004. The balance is
\$28,366.31.

Next is Morehead Auto Sales. It was
deposited March 29, 2005. The balance is
\$20,079.17.

Next is Vaughn & Ghikas, Lands of
Ghikas. Date deposited was September 2, 2005.
The balance is \$8,390.02.

Next is Vantage Construction. It was
deposited July 3, 2006. The balance is
\$5,843.09.

And last is BC&N Carpet One. It was

BOARD BUSINESS

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deposited October 10, 2005. The balance is
\$21,343.34.
CHAIRMAN EWASUTYN: Questions from
Board Members. Frank Galli?
MR. GALLI: No additional comments.
CHAIRMAN EWASUTYN: Ken Mennerich?
MR. MENNERICH: I guess the only
question I have is Vantage Construction, the
deposit was July 2006. Our two-year period isn't
up yet; right?
CHAIRMAN EWASUTYN: Right. We had
looked at that site and everything at this
particular point is --
MR. MENNERICH: Looks good.
CHAIRMAN EWASUTYN: -- is healthy.
MR. MENNERICH: Okay.
CHAIRMAN EWASUTYN: Any other
questions?
MR. MENNERICH: No.
CHAIRMAN EWASUTYN: Joe Profaci?
MR. PROFACI: The Sprint Spectrum,
Sprint/Omnipoint, are these the ones at the
Newburgh Mall? Is this the one at the Newburgh
Mall?

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2 CHAIRMAN EWASUTYN: You know Joe, our
3 records -- what happened in this case is we
4 received a letter from the accountant's office
5 asking us to clear up these outstanding balances
6 because they've been held so long. I mean
7 they're just that old that we're responding to
8 them in that fashion. I really can't answer
9 that.
10 What happens is the State comes in and
11 does a periodic audit of everything in the Town.
12 The Town was saying we have to take some action
13 on this.
14 MS. HAINES: Joe, if you want to call
15 me tomorrow I can get you an exact location if
16 it's important for you.
17 MR. PROFACI: I was just wondering
18 because it was always an issue over there.
19 MS. HAINES: I can get them for you.
20 CHAIRMAN EWASUTYN: I can't even
21 remember back that far myself with some of these.
22 MR. PROFACI: These people don't ask
23 for this money back?
24 CHAIRMAN EWASUTYN: They get interest
25 on it.

BOARD BUSINESS

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MR. HINES: Maybe you're doing all right for them.

MS. ARENT: Can we ask the accounting department to post the bonds with the project number? It's hard to know -- or the Town project number because it's hard to know exactly what projects --

CHAIRMAN EWASUTYN: Well actually --

MR. HINES: They do have them.

MS. ARENT: I'm sorry.

CHAIRMAN EWASUTYN: And remember, all that we're releasing now were amounts that were approved by the Planning Board. We no longer have that responsibility, so however the Town registers those.

MS. HAINES: Jackie's list didn't have the project numbers so the list they originally looked at didn't have it. I had to find these.

MS. ARENT: Now I have it. Thank you, Dina. I thought I saw something.

MS. HAINES: You're welcome. That was hard. I had to go through and double check to make sure everything was the right project.

CHAIRMAN EWASUTYN: Okay. I'll move

BOARD BUSINESS

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2 for a motion then to release the landscape bond
3 estimates that were listed under Board Business
4 for the May 15, 2008 Planning Board agenda.
5 MR. GALLI: So moved.
6 MR. MENNERICH: Second.
7 CHAIRMAN EWASUTYN: I have a motion by
8 Frank Galli. I have a second by Ken Mennerich.
9 Any discussion of the motion?
10 (No response.)
11 CHAIRMAN EWASUTYN: I'll move for a
12 roll call vote starting with Frank Galli.
13 MR. GALLI: Aye.
14 MR. MENNERICH: Aye.
15 MR. PROFACI: Aye.
16 CHAIRMAN EWASUTYN: Myself yes. So
17 carried.
18 I'll move for a motion to close the
19 Planning Board meeting of the 15th of May 2008.
20 MR. GALLI: So moved.
21 MR. PROFACI: Second.
22 CHAIRMAN EWASUTYN: I have a motion by
23 Frank Galli. I have a second by Joe Profaci.
24 I'll ask for a roll call vote starting with Frank
25 Galli.

BOARD BUSINESS

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MR. GALLI: Aye.
MR. MENNERICH: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Myself. So

carried.

(Time noted: 8:28 p.m.)

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

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DATED: May 27, 2008

