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

----- X

In the Matter of

TAFT COMPANY & SLEEPY HOLLOW VENTURE, LLC
(2011-11)

Gardnertown Road & Wenmar Drive
Section 75; Block 1; Lot 24.22
R-3 Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: June 2, 2011
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN R. SZAROWSKI
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1
2 MR. FOGARTY: Good evening, ladies and
3 gentlemen. Welcome to the Town of Newburgh
4 Planning Board meeting of June 2, 2011.

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

8 MR. GALLI: Present.

9 MR. MENNERICH: Present.

10 CHAIRMAN EWASUTYN: Present.

11 MR. FOGARTY: Here.

12 MR. WARD: Present.

13 MR. FOGARTY: The Planning Board has
14 professional experts that provide reviews and
15 input on the business before us, including SEQRA
16 determinations as well as code and planning
17 details. I ask them to introduce themselves at
18 this time.

19 MR. DONNELLY: Michael Donnelly,
20 Planning Board Attorney.

21 MS. CONERO: Michelle Conero,
22 Stenographer.

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

25 MR. SZAROWSKI: John Szarowski, McGoey,

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Hauser & Edsall, Planning and Stormwater.

MR. COCKS: Bryant Cocks, Planning Consultant.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. FOGARTY: Thank you. At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. WARD: If you have a cell phone, please turn it off.

MR. FOGARTY: The first item on the agenda is Taft Company and Sleepy Hollow Venture, Town Planning Board number 2011-11. It's a conceptual two-lot subdivision represented by Vincent J. Doce Associates, and Darren Doce will do the presentation.

MR. DOCE: Good evening. Darren Doce representing the applicants.

The Taft Company owns a parcel of land that extends from Gardnertown Road on the southerly to the northerly boundary of lot 1 of the Woodlawn Heights subdivision. What we're

1
2 proposing is to subdivide and create an
3 approximate half-acre lot on the southerly side
4 of this parcel adjacent to lot number 1.

5 In doing a lot line change with lot
6 number 1 of the Woodlawn Heights subdivision,
7 we'll create an access to Wenmar Drive over a
8 thirty-foot common driveway.

9 We're also proposing running utilities,
10 water and sewer, from the existing utilities
11 located in Wenmar Drive.

12 CHAIRMAN EWASUTYN: Bryant Cocks,
13 Planning Consultant?

14 MR. COCKS: The Woodlawn Heights
15 subdivision was filed on February 22, 2010. The
16 applicant is proposing a lot line change with lot
17 1 of the subdivision. Since a lot line change is
18 technically a subdivision in the Town of
19 Newburgh, the plan should be forwarded to the
20 Orange County Health Department for their review
21 for a possible creeping subdivision. They did
22 review the previous plan of Woodlawn Heights for
23 the water connections. I think the Planning
24 Board, if they decide to declare their intent for
25 lead agency, should forward the plans.

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2 The subdivision plan and the new lot
3 does meet all the bulk requirements. It will
4 require no variances at this time.

5 The survey. The survey sheet or
6 surveyor's stamp and seal should be included in
7 the plans.

8 The owner endorsement signature will
9 need to be provided.

10 The applicant is requesting a waiver of
11 the subdivision regulation requirement of
12 two-foot contours on the residual six-acre lot.
13 There's no proposed development on that lot at
14 this time.

15 A common driveway access and
16 maintenance agreement must be provided.

17 Were you planning on using the existing
18 curb cut or was that going to be widened?

19 MR. DOCE: We originally had a twelve-
20 foot driveway. We were going to widen that to
21 sixteen foot at the entrance.

22 MR. COCKS: I believe that the highway
23 department should see this since Wenmar Drive is
24 a Town road.

25 CHAIRMAN EWASUTYN: Darren, do you have

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any comments?

MR. DOCE: No. I mean I accept all those comments. I spoke to the Health Department and they said yeah, any time you're changing something we approved, we'd like to see it again.

CHAIRMAN EWASUTYN: John?

MR. SZAROWSKI: We're going to be looking for the City of Newburgh flow acceptance letter.

We asked that you show the lowest sewer elevation on the house and also the manhole on Wenmar Drive.

Right now you're showing the -- it appears that you're showing the sanitary lateral connecting into the existing lateral.

MR. DOCE: Right.

MR. SZAROWSKI: We would ask that be separate for maintenance reasons.

We would be looking to -- you're going to have to review the excess utility and maintenance agreements with Mike Donnelly.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing additional.

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CHAIRMAN EWASUTYN: Board Members.
Frank Galli?

MR. GALLI: The additional six-acre parcel, will that have access to Wenmar Drive?

MR. DOCE: No. This is only a thirty-foot common drive. We can't increase that. We'd have to have fifty feet to add another lot on that. And also, this one-and-a-half acres in this section is twenty to thirty percent grades, so it really is kind of -- this relatively small, flatter section is sort of naturally subdivided from the bulk of the developable or buildable area on the six acres up adjacent to Gardnertown. So any future development would access Gardnertown Road.

But yes, there's no plans to do that. I mean he was considering it a couple years ago. The way things are now, he's not going to proceed with that.

MR. GALLI: And the same person who owns the Wenmar is the one developing this lot?

MR. DOCE: Yeah. Sleepy Hollow has expressed interest in that lot.

MR. GALLI: That's all I had, John.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion, and there will be several parts to it. One is to grant conceptual approval. The other would be to declare ourselves lead agency.

I'll move for a motion from the Board to waive the necessity for doing a topo on the residual lot number 2, which contains 6.1 acres of land, for the reason that there's no proposed development presented before us at this time for that.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Bryant, how early on can they write to Jim Osborne for him to then start initiating the City flow acceptance letter?

MR. COCKS: I would think right away.

CHAIRMAN EWASUTYN: I would suggest maybe you do that just for the timing. Okay?

MR. DOCE: Okay. And this will be forwarded to the Orange County Planning Board or --

MR. COCKS: I think I'll need three copies of the plans, then I'll forward it.

CHAIRMAN EWASUTYN: Who will you be forwarding it to then?

MR. COCKS: The Health Department, the Highway Department and the City of Newburgh.

CHAIRMAN EWASUTYN: Okay.

MR. DOCE: Okay. Thank you.

(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: July 13, 2011

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

----- X

In the Matter of

CRONK ESTATES II
(2010-07)

Peaceful Court
Section 1; Block 2; Lot 17.2
AR Zone

----- X

SIX-LOT SUBDIVISION

Date: June 2, 2011
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN R. SZAROWSKI
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1
2 MR. FOGARTY: The next item on our
3 agenda is Cronk Estates II, Town Planning Board
4 number 2010-07. It's a six-lot subdivision being
5 represented by Taconic Design Engineering.
6 Charles Brown will do his presentation.

7 MR. BROWN: Thank you. This is a
8 six-lot subdivision that's been before the Board
9 a couple times. The last time was approximately
10 a month ago. Since then we've done a substantial
11 amount of revisions, mostly pertaining to the
12 drainage, and also the impervious area, by
13 narrowing some of the driveways, pull offs on the
14 common driveway. It's a straight shot. We have
15 enough width where the cars will need to pass and
16 the rest will be able to see each other.

17 We disconnected the rooftop drainage
18 and put those into the rain gardens. We used
19 water quality swales on the majority of the lots
20 to take care of water quality.

21 The buffers we've had on there all the
22 time. That's about it.

23 We're here today to take comments from
24 the consultants, the Board, and we're hoping to
25 schedule the public hearing.

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

MR. COCKS: The only comment that I had
was that a surveyor's seal and signature must be
provided, and an owner's consent note must be
signed before the plans can be signed, before
final approval.

Ken Wersted did e-mail me one comment
that the stop bars at the three-way intersection
should be eighteen inches in accordance with the
New York State DOT. It's currently shown as
eight inches.

MR. BROWN: Okay. That's not a
problem. Darren is prepared to sign the survey
at this time.

CHAIRMAN EWASUTYN: John with McGoey,
Hauser & Edsall?

MR. SZAROWSKI: There's two sets of
comments here. We reviewed the stormwater under
a separate letter.

I'll start with the engineering
comments. We'd ask that the easement for the
drainage on lot 4 be extended across lot 4 and
lot 3.

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MR. BROWN: That's okay. And widened up to twenty foot.

MR. SZAROWSKI: Yeah. Any time you're doing any bends or changes in grade with the drainage pipes, they need to have a structure.

MR. BROWN: Okay. We'll probably replace that whole pipe. There is a kink in it right now. The existing pipe does have a kink in it. You're talking about the intersection with Cronk and Peaceful Court?

MR. SZAROWSKI: I believe so.

MR. BROWN: We'll put a straight pipe in. We'll replace the whole pipe.

MR. SZAROWSKI: The surveyor of record, I think you covered that.

And then I believe the comments for Peaceful Court of Ken Wersted.

Then their private road detail, we're asking for a double surface treatment.

Going on to the stormwater comments. There's a minor mistake in the value. A technical error on the RV value. I think that's an easy correction. I don't think it affects the overall design.

1
2 You had a comment in your stormwater
3 report about the fact that you couldn't meet the
4 minimum -- the hundred percent of the water
5 quality for runoff reduction because of
6 restrictions put on practices by the DEC, and
7 that's just not enough of a reason for you not to
8 do them. You have to justify not being able to
9 do that because they're either handled by another
10 practice or -- you can't take the roofs into the
11 dry swales because you've already used them in
12 your -- they're going to the rain gardens.

13 MR. BROWN: Right. Again, we didn't
14 take credit for the rain gardens for that reason.

15 MR. SZAROWSKI: Right. Exactly. You
16 didn't take credit for the rain gardens. That's a
17 valid reason. The fact that the dry swales only
18 -- you're allowed twenty percent because that's
19 -- what the DEC only allows you is not enough.
20 You have to say well, you know, all the roads are
21 going to a bio-filtration area. There's other
22 practices you can use to come up with a way to
23 show that you either can't make a hundred percent
24 but you've done everything you possibly can, or
25 that you do make the hundred percent. You are

1
2 close. I don't think that's going to be a
3 problem for you to get there.

4 MR. BROWN: We can use the
5 bio-retention on area A because area A contains
6 all of the impervious areas. The other two
7 drainage areas, B and C, because there's no
8 perpetuaries going there it kind of screws up the
9 formula. So my hands are tied with those. I
10 will add in the bio-retention and expand the
11 discussion as far as not being a hundred percent.

12 MR. SZAROWSKI: You are setting quite a
13 bit aside for -- you've got buffer areas. I
14 don't think you took credit for those in your
15 calculations. That will reduce your required
16 water quality. You might look at the site -- I
17 mean you're supposed to break the drainage down
18 but you might look at the site as a whole to show
19 are you meeting the water quality. I think
20 you're actually almost there. There are some
21 practices you didn't --

22 MR. BROWN: Take credit for.

23 MR. SZAROWSKI: -- take credit for.

24 MR. BROWN: I appreciate that.

25 MR. SZAROWSKI: The dry swales. If

1
2 you're sending the water to the buffer areas, you
3 technically don't even need the dry swales
4 because the buffer areas are considered a
5 treatment. So that is actually something -- I
6 don't know that you necessarily need the dry
7 swales.

8 Which leads into the next comment about
9 all these practices being on individual lots. I
10 think the Town Board or Mike need to get in on
11 this, as to whether they want to set up a
12 drainage district for this so that -- because all
13 these practices are required for your stormwater
14 to operate whether or not you need to have the
15 Town Board create a drainage district or if we're
16 going to leave this on the individual homeowner.
17 Being an MS-4, the Town would then become liable
18 for this if an individual homeowner doesn't
19 maintain them. Somebody fills in a rain garden
20 that's part of your stormwater, and enough people
21 do that, you've lost that benefit and you're not
22 treating the water like you were supposed to in
23 the original plan.

24 MR. BROWN: Understood. Two
25 suggestions I had. The rain gardens would fall

1 through the cracks. The swales, I mean those
2 could be installed with the rest of the
3 infrastructure, or the Planning Board does site
4 plan approval for duplexes. We could put a note
5 on the plans that either the Building Department
6 would review the site plan. I know they take
7 plot plans when they take a building permit
8 application. A site plan that will conform with
9 the subdivision. If there's any changes, it
10 would get kicked to the Planning Board for site
11 plan approval. That's one suggestion I had.
12 That would be taken up with the Town Board or --

13
14 CHAIRMAN EWASUTYN: Mike?

15 MR. DONNELLY: I would think you would
16 start with Jim Osborne and then the Town Board.
17 The idea of showing it on a site plan is one
18 thing. The issue is enforcement. We would, at
19 least, ask you give easements for the Town to
20 access the areas where stormwater measures are
21 taken to enforce, but I think the Town Board
22 should be given the opportunity to decide whether
23 or not it wants to create a drainage district so
24 that if it were required to take enforcement
25 action, it could charge back the properties the

1
2 cost of the action it took. That may be too big
3 a hammer for the nail but I think it's their call
4 and they should be asked.

5 MR. BROWN: Okay.

6 CHAIRMAN EWASUTYN: John, have you
7 completed with your review comments?

8 MR. SZAROWSKI: There was another minor
9 technical mistake. The peak flows didn't include
10 the low-flow orifice. I don't think that will
11 impact the overall design.

12 CHAIRMAN EWASUTYN: Jerry Canfield,
13 Code Compliance?

14 MR. CANFIELD: In the work session,
15 just to echo Mike's and John's comments, I voiced
16 some concern with enforcement of the maintenance
17 of these systems. I have a great concern with
18 the individual homeowner being burdened with this
19 responsibility. We had discussed, and it's my
20 opinion, it may be easier for the Town to enforce
21 restrictions placed on a drainage district as
22 opposed to individual homeowners. I think that's
23 a valid concern.

24 MR. BROWN: Frank Galli?

25 MR. GALLI: I have no additional

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comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I agree with Jerry. I think this thing has to be put in place from day one. As you get into the second and third owner of this home, you know, I mean if it's not in place then it's not going to be enforced and someone is going to fill in these gardens or whatever. I think something has to be done from day one.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Okay. I think, at this point, if you could revise your SWPPP report to comply with the outstanding comments that were made by John. Do you know when you might be able to -- are you looking to be placed on the agenda for the 15th or do you want to move this out until July?

MR. BROWN: I think we have to move it to July. I could have it by the end of this week but I don't think that gives the consultants

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enough time.

CHAIRMAN EWASUTYN: Okay. That's fine.
Thanks.

MR. BROWN: Thank you.

(Time noted: 7:15 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: July 13, 2011

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

----- X
In the Matter of

G&M ORANGE, LLC
(2011-07)

Crossroads Court & Route 17K
Section 95; Block 1; Lot 73
IB Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW BOARD

Date: June 2, 2011
Time: 7:15 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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN R. SZAROWSKI
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROBERT DALY

----- X

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

1
2 MR. FOGARTY: The next item on our
3 agenda is G&M Orange which is a site plan and
4 ARB. It's represented by Henry Kroll from Full
5 Throttle Construction Management.

6 MR. DALY: My name is Robert Daly, I'm
7 the engineer for the project. We resubmitted to
8 the Board and the consultants revisions in the
9 site plan and a revised narrative to go along
10 with that. I know we were waiting on comments to
11 come back.

12 We did send -- Bryant had asked, in his
13 comments, that the -- if we would send to the New
14 York State Thruway Authority, they requested the
15 SWPPP for their review. We did send that out
16 when we submitted the plans both to the
17 consultants and to the Board on the 26th of May.
18 So that went out to the New York State Thruway
19 Authority, just to give you an update.

20 We've prepared some changes that I'm
21 going to have Mark Day go over, and then maybe we
22 can just talk about some of the issues in terms
23 of how we proceed at this point.

24 One note that I should make is we're
25 not asking for a sign on this site plan which we

1 provided a calculation as to the requirements as
2 to the sizing of the sign. We're not asking for
3 signage because we're looking at working with
4 Hilton Gardens in developing a site sign at that
5 location there. So hopefully that works out and
6 there will be a single sign at that location. I
7 think that's the preferred alternative with the
8 Town's sign ordinance, to try to collect that
9 signage to a single location. So that's why
10 you're not seeing it in there, although you do
11 see a calculation for the signage that would be
12 available.

14 We also heard back from the New York
15 State Office of Parks, Recreation & Historic
16 Preservation. The essence of their comment was
17 that they did not feel that there was an issue
18 and there would be no impact from the proposed
19 development. We provided a copy of that. We
20 didn't have it available originally because they
21 had sent it out, but I did provide a copy to the
22 chairman and a copy to Bryant Cocks since he's
23 the keeper of the records on that.

24 With that, I'll certainly entertain
25 questions, but Mark Day will go over the changes

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that have been provided.

MR. DAY: Good evening. The changes we made from the last time we were here: We had gotten comments from Mr. Hines, we added a retaining wall, a four-foot retaining wall on the south side of the parking lot, on the west side of the project to keep the grading outside of the conservation easement which runs along parallel to the Quassaick Creek.

We also took the comments and we also relocated the grease trap in the parking lot area to get it away from the creek.

This revised plan now shows the proposed HVAC units we're going to be using in the building. We also are showing a proposed generator which we're going to use at this facility as we have in the old.

Everything else really is -- we have analyzed this at the request of Mr. Hines. We've analyzed the existing lift stations, both the existing for the OCC project as well as Hilton Gardens, and the proposed lift station. These all exit out of the site, out of Crossroads Court, in a three-inch force main. Pat had asked

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2 that we do an analysis to determine that these
3 would not conflict. The analysis was a
4 worst-case analysis where both the pumps for the
5 Hilton, the OCC project and ours would operate at
6 the same time, which I think everybody would
7 agree that's way beyond peak. We looked at the
8 worst-case scenario.

9 We also revised the SWPPP in accordance
10 with the comments that we got, and we made all
11 the other changes.

12 We're just here to get any other input.

13 CHAIRMAN EWASUTYN: John, a response to
14 Mark Day's comments with the SWPPP report? Is
15 your office ready to sign off on that?

16 MR. SZAROWSKI: Yes. We don't take any
17 exceptions to the SWPPP report. However, we did
18 receive a letter from the City of Newburgh
19 Planning Board requesting that they get a copy to
20 review as well.

21 MR. DAY: The SWPPP?

22 MR. SZAROWSKI: The SWPPP. If you
23 could supply our office with a copy.

24 MR. DAY: Your office?

25 MR. SZAROWSKI: Yes. We'll forward it

1
2 on. The Quassaick Creek is part of the
3 Washington Lake Reservoir.

4 MR. DAY: We can do that, sure.

5 CHAIRMAN EWASUTYN: Bryant Cocks,
6 Planning Consultant?

7 MR. COCKS: The applicant revised the
8 bulk tables, as requested, to show three front
9 yards and the maximum building height.

10 The Orange County Planning Department
11 gave a local determination for the project on
12 May 16, 2011, and their comments regarding the
13 parking and the impact on the creek had been
14 addressed by the applicant.

15 As mentioned, the New York State
16 Thruway Authority letter came in on May 16th.

17 As mentioned by Mr. Daly, I did receive
18 the SHPP0 letter.

19 So far we have not received comments
20 from the Orange County Health Department on the
21 grease trap.

22 We did not receive letters from the
23 City of Newburgh. I apologize. We just did.

24 We also sent the plans to the Town
25 highway department, the Town fire department and

1
2 the Town ambulance department. We received no
3 letters from them at this time.

4 Mr. Daly addressed the signage plan.

5 That was it.

6 CHAIRMAN EWASUTYN: Karen Arent,
7 Landscape Architect?

8 MS. ARENT: I had the answer about the
9 two trees that were shown over the water line.
10 Apparently it's okay to plant the trees over the
11 water line.

12 In the cover letter it said that
13 there's going to be fencing around the HVAC units
14 but there's none shown.

15 MR. DAY: Okay. We will do that. I'm
16 sorry.

17 MS. ARENT: And just during the
18 architectural review, if you could discuss the
19 cover and the proposed retaining walls, or if you
20 know it now.

21 MR. DAY: What we're going to do is
22 it's going to be a gray block. I know you
23 originally, in one of your comment letters, had
24 asked that we not use block.

25 MS. ARENT: I didn't say that.

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MR. DAY: Oh, I'm sorry. I misunderstood. The reason why we use the block is it stands up better. You've seen the chain link with the slats. They get banged around. They don't last very long.

MS. ARENT: The rock is good.

MR. DAY: It's going to be a gray block.

MS. ARENT: I don't mean the dumpster enclosure, I mean the retaining walls.

MR. DAY: Oh, I'm sorry. We're going to be using the stones.

MS. ARENT: Is it going to be gray in color?

MR. DAY: Yes.

MS. ARENT: That's just not noted on the plans. Can you note that on the plans?

MR. DAY: I can, yes.

MS. ARENT: That's it with regard to the site plan.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I didn't submit any technical comments. I do have one comment. If

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2 you would give consideration to -- I notice
3 you're using four-inch PVC for the water service,
4 for the domestic and sprinkler line. The PVC is
5 permitted provided it meets the American
6 Waterworks Association --

7 MR. DAY: AWW C-900.

8 MR. CANFIELD: -- C-900. I ask you pay
9 close attention to the transition. The riser
10 inside the building must be metallic. How you
11 make that transition --

12 MR. DAY: Do you prefer without the
13 liner? I mean it's such a short run, I don't
14 know that there's a preference for us.

15 MR. CANFIELD: It's totally your
16 option. There is an issue when you make the
17 transition from the plastic to the black pipe, so
18 it may be beneficial to you to reconsider using
19 the PVC, but that's your call.

20 MR. DAY: I think we will use it. It's
21 not a very far run.

22 MR. CANFIELD: Nothing further.

23 CHAIRMAN EWASUTYN: Comments from Board
24 Members. Frank Galli?

25 MR. GALLI: We got an e-mail from Ken

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2 Wersted about a bridge, the bridge over the creek
3 for the overflow parking for a shorter walk for
4 the pedestrians.

5 MR. DALY: I was just curious if
6 anybody mentioned it to them, the applicant,
7 about that. I don't know if they got a copy of
8 it.

9 MR. DALY: We did. I'll address it. We
10 looked at the potential of putting a bridge over
11 there. Again, I'm going to point out the
12 overflow parking lot is just that. It's through
13 a parcel that there already exists a bridge which
14 is, in essence, where the road is. A pedestrian
15 bridge, it seems to me, would be something that,
16 you know, creates an additional cost. It really
17 doesn't serve a purpose, as far as we could see,
18 for something that -- you know, its use is
19 intended and it's stated to be overflow parking.
20 When we looked at it we said our intent is to not
21 be using this parking area, and so our feeling
22 was it was not -- it would become an encumbrance
23 on the lot which might be more problematic as
24 time went by.

25 MR. GALLI: That's fine. I just wanted

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to bring it up.

CHAIRMAN EWASUTYN: Additional
comments?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I just have one. You
mentioned that on this new building, which is
28,000 square feet, there's going to be no
signage.

MR. DALY: That's correct.

MR. FOGARTY: Just explain to me again
how that's going to work.

MR. DALY: At this point in time what
we're looking at, and we were asked to look at,
was the use of a common site sign for all of the
uses on Crossroads Court, which is a private
road. So a pylon sign had been under discussion
with the Hilton Gardens to be located out here,
and the design for that would be that it would
accommodate each of the users on the court,
aggregate the signage to a single location, and
it would be submitted to the Board for review at

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such time as the design were ready.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Two questions. With the overflow parking, do you plan on having events at this new building?

MR. DALY: Yes, we do. I'll go briefly through. There are a series of ongoing events, but most, and I point this out because our use of the existing building has demonstrated that the events have changed over time. They're smaller in scale and they take place during the business day. So, you know, an event might draw forty or fifty people to the site. It's an event. Yes, it is. It doesn't require overflow parking. It fits into the use that we have there. The Board felt that in the event -- because we were very close to our parking, we had seventy-six spaces now provided on the site and the overflow parking could accommodate that, and we said okay, if that's the feeling of the Board, we'll certainly provide for an overflow parking area, but we don't anticipate that there will be events that would require, as most of the events are smaller

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2 events that just don't require us to go off site
3 for parking.

4 MR. WARD: Because they parked across
5 the street right there in the field. I know it
6 was filled a few times for the overflow. They
7 didn't even use the overflow parking, they used
8 -- when you turn in on the left-hand side in
9 front of the Hilton, that's where they were
10 parking. So that was my concern.

11 MR. DALY: Okay. Well, you know, we
12 have this as a designated parking area there. I
13 did check with the Town Police Department, you
14 know, if they had any issues and that, and we had
15 -- you know, there was nothing that they were
16 going to report back to me or that they could
17 report back where it was problematic from the
18 point of view of control and safety. You know,
19 I'm hoping that in preparing this plan and
20 providing that overflow, that we can -- in the
21 event we needed it, we can certainly direct
22 people there.

23 MR. WARD: Your retaining wall on the
24 south side of the parking lot by the creek, where
25 would that be located?

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MR. DAY: Right here.

MR. WARD: Okay. And how would that impact for cars parked there? Like is there a guardrail or anything?

MR. DAY: Yeah. What we've done is it's about three feet away, so it's not -- it's not right up on the edge. But there can be. We can put a guardrail there.

MR. WARD: I'm concerned about --

MR. DAY: Overshooting it.

MR. WARD: Yeah.

MR. DAY: You're going to have a -- you'll have a six-inch concrete curb there.

MR. WARD: Safety wise and everything. You don't need somebody in the creek.

MR. DAY: Okay.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Do you have any further comments?

We can't act on approving the site plan this evening, or we can't act on approving the site plan until we receive a City flow acceptance letter.

I'll have Mike Donnelly review where we

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2 are procedurally as far as any outstanding items.

3 Mike.

4 MR. DONNELLY: I have a resolution to
5 prepare. I can review the conditions but I don't
6 think there's anything particularly difficult.
7 The contract between the City and the Town
8 prohibits the Planning Board from granting any
9 final approval to a site plan or subdivision
10 until the City flow acceptance letter is in hand.
11 Assume that we have that at the next meeting, the
12 conditions of the resolution would require sign-
13 off letters from McGoey, Hauser & Edsall, Bryant
14 Cocks and Karen Arent from their most recent May
15 memos. They're not significant items.

16 I think we decided, but correct me if
17 I'm wrong, that we would not require a recorded
18 instrument for the overflow parking. We did that
19 only when the rather large restaurant was part of
20 the amended site plan approval for the old Orange
21 County Choppers building. Here I think, as you
22 were with the original Orange County Choppers
23 plan, you were satisfied with showing of overflow
24 parking but not requiring the recorded instrument
25 to tie the lot. I have the language if you want

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2 to do that, but that's something you need to
3 discuss.

4 We would require you to petition the
5 Town Board, pursuant to Vehicle & Traffic Law
6 Section 1660-A, to allow the Town Police and Code
7 Enforcement to enter onto the property to enforce
8 vehicle and traffic violations, handicap parking
9 and the like. The City flow acceptance letter of
10 course. We will ultimately need the Orange
11 County Health Department grease trap approval.
12 We will impose a condition that requires you
13 comply with the parking lot maintenance
14 provisions of the code of ordinances, that's
15 Section 131-1 through 131-5, at all times during
16 operation. You've given us a narrative that
17 outlines the outer limit of your use. The
18 resolution will incorporate that narrative and
19 say that if your activities go beyond what is
20 recited in the narrative, you need to return to
21 the Board for amended site plan approval. We'll
22 include a restriction that prohibits the outdoor
23 storage of or display of motorcycles at any time.
24 When you're ready we'll include the standard
25 condition for Architectural Review Board

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2 approval. We will need a landscape security and
3 inspection fee, a stormwater improvement security
4 and inspection fee. And finally, we'll include
5 our standard condition which prohibits the
6 construction of anything that isn't shown on the
7 plans, including HVAC equipment or outdoor
8 fixtures of that like.

9 CHAIRMAN EWASUTYN: Ken Mennerich?

10 MR. MENNERICH: In the work session we
11 discussed the City's review of the stormwater.

12 MR. DONNELLY: I think they asked us to
13 send a copy, and that copy is going to be sent
14 through John's office.

15 MR. MENNERICH: I'm wondering if the
16 Planning Board we would like to have some sort of
17 feedback on that.

18 MR. DONNELLY: The strange part is the
19 letter came from the Planning Board and it really
20 doesn't have any jurisdiction. Certainly we want
21 to hear back from the City. I think more likely
22 their engineer is the person who should be
23 satisfied with the proposal. As a courtesy I
24 think we should send it to the Planning Board.
25 When Pat is here, I'm sure between now and then,

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2 and I don't mean to say John couldn't have done
3 it but he hasn't been here in the past so he
4 can't answer whether Pat had any discussion with
5 the City's engineers. He may well have. I think
6 in the past he's been careful to alert them when
7 there's a project like this. Between now and
8 then it should be done. If it hasn't, we'll make
9 it a condition.

10 MR. GALLI: Also we have to do
11 something on the public hearing.

12 MR. DONNELLY: You need to decide that.

13 CHAIRMAN EWASUTYN: Does the Board
14 wanted to hold a public hearing?

15 MR. GALLI: No.

16 MR. MENNERICH: No.

17 MR. FOGARTY: I think a project of this
18 size, I think we should.

19 CHAIRMAN EWASUTYN: John?

20 MR. WARD: No.

21 CHAIRMAN EWASUTYN: And myself no.

22 At this point let the record be shown
23 that the Planning Board will not have a public
24 hearing on the G&M Orange, LLC site plan.

25 MR. DONNELLY: You had not taken action

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under SEQRA yet.

CHAIRMAN EWASUTYN: Okay. Thank you.

I'll turn to our consultants. Bryant, would you advise the Board to declare a negative declaration for the project before us?

MR. COCKS: I have no issues on any environmental impacts.

CHAIRMAN EWASUTYN: John?

MR. SZAROWSKI: No issues.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: No issue.

CHAIRMAN EWASUTYN: Having heard from our consultants, I'll move for a motion to declare a negative declaration on the G&M Orange, LLC site plan.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: A motion by Ken Mennerich. Do I have a second?

MR. FOGARTY: Second.

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

The next time you come before us we'll
complete the ARB review. You'll bring renderings
and samples.

MR. DAY: Okay.

CHAIRMAN EWASUTYN: Do you know when
that might be?

MR. DAY: We could probably -- probably
make the next agenda if the Board would like.

CHAIRMAN EWASUTYN: We'll set you for
the 15th. That would be the 15th --

MR. COCKS: 16th.

CHAIRMAN EWASUTYN: 16th. Today is the
2nd. Thank you.

MR. GALLI: John, just for the public
thing, the reason why I think the public hearing
part of it we didn't hold is there are a lot of
large commercial properties in the area and we
sent out notices. It would just probably be like

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G&M ORANGE, LLC

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big commercial properties, no residential. That's why we waived the public hearing.

CHAIRMAN EWASUTYN: Thank you. We'll set this for site plan and ARB review for the meeting of June 16th.

I guess it would be up to you to work through with the City as far as receiving the City flow acceptance letter. Craig Marti is the engineer responsible for responding back to Jim Osborne.

Again, we can't act on it until we have it. Thank you.

MR. DAY: Thank you.

MR. DALY: Thank you.

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

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

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

DATED: July 13, 2011

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

----- X
In the Matter of

LANDS OF TARBEN, INC.
(2004-43)

Request for an Extension of Conditional
Final Subdivision Approval

----- X

BOARD BUSINESS

Date: June 2, 2011
Time: 7:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN R. SZAROWSKI
KAREN ARENT
GERALD CANFIELD

----- X

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

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TARBEN, INC.

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MR. FOGARTY: There's two items on the agenda for Board Business. The first one is Lands of Tarben, Incorporated, Town Planning Board number 2004-43. The applicant is requesting an extension of conditional final subdivision approval which will run from July 6, 2011 to October 4, 2011.

CHAIRMAN EWASUTYN: I'll move for a motion to grant the extension requested by the Lands of Tarben from July 6, 2011 to October 4, 2011.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

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

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

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7 I, Michelle Conero, a Shorthand
8 Reporter and Notary Public within and for
9 the State of New York, do hereby certify
10 that I recorded stenographically the
11 proceedings herein at the time and place
12 noted in the heading hereof, and that the
13 foregoing is an accurate and complete
14 transcript of same to the best of my
15 knowledge and belief.
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DATED: July 13, 2011

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

----- X

In the Matter of

CARPENTER/LOPEZ LOT LINE CHANGE
(2011-10)

Request for a Referral to the ZBA

----- X

BOARD BUSINESS

Date: June 2, 2011
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN R. SZAROWSKI
KAREN ARENT
GERALD CANFIELD

----- X

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

1
2 MR. FOGARTY: Our second item is
3 Carpenter/Lopez lot line change, Town Planning
4 Board number 2011-10. The applicant is
5 requesting a referral to the ZBA for the
6 following variances: Lot 1, Lands of Lopez;
7 minimum lot area, minimum lot width, minimum lot
8 depth, minimum front yard setback. Lot 2, Lands
9 of Carpenter, minimum lot area, minimum lot
10 width, minimum front yard setback, minimum one
11 side yard setback, minimum both side yard
12 setbacks, maximum lot surface coverage.

13 CHAIRMAN EWASUTYN: Bryant, you
14 received -- you collected this information
15 from --

16 MR. COCKS: Patti Brooks did send a
17 letter. On the Lands of Carpenter, the minimum
18 front yard setback is actually an accessory
19 structure in the front yard. I did give that
20 information to Mike.

21 CHAIRMAN EWASUTYN: Okay. And once the
22 Board acts on this, then Mike Donnelly will
23 prepare a referral letter to the Zoning Board of
24 Appeals.

25 MR. DONNELLY: Correct.

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CHAIRMAN EWASUTYN: Having heard from Tom Fogarty the areas for lot 1 and lot 2 that need to be referred to the Zoning Board of Appeals for the Carpenter/Lopez lot line change, I'll move for a motion.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to close the Planning Board meeting of the 2nd of June.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli, a second by Tom Fogarty. Roll call
vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 7:40 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: July 13, 2011