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

----- X

In the Matter of

PARKE LANE AT NEWBURGH
(2012-13)

Stewart Avenue
Section 97; Block 1; Lot 4.11
R-3 Zone

----- X

160-LOT RESIDENTIAL
SITE PLAN, ARB & LOT LINE CHANGE

Date: August 16, 2009
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
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you
to the Town of Newburgh Planning Board meeting
of the 16th of August.

At this time we'll have a roll call
vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. FOGARTY: Here.

MR. WARD: Present

CHAIRMAN EWASUTYN: Myself present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: At this point we'll

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PARKE LANE AT NEWBURGH

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turn to Tom Fogarty.

MR. FOGARTY: Would everyone please
rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. FOGARTY: Would everyone please
turn off their cell phones.

CHAIRMAN EWASUTYN: The first item of
business this evening is Parke Lane at Newburgh.
It's a 160-unit residential site plan. We'll be
discussing ARB. There's also a lot line change
associated with the project. It's located on
Stewart Avenue in an R-3 Zone and it's being
represented by Dominic Cordisco

MR. CORDISCO: Good evening, everyone.
It's good to see you again.

For the record, I'm Dominic Cordisco
and I am here with Joseph Forgione, who is the
applicant for the project, and Joseph Sarchino,
who is the project engineer. I don't want to take
much time. I want to summarize what we're seeking
for approval. We're pleased to show you this
plan. We've been working on it and developing it
for some period of time as we've been involved
with the Town Board for a zone change. This

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2 property was previously zoned industrial, or
3 interchange business. It was meant for industrial
4 uses. We requested the Town Board re-evaluate
5 that because the surrounding properties were, by
6 and large, all residential. We thought
7 residential would be a better fit here.

8 At this point I'd like to turn it over
9 to Mr. Forgione who could introduce himself and
10 tell you about the project.

11 MR. FORGIONE: Good evening. Thank you
12 very much. My name is Joe Forgione, I'm the
13 principal at Parke Lane at Newburgh, LLC, the
14 applicant and the contract purchaser of the
15 property. By way of background, I've been
16 developing similar projects throughout the tri-
17 state area, including Pennsylvania and Florida.
18 We own, manage in excess of 1,600 units with 600
19 units currently under development.

20 This project is -- may I just put up a
21 board?

22 MR. GALLI: Sure.

23 MR. FORGIONE: Like Dominic had said,
24 we've been working with the Town Board for over
25 twelve months to try to -- I believe the zone was

1
2 eradicated in April, and since that time we've
3 been working with Joe Sarchino to develop the
4 site plan and all the details that go along with
5 it. Joe will bring you through the plan in more
6 detail, but I think we've done an extensive
7 amount of engineering, including soils work and
8 surveying, to develop the plan. I believe it's a
9 job that represents a balanced site, and Joe will
10 go more into detail.

11 In general, the site -- the project
12 itself is 160 rental units including a manager
13 unit, a clubhouse and a pool. Out of 160 units,
14 92 are two-bedroom and 68 are one-bedroom. The
15 clubhouse, which is located in the center of the
16 entrance to the site right here, consists of a
17 management/leasing office, which is open five
18 days a week, a fitness center, a meeting room and
19 bathrooms and showers which support the pool
20 area. I'm sorry to keep going back. Within the
21 clubhouse there's a manager's unit. We require a
22 manager to be on site, live on site and is
23 available twenty-four hours, seven days a week.

24 The interior finishes of the units,
25 pretty much the foyer, kitchen and baths are

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ceramic, the living areas are hardwood and the bedrooms are carpet.

The exterior of the unit is a mix between a siding, some type of masonry unit. The colors, which we show here, are consistent with a project I built and currently own and manage in Wappingers Falls, New Jersey -- excuse me, New York called River Bend. At the end of the day, leave it to the marketing geniuses to tell us what colors to use.

Pretty much that's the plan. This is a product that I started to build. The first time I built this project was in a Town called Floral Park, New Jersey, a very affluent town in eastern Morris County, about a mile-and-a-half from the mall at Short Hills, a very famous mall. We're about a mile-and-a-half from there. That's called River Bend in Floral Park.

It's a two-story unit. Excuse me, two-story building. It gives you the look and feel of a town home. We think it worked well in Floral Park. We're trying to build it in as many affluent areas like Newburgh. We're excited to be here. Like I said, we've been working with the

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PARKE LANE AT NEWBURGH

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Board for over a year now for rezoning. We look forward to developing and managing the site. Thank you.

CHAIRMAN EWASUTYN: Does anyone on the Board have any questions at this point for Joseph?

(No response.)

CHAIRMAN EWASUTYN: Thank you, Joseph.

MR. FORGIONE: Sure.

MR. SARCHINO: Okay. Again, Joseph Sarchino from John Meyer Consulting. I'll just bring you through the site plan and some of the work we've done to make the application.

I'm not sure if everybody is familiar with the application. Stewart Avenue is here, Stewart Avenue Extension is in this location.

The proposal, again, is a 26-acre parcel. 2.7 acres of that will come from a subdivision with the Jewish Community Center property which is here. That leaves 2.7 acres. So the entire property is 26 acres in total upon completion of the subdivision.

Access to the site is -- we're proposing the access at this point here. It's

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adjacent to Stewart Avenue. We're proposing to reconstruct Stewart Avenue ever so slightly here. It's a very wide throat to the intersection here. We're just proposing to put a curb in this location, bring it down to 24 feet and provide our boulevarded access point at this location. The offset is approximately 130 feet. The boulevard extends into the property approximately 700 feet to a point where we have a looped road here.

As Mr. Forgione has mentioned, there's 14-unit buildings and 10-unit buildings. The 14-unit buildings have 10 garages in them while the 10-unit buildings have 8 garages in them. Again, you see the garages on the ground floor level in these units here.

We're providing parking around the perimeter loop road. The total amount of parking proposed is 362 parking spaces. The zoning code requires 320. We're providing 10 percent more for visitor parking. So there's 32 spaces available for visitors, and then we're providing another 10 spaces for the clubhouse in this location, where Mr. Forgione has pointed out. The majority of the

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spaces are supplied through the garages and a parking space in the driveway. They're all 20-foot deep driveways.

The loop road basically surrounds an open space in the middle here which will probably have a few walking paths through it, yet to be designed, which will be shown in the future.

We completed a traffic study for the project as well. The intersections analyzed, they're not identified on this map. It's Ridgeview Drive and Stewart Avenue; Ridgeview Drive and Stewart Avenue; our site driveway and Stewart Avenue Extension; and then Stewart Avenue with Route 300. What we found is basically upon completion of the project, the levels of service for these intersections virtually -- well, will stay the same. What we found was we needed to make a signal modification, which was just a timing change, at the intersection of 300 and Stewart Avenue. That basically brought the level of service a.m. -- the levels of service for the intersection itself back. Right now existing levels is A and B for a.m. and p.m., and proposed would be A and B upon completion of the change.

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Storm drainage for the project. We're proposing -- presently there's a drainage channel that comes through off of Route 87, comes through the site here and ends up in a location here where the water goes down underground into an underground system. We investigated that quite thoroughly. We've done some flow tests. The flow tests have shown about 5,000 cubic feet per second is the maximum that we could pump into it. We couldn't pump any more but it's quite substantial. The proposal is to maintain that flow into this area. As far as the existing conditions, that will remain the same, will not change in the future.

The project proposes to put a stormwater infiltration basin. We found the soils in this location have very good capabilities to infiltrate water. We completed soil testing there, and that will be submitted to the Board as well when the SWPPP is submitted. So the infiltration basin for the proposed project maintains existing flows through -- under the existing condition.

That's basically a summary of the site

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plan. If there's any questions, I would be happy to answer them.

MR. GALLI: John, I have a question.

CHAIRMAN EWASUTYN: Please.

MR. GALLI: Where does that water go that goes through the drain pipe after it comes out the other side of your project?

MR. SARCHINO: From what I understand -- I've been out there, I've walked this many times. The owner of the property has completed dye tests and that feature and has not shown where it comes out. They've looked along the Quassaic Creek, every outlet. No outlet was determined. We were originally going to put our stormwater into that and I thought better to just leave it alone, let it keep taking the existing conditions, and that's why we developed these infiltration basins. It's undetermined where that goes right now.

MR. GALLI: It has to go somewhere.

MR. SARCHINO: It has to go somewhere. I agree with that. They've completed dye tests. I'll try to get the information from the existing property owner to submit to the Board as far as

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trying to detail what has been done there.

MR. MENNERICH: The drainage pipes that go through your project, they're deep enough that your construction is not going to bother them?

MR. SARCHINO: Right now there's an open channel that runs from this point, where the 84 pipes end, there's an open channel that comes through here and discharges here. We're going to pipe it from this point through to here and then outlet it here so it can still go into this area as it does today.

MR. FOGARTY: So you're not going to be adding any runoff to that area?

MR. SARCHINO: No.

MR. FOGARTY: All your runoff is going to go to --

MR. SARCHINO: Will go to the infiltration basins.

MR. FOGARTY: And that is large enough to take care of whatever runoff --

MR. SARCHINO: What we've done is we've made it a little larger. Rather than just dealing with the 100-year storm, the basin will contain the 150-year storm. So we've gone up above the

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100-year just to be a little conservative with the design. We'll be submitting the SWPPP to the town engineer for review and comment.

I did want to mention one other thing, if I could. Through the meetings that we've had with the neighbors, we've had I think three meetings with them, one thing that came out very obvious was that they did not want any connection to these local streets here. They really did not desire that, to a point where they even wanted us to add a chain link fence along this perimeter here, which we show on the plans. You will notice that on the site plan we show a 6-foot high fence being installed just off the property line in this location. We really worked hard to try to maintain an existing buffer here. The original plan that -- we had shown the neighbors a little different design. It was a little closer. During refinement of the plan, between when we met with these neighbors, we were able to come up with a design that pushed it away a little further. So we do show a 6-foot high fence here and no connection to the road -- to their existing roads.

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CHAIRMAN EWASUTYN: Joseph, who would be interested in renting these units? Would they be a one-year lease, a two-year lease? How do you picture this and what's it all about?

MR. FORGIONE: Typically when I first started to develop this type of project we made some changes, like I said. The first time I built this project was about 15 years ago, and because the units had the --

CHAIRMAN EWASUTYN: I didn't think you were that old.

MR. FORGIONE: Yeah, right. To answer your question, when we first started everyone wanted to do just the one-year. Because of the demand today, people are pushing for two-year leases. They want to try to lock into the rent at a two-year lease because there's such a demand, especially in this corridor. Really nothing of this caliber has been built with these types of finishes.

Wappingers Falls we finished two years ago, zero vacancy. It's doing very, very well for itself, and there we're seeing 18-month leases.

CHAIRMAN EWASUTYN: That's called River

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PARKE LANE AT NEWBURGH

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Bend in Wappingers?

MR. FORGIONE: River Bend.

CHAIRMAN EWASUTYN: That's how many units all totaled?

MR. FORGIONE: 126. And I just broke ground at the second phase of 56 units.

The project Floral Park River Bend is 200 units.

I also built this product in Hanover Township, which is 316 units, all of which we still own and manage. We don't sub out any construction or management to any third party, we do everything inhouse. That was the reason why we see the product itself evolving to where it is today. A lot of mistakes we made 15 years ago, we've changed this product and it really is as good as it gets.

CHAIRMAN EWASUTYN: And the age group that lives in something like this goes from?

MR. FORGIONE: It goes from just graduating college, to professors, to the older empty nester that has seen -- that's concerned about buying the condo. Because of so many failing condominium associations, many

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homeowners, the empty nesters, instead of buying they're renting. So we've made that adjustment with this as well. We've made some changes to the units and the sizes.

CHAIRMAN EWASUTYN: And again, I don't know if we read about it, the one-bedroom is how many square feet?

MR. FORGIONE: It varies. The smallest one -- I'll give it to you exactly. We changed these plans. Right here, the one bedrooms -- the one bedroom are 1,800 and 1,400 square feet to just under 1,100 square feet for a one-bedroom. And the two-bedroom starts at 1,126 to 1,215. So they're nice size units.

MR. FOGARTY: Joe, do you find -- you see the market in the tri-state area, that this rental market that exists now, is it mainly because a lot of these people can not get the mortgage through the bank to buy a home or is that part of it? It seems that the rental properties are going like crazy.

MR. FORGIONE: No. We've always believed in the rental market, and we build a lot of for sale projects and we take the profits. In

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the last four years we've continued to build rentals. The market has been strong for the last 20 years. I think that we have been fortunate to build in higher and affluent areas, like Floral Park, like Newburgh, like Wappingers. We think it's going to continue to be strong.

To answer your question, the reason why people are looking to rent is the concern with ownership, and I just think that's going to continue to be the same anywhere, from maintenance to property taxes. We're seeing a lot of the seniors renting. We just completed a very high- end project in the Town of South Orange, and I would say 30 to 50 percent.

MR. FOGARTY: They're basically downsizing, selling their homes, if they can get close to their price, and instead of buying a smaller home they're going into a rental.

MR. FORGIONE: Or instead of buying into a townhouse development and the issues with the condominium associations, the reserves, that's where we see a lot of rentals. This market is strong. I mean this is a great area for the colleges and the like. It's a strong area for

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rentals. And like I said earlier, there has not been anything of this caliber built in this area, and you can not imagine the demands for a higher-end rental. Like I stated earlier, the ceramic in the kitchen and baths, hardwood in the living and carpet in the bedroom. People are demanding the stainless steel finishes, the granite countertops, the 36-inch cabinets. They're looking for it. They're looking for the electronics. All of it. The security system, the internet connections. Everything that's -- this project is almost identical, almost identical in so many ways to my Wappingers Falls. Wappingers Falls we built off Meyers Corners Road where the college was, at the corner of Meyers Corners and Route 9, and we did exactly the same thing. It's a long boulevard entrance. It really creates a sense of curb appeal and destination, and it's almost exactly the same as River Bend, a long boulevard entrance to the project itself.

What I did was I took pictures of the actual project and what it looks like, and again the color schemes. We took the easy way out on the boards and just showed exactly the same

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thing. Before we break ground, like I said, the market geniuses will tell us.

CHAIRMAN EWASUTYN: Pets are allowed?

MR. FORGIONE: Yes, pets are allowed. I'm sorry, sir. Pets are allowed. We designate pet-friendly buildings. There is a security deposit that comes along with it, and there's a fee.

CHAIRMAN EWASUTYN: The curbing that you show there, what type of curbing is that?

MR. SARCHINO: Stone.

MR. FORGIONE: I didn't know what your detail was. We like to use the block.

CHAIRMAN EWASUTYN: Because it is a private road, it wouldn't matter to the town highway.

MR. HINES: As a site plan they can pick those features.

MR. FORGIONE: So I went through some of the reports from your professionals and we'd like the opportunity to sit with them because we do so much of this and we really know what is needed.

CHAIRMAN EWASUTYN: I think what's

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beneficial, before you sit with them the first time, and we'll discuss it; number one, there's some actions that have to be taken tonight, that you come back with a little bit more detailed plan --

MR. FORGIONE: Yes, sir.

CHAIRMAN EWASUTYN: -- so we have an understanding beforehand of what we're sitting down with. From a learning perspective, the consultants work for the Planning Board. The Planning Board, they don't like the responsibility of designing projects. We like to have some input on what you're doing. I think it's a little premature to just go straight to a consultants' meeting. Again, there are details that we don't even know about now that we'd like to see before we move in that direction.

MR. FORGIONE: Yes, John.

CHAIRMAN EWASUTYN: I always like -- personally I like to be part and parcel to the whole thing rather than coming back and saying this is what we worked out with your consultants, then I say to you I don't know what the purpose of the Planning Board is in actuality.

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MR. FORGIONE: Yes, sir.

CHAIRMAN EWASUTYN: Let's hear from our consultants now as to how you may have to tune the project somewhat, what needs to be done, and then we'll go from there.

MR. FORGIONE: Thank you, John.

CHAIRMAN EWASUTYN: We'll start with Ken Wersted, Traffic Consultant.

MR. WERSTED: We received the plans and the accompanying traffic study and had reviewed the documents, prepared some comments and transmitted that to the applicant.

I understand there are some quality of life concerns with the neighbors on Benson Avenue and Wood Street regarding access to those Town roads that they live on, however I believe there are some benefits to either pedestrian connections or emergency vehicle access to those roads. I also understand that the Town has agreed -- the applicant has agreed, in a developer's agreement, to limit that access.

We had a couple other comments, including the location of the access road and where that meets with Stewart Avenue. The sight

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distance there is limited by a neighbor's fence across the street in the curve of Stewart Avenue. Moving the road further away to gain the 150-foot separation requirement from Stewart Avenue Extension relieves the need for a waiver, however it decreases your sight distance. Moving it closer obviously limits the distance between the two roads, improves your sight distance but requires a larger, I guess, waiver, or becomes a point where the intersection of Stewart Avenue and Stewart Avenue Extension and the site road could conveniently become a four-way intersection. As part of my comments I attached a quick sketch to illustrate that, and I believe the town supervisor had commented about the feasibility of having a roundabout at that intersection.

The other comments that we had were fairly minor relative to one of the tables, there's a typo in there. The level of service reports that were provided, we'd ask for those. However, if you take the analysis as it stands, we concur with the analysis that the unsignalized intersections in the area will operate very well.

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There shouldn't be any issue with residents coming out of Stewart Avenue Extension, Ridgeview Drive or the project site onto Stewart Avenue. The only real delays appear to be at the Route 300 intersection due to the favored signal time on Route 300 versus the side road. The applicant has proposed some signal timing changes to mitigate the delays that would increase due to the project. We had offered also an alternative mitigation, which would be to add a right-turn arrow to that intersection. So either one of those options would improve the operations at that intersection, and would also require DOT review and approval.

That was the extent of my comments that we had on the project.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. My first comment was regarding the drive aisle widths. The applicant's currently showing a 24-foot drive aisle. Since the building height is 33 to 35 feet, the road is going to need to be 26 feet wide in accordance with the 2008 New York State Fire Code. And

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also, the boulevard entrance going in, since there's no emergency access will need to be 20 feet on each side of the boulevard. So with that increase and the distance from the intersection, I think that whole area is going to have to be revised on the site plans.

CHAIRMAN EWASUTYN: Joseph, you seem to shake your head over that.

MR. FORGIONE: The project -- I'm sorry. The project at River Bend, that was one of the comments -- like I said, we were meeting with their consultants. We discourage parking on the main road. We encourage people to either park in the driveway, garage or designated visitor spaces. The larger the road gets, the wider it gets, it just encourages people to park on the road. We especially don't like that because especially in the winter is plowing. We'd like to keep it open. So often, you know, you come you visit with someone, you fall asleep, you sleep over and you park on the street and it causes a problem. We purposely put it at 24. That's what we had it at River Bend in Wappingers Falls, again to discourage people from parking on

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the street.

CHAIRMAN EWASUTYN: Is that a code requirement, Bryant?

MR. COCKS: Yes, it is.

MR. FORGIONE: If it's required. Is it also required for the boulevard?

MR. COCKS: For the fire truck access going in, since there's no emergency access to another point, you have to use each one technically as a separate access so if one is shut down the fire truck can enter through the other.

MR. HINES: What's triggering it is the height of the building. Your buildings are about 2 foot or 2 1/2 foot higher than -- if they were at 30 or less, than the 24-foot wide access road --

MR. FORGIONE: Is that to the peak of the roof?

MR. CANFIELD: Yes. Actually, there's two issues here. The height of the building is requiring an aerial, which is a ladder truck, access, which the road width requirement is 26 feet in the vicinity of the structure, okay.

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The other issue is the road width requirement is 20 feet, 26 feet in the vicinity of fire hydrants. This project is served by municipal water. You have an 8-inch water main loop with hydrants. You need to either provide pull-offs in the vicinity of the hydrant for a dimension of 20 feet before and 20 feet after the hydrant for a width of 26 feet. The road widths need to be a minimum of 20 feet driving lanes, and then 26 feet at the hydrants, and 26 feet at the buildings because of the height of the buildings. They're over 30 feet in height.

MR. FORGIONE: And I think just the height is measured to the peak of the roof?

MR. CANFIELD: Yes. There's average datum on building height that's figured. This comes out of the New York State Fire Code, --

MR. FORGIONE: Yes, sir.

MR. CANFIELD: -- Section 903. You can look at it.

MR. SARCHINO: I have it.

MR. CANFIELD: Also Section 503 is what deals with the access points as well.

MR. FORGIONE: Okay, sir. Thank you.

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I'm sorry.

CHAIRMAN EWASUTYN: That's fine. That's what we want to talk about. In listening to the consultants, and you'll hear from Jerry, you've heard from Bryant, you heard from Pat, it seems to be the main point of the design layout. So I think it's important that we talk about that now.

MR. SARCHINO: If I can just make one clarification. You said each boulevard lane needs to be 20 feet wide?

MR. CANFIELD: Yes.

MR. SARCHINO: That's the one you want to keep -- we're trying to keep pavement down to a minimum, impervious surfaces on the lot. There's absolutely no flexibility on the width of the boulevard lanes to be -- right now we have it proposed at 14 feet.

MR. CANFIELD: Let me rephrase that. The access road requirement is 20 feet. As you have proposed a boulevard, it lends itself to suggest that it's an ingress and egress, two separate roads. The prime concern here is ingress in the event of a fire, getting apparatus in. So that's got to be 20 feet. I have to tell you that

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I suggested to the Planning Board, although I am aware of your concerns that you've dealt with with the Town Board, I'm also aware of the agreement, the developer's agreement that has been made. I'm aware of the commitments that have been made during the hearings not to access Wood and Benson as an emergency access. With that being said though, I still feel adamant that this project should provide some type of emergency access. My concern is in the initial area where you come into the project from the access road, that lends itself to the potential of a bottleneck area. Should there be a fire or an incident in either one of those corner buildings, the first incoming apparatus is going to stop there and then that's going to create a bottleneck. The rest of the site is no longer accessible for other vehicles, such as ambulances. If there were an evacuation, how do you get emergency vehicles in and out? I would like if you could consider some type of spur road to get down into that site at a different location. There's different options out there as far as grassed over pavable areas. It would be

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just for emergency access, but that was my suggestion to the Board, if you could consider that.

MR. FORGIONE: The access road is pretty flat. Would it help if we were to not curb the access road, and being that the shoulders are flat, that maybe -- would that help? While it wouldn't be paved, it would be wide enough for a car to drive off the road per se.

MR. CANFIELD: There's several different ways that you can address this. The surface, how you can address it.

MR. FORGIONE: We don't want to add any more pavement. We went through almost a year with that developer's agreement. So if there's something we can do by maybe eliminating some curbs, something that would satisfy, can we work together?

MR. DONNELLY: Jerry, why don't you show him what you had mentioned earlier in terms of where it would be, and it wouldn't necessarily be pavement, it could be grassed over pavers.

MR. CANFIELD: Our initial concern is this vicinity right here. If there were an

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incident in either of these two buildings, the first arriving apparatus would come and set up here, and then that would completely bottleneck the whole project. There would be no way to get in at the back of the buildings should you have other people. If it were a catastrophic event and fire should spread from one building to the other, you could have an extended evacuation process. Once this area is blocked, there's no other way to get in or out -- any other resources in or out. The suggestion would be if you could come in with some type of, you know, access road here.

MR. FORGIONE: It's really steep right there. We saw the grades.

MR. CANFIELD: The topo didn't show it to be all that steep when we looked at it. Perhaps you can come back with some suggestions. The grassed area, there are pavers that allow grass to come through, could create a substantial base for the weight of the vehicle. The only concern there is maintenance of that has to be taken into consideration. You know, snow plowing and making sure it remains, you know, accessible

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in the winter months. But that's the area that we were talking about.

MR. FORGIONE: Okay.

CHAIRMAN EWASUTYN: Can you reduce the height of the buildings?

MR. SARCHINO: That's what I'm thinking.

MR. FORGIONE: The buildings are fully sprinklered by code. Maybe we will look at the height of the buildings and see if we can do something.

CHAIRMAN EWASUTYN: There's always two sides to this, designing of a project that is pedestrian friendly and that doesn't have a lot of impervious surface, and then there's these codes, respectfully, that almost contradict the concept of establishing whether it be -- we talk about that all the time -- you know, roads that are 14 feet wide, and then we get into this designing for the worst-case scenario, and that just sort of blows everything out of perspective. That seems to be, again, where we're at.

MR. SARCHINO: Jerry, if we went to a 30-foot high building, how would that change what

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we're talking about right now?

MR. CANFIELD: The height of the building would only affect the requirement of the width of the road. That is it. If you were under the 30 foot, that would only eliminate the requirement of 26 foot road width in the vicinity of the buildings. Keeping in mind the idea and the purpose for that is an aerial device which is a larger width. You need room to set up with out riggers and that type. So if you're under 30 feet in height, the way the code is is that you're negating the need for aerial device type of equipment. Still keep in mind, though, you still have public water, which is a requirement as well, and the fire hydrants. So you still need to address that 26 feet in light of the fire hydrants.

So the bottom line is lowering the height of the buildings I don't know is going to do all that much for you.

MR. FORGIONE: Understood. Thank you, Chairman.

CHAIRMAN EWASUTYN: All right.

MR. CORDISCO: If I may, Mr. Chairman.

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We touched on the fact that there is a developer's agreement that limits a permanent roadway connection to Benson and Wood, and I just felt it's important to give a little bit of background there in connection with that.

When we first approached the Town Board to consider rezoning of this property, the Town Board asked us to meet with the neighbors, and so we sent out notices to the neighbors and we had a meeting, and we actually only had three people come out. We had one person who lived back here who was very much concerned about a connection between projects. That being said, you could see that these stub roads here were certainly laid in and designed for future connection to the vacant property behind it. But good planning aside, this has become a neighborhood here, and the concern was that they wanted to keep it as an enclosed neighborhood. That was one person. We had another person who lived on Stewart Avenue and was concerned generally with traffic along Stewart Avenue. And then we had a third person down here who has a house that he wanted to sell us. And so we went to the Town Board, the Town

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Board asked us to have a second meeting, so we had a second meeting, and at this point it was at the Jewish Community Center, and that meeting was duly noticed. However, the Town Board asked us then to have a third meeting because there was a discrepancy between the notices. All this is just background because that was all as a prelude to the public hearings that we had at the Town Board level where there was two, there was a public hearing on the comprehensive plan itself and then a public hearing on the actual rezoning. So we've had five opportunities for public comment. The most well attended one was actually the third informal meeting. At that meeting there was about 20 people that came out. The primary concern, I must say, was the connection between Benson and Wood into the project. And so as part of the consideration for the Town Board to grant the zoning, that restriction was placed on the property so that there's no permanent roadway connection between the two. That's also why Joe Sarchino has spent time to pull the project as far back from Benson and Wood, to preserve the sense of neighborhood that is here without

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altering it in any way, shape. Planning principles aside, that is the reality of the situation. That developer's agreement has been finalized. I'll provide it to your Counsel. It has been recorded and it does travel with the property.

MR. DONNELLY: Dominic, I think the Board and the Consultants accept that as a given. What we're struggling with as a recommendation is a way -- with that limitation, to still try to find a way that makes it more safe for emergency vehicle access and in a way that doesn't disturb your project planning. It doesn't have to be a paved road. Grass pavers work. If that isn't the right location, maybe somewhere else. The design creates a potential for a bottleneck at that Y intersection. We're trying to find a way to see if in an emergency you can get vehicles around the rest of the roadway.

MR. CORDISCO: Certainly. We have a couple of ideas. Mr. Chairman, we'd like the opportunity to work and try to come up with --

CHAIRMAN EWASUTYN: Michael, that was well said. Thank you.

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MR. CORDISCO: Thank you.

MR. MENNERICH: We haven't seen the agreement with the Town on that. Does it specifically indicate that it can't even be used as an emergency access?

MR. CORDISCO: No. What it does say is there's no permanent roadway connection.

MR. MENNERICH: So I guess why not consider that then as an emergency entrance? It's not something that's going to be used except for fire trucks or something.

CHAIRMAN EWASUTYN: This is open for discussion.

MR. CORDISCO: If it's a question of interpretation, it doesn't say specifically no emergency access, no access of any kind. It says specifically no permanent roadway. Whether that includes emergency access or not --

MR. MENNERICH: Emergency roadways, though, are often constructed and it's not a permanent --

CHAIRMAN EWASUTYN: Pat, you have something you wanted to say?

MR. FOGARTY: I didn't know if you had

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made your comments.

MR. HINES: I have additional comments.

MR. GALLI: I think what the neighborhood down there is concerned about, and that's probably why they put the fence up, I think they're concerned about people walking through also.

MR. FORGIONE: Correct.

MR. GALLI: If we have any kind of road, whether it be blocked off like we have at Stony Brook, still they use it for a walking path and things like that. I think that's what I heard some of the neighbors say, they don't want anybody intruding through the backyards onto those roads, and that's why they have a fence and no emergency exit there. I think if they're willing to work out something and bring it back to us, let's see what they come back with.

MR. CORDISCO: They didn't want any connection. That was the most vocal comment.

MR. GALLI: Work something else out.

MR. FORGIONE: We'll work on it.
Absolutely.

CHAIRMAN EWASUTYN: John Ward?

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MR. WARD: You mentioned that the Boards were meeting before this about some type of trail or whatever, access going out, like a pedestrian walkway but make it wide enough that you can get a vehicle there. If they are asking for a fence there, you put a gate up or whatever to unlock it or whatever. Nobody can get in and out. You could have like a walkway with benches, a nice open area but wide enough a vehicle could go through emergency wise, you know, with pavers or whatever it is, with grass. You can make it look nice but at the same time you have a window. If they're asking for a fence and gate, whatever, you make a nice fence, make it look good.

CHAIRMAN EWASUTYN: How is it you came up with the chain link fence? Is that what was generally agreed upon?

MR. SARCHINO: That's what they wanted.

MR. CORDISCO: We asked them what they wanted.

CHAIRMAN EWASUTYN: That's it. That's what they wanted. To redesign something that someone already wanted that was agreed upon, you know, it's -- we could go back and forth.

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MR. SARCHINO: We think we have some ideas. We'll fix this up without too much trouble.

CHAIRMAN EWASUTYN: Let's finish with our consultants. Pat Hines?

MR. HINES: The first four comments we've already talked about regarding the emergency access and the building code issues, as well as Ken's comments on the driveways.

There's a sewer lateral, it looks like from one of the neighbors crossing the property. It looks like you have some encroachment. We're just wondering how those are going to be addressed in the future. Some parking, retaining walls. It looks like your neighbor's sewer line runs across your property.

We're looking for a separate survey plan.

There needs to be a lot consolidation and subdivision plan included into the set.

As we move forward, the City of Newburgh flow acceptance letter will be required. We have an agreement with the City of Newburgh and the Board can't issue any approvals until the

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City of Newburgh flow acceptance letters are there. The process there is that you send a narrative report, including the hydraulic loading, to Jim Osborne's office and Jim Osborne will forward that on to the City for approval.

There are required notes specific to the Town water and sewer system that I can get to Mr. Sarchino to put on the plans in the future. The stormwater, we'll be reviewing the SWPPP. The infiltration system needs to be designed per the design manual. There will need to be permeability testing at the design grades.

We are concerned about the -- I don't know the history but we did note the channel that goes underground to we don't know where. We're suggesting some additional research be done on that. The geology in this area is not real conducive to water that goes into the ground and doesn't come out somewhere. It could be an issue long term. Should that become clogged and you don't know where it is, you may have a serious issue in your development. We're suggesting some additional research get put into that.

Dumpster enclosures and recycling, I

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don't know how you work that, if it's individual can pick up or dumpsters and recycling. That needs to be shown.

We'll provide additional comments when we get the detailed design plans.

CHAIRMAN EWASUTYN: Jerry, do you have anything else you want to add?

MR. CANFIELD: Just a couple other things. To wrap it up on fire protection, I think I heard the buildings will be sprinklered.

MR. FORGIONE: Yes, sir.

MR. CANFIELD: That's required. They are residential.

One other zoning issue we had talked about at the work session. Between buildings 9 and 12 I believe it is, there's a couple dimensions that are depicted on the site plan. I believe -- it's my opinion in both cases that there is a setback issue there. The rear of building 9, the setback separation should be 75 feet, or twice the distance of the tallest building. In this case 35 would be 70 feet. Actually, where the 45 feet is marked off, it is the correct area to measure the setback, but that

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setback should be 70 feet. I see you only have 45 there.

MR. SARCHINO: I think that was a side to the rear.

MR. CANFIELD: I would think that would be the rear.

MR. FORGIONE: Side to rear.

MR. CANFIELD: That would be my determination, that that's the rear.

MR. SARCHINO: My determination was --

MR. CANFIELD: Look at it.

MR. SARCHINO: I'll have to go over that with you.

MR. CANFIELD: We had this discussion during the work session. Ultimately when there's a scenario like this, it should be referred to the Zoning Board.

MR. SARCHINO: I projected a line perpendicular to the building back, and that was the rear to another rear. From the side, from the corner I went from this corner to this corner and felt that was side to side. So the way I see it is the rear projects straight back and then the side would be from the side of the building

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or the corner of the building. That's why I have it labeled that way.

MR. DONNELLY: May I suggest put your position forward in a letter. Jerry can address it and I can look at it too. If Jerry's opinion, which is the one you're going to have to live with, is not satisfactory to you, then you can go to the Zoning Board for an interpretation or variance.

MR. SARCHINO: What I think might be a good idea is, if the Chairman and the Board doesn't mind, if we come up with an idea to correct the bottleneck here and may be able to discuss our thoughts on that, the setback, we could meet with Mr. Canfield and go over that just to see if we're in the ballpark, and then present it to the Board, if that's okay.

CHAIRMAN EWASUTYN: I think the Board is okay with that.

MR. FOGARTY: That's fine.

CHAIRMAN EWASUTYN: Anything else, Jerry?

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: Any comments from

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the Board?

MR. GALLI: No.

MR. MENNERICH: Just one question. On your other projects, what is your philosophy about sidewalks within the projects?

MR. FORGIONE: We do not install sidewalks along the roadway for a number of reasons, maintenance -- maintenance, liability. Most people don't use them. That's why we like to keep the roads narrow and not install sidewalks along the road, especially ones that are not dedicated to a Town, they're private roads. There are just so many reasons. No one uses them, for one; and two, no one uses them. It's like a tennis court. If you don't put it in, they want it. If you put it in, no one uses it. When you own so many of these projects you really just know the way people live, and we can -- there's a number of different things we can talk about from traffic to sidewalks. You'll never know. That's really the truth. It is the truth.

MR. GALLI: The project over in Wappingers, is that full?

MR. FORGIONE: Yes, sir. As a matter of

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fact, I checked a couple weeks ago what the waiting list was. It was 14 two weeks ago. I don't know where we are today.

MR. GALLI: Do they have a model unit you can walk into and see?

MR. FORGIONE: There's a model unit and a clubhouse.

MR. GALLI: It's off Meyers Corners Road?

MR. FORGIONE: Yes. Next time I can give you some shots.

MR. GALLI: I might take a ride over.

MR. SARCHINO: It's the second left.

MR. FORGIONE: We have a sign there, too.

MR. FOGARTY: John?

CHAIRMAN EWASUTYN: Yes.

MR. FOGARTY: The reason we were talking about the sidewalks is that school buses will not go into the projects, so the kids are going to have to walk down Stewart in order to get the school buses. That's why we got into this discussion that maybe sidewalks. It's better than the kids walking on the street.

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MR. FORGIONE: Like I said, this is almost identical to the River Bend project because of the long boulevard entrance. We don't have sidewalks there. It just works. You'll be amazed at the children you will not see in this project.

MR. WARD: What's the roundabout in your driveway? Why is that there in the middle?

MR. FORGIONE: It just looks nice.

MR. SARCHINO: Traffic calming. Try to slow the speed of the cars down.

MR. FORGIONE: He'll give you the engineering reason. I'll tell you it's just a feature that we thought looked nice instead of just a long boulevard. It's a little more costly but we thought it was a nice feature.

MR. WARD: With Stewart Avenue, they suggested a roundabout there. I think that would be very good on slowing down the traffic, less accidents with your driveway there and everything else.

CHAIRMAN EWASUTYN: You don't seem to like that idea.

MR. FORGIONE: You're not going to know

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this project until it's built. That's really the truth.

MR. WARD: Your pedestrian walkway, you can say, you know, it works out and everything else, but at the same time when they're walking in the winter, snow is on the ground, you know, it is safer for the kids going out.

MR. GALLI: Two bedroom, one bedroom, I don't know how many kids you're going to have.

MR. WARD: My other suggestion is some type of gazebo or shelter at the end of the driveway when you come in for people waiting for school buses or whatever outside. You know, there at the end of your driveway. You're going to have, who knows, 5 kids, 25 kids, you don't know. A lot of them could be young. So with the mothers and everything else. You don't need cars parked along your driveway with the children in them.

MR. FORGIONE: Yes, sir. That's actually a good point.

MR. WARD: Do you have basements?

MR. FORGIONE: No, sir.

MR. WARD: And that should cover it for

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now.

MR. FORGIONE: Thank you.

MR. DONNELLY: Two things, if I could. One is the lot line change piece is going to need a co-application. I think the Newburgh Jewish Center is giving them some land, so they'll be an applicant as well.

MR. CORDISCO: We submitted the application. It's just that the plat -- a sheet called the plat has not been submitted as part of the set yet. We'll submit the proxy from the Jewish Community Center.

MR. DONNELLY: Very good. Number two is I believe this is a Type I action. I know the Town Board handled it on a segmented review basis. You need to issue a notice of intent to serve as lead agency because there are other agencies involved.

CHAIRMAN EWASUTYN: I had that note down. Thank you.

Okay. I'll move for a motion, as Mike Donnelly had just said, to declare our intent for lead agency.

MR. FOGARTY: So moved.

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CHAIRMAN EWASUTYN: I have a motion --

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. 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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'll move for a motion from the Board to grant conceptual approval for the 160 residential unit for Parke Lane at Newburgh.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: A second by Tom Fogarty.

MR. MENNERICH: Discussion on that. Is the concept going to change based on the fire --

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CHAIRMAN EWASUTYN: Right. If it is, we can always rescind that motion. For now that will give us the opportunity to circulate for lead agency.

I have motion by Frank Galli, I have a second by Tom Fogarty and a discussion by Ken Mennerich. Any further discussion?

(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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Dominic, you'll have to get the necessary plans to Bryant Cocks for circulation, and John, either or.

There's one other thing I want to discuss at this point. The Town Board is in the process of adopting a new local law which requires, after tonight's meeting I know you're

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going to be tired of hearing this again, that a letter be sent out to people within 500 feet letting them know about the project. Bryant Cocks has, and I have a copy here also, and you probably have copies of it. I would say take this copy and let's discuss how we're going to manage the mailing to people within 500 feet.

Can we discuss that now, Dominic?

MR. CORDISCO: Yeah. I mean I have not seen the Town's proposed local law. I mean my understanding is similar to yours in a sense that the initial letter would probably look like the letter that we sent to advise them of the informal process that we went through except now it would be changed to advise them that we have an active application before the Planning Board. And also because, as you pointed out before, the project requires a subdivision with -- it's a lot line change but it is a minor subdivision, so a public hearing is required. While it was discretionary just on the site plan, it doesn't matter because you have to have a public hearing. My thought would be the letter would be updated. I'd be happy to share a draft with yourself and

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Counsel and your Consultants before that goes out.

And also, I think it would be important to advise them in the letter that there will be a public hearing on this process and they are receiving this letter. They're also going to be receiving a notice of when the actual public hearing will come, so that way someone who wants to only come out for the public hearing can, and someone who wants to come out throughout the process can do that as well.

CHAIRMAN EWASUTYN: If the Board is in agreement, Dominic Cordisco and Mike Donnelly put together a letter.

MR. DONNELLY: I think what we eventually want to do is have a standard form letter we can set up and use. The contents that Dominic is suggesting would be great. I've already provided a specimen letter to Bryant, but I'd be happy to look at your proposed letter.

CHAIRMAN EWASUTYN: I think we received from you and affidavit that the mailing in fact was --

MR. DONNELLY: It's an ordinary mailing

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with one affidavit that says it was mailed.

MR. CORDISCO: I like ordinary mailings because some people prefer not to sign for registered mail.

CHAIRMAN EWASUTYN: Thank you for your time.

MR. WARD: John, one more thing. The snow removal, do you have any plan on where it's going and where you're going to put the snow?

MR. FORGIONE: Throughout the loop road you'll see some open areas. We don't just use a plow, we use a front-end loader. Depending on what we see after the first snowstorm, we look and if we have to bring in equipment we do. But that's always an issue, and that's one of the reasons we don't like sidewalks.

MR. WARD: Okay.

MR. CORDISCO: One last procedural item. Because of the proximity to the State highway, plans will have to be referred to the County Planning Department. If we provide an additional set at this point --

CHAIRMAN EWASUTYN: That's why I say, if you contact Bryant for the necessary plans,

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he'll manage that. 239-M, we do follow that.

MR. CORDISCO: At least we can start that process as well.

Thank you, it's very helpful. Good night, everyone.

(Time noted: 7:57 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: September 14, 2012

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

----- X
In the Matter of

GREINER SUBDIVISION
(2002-33)

Lattintown Road
Section 7; Block 1; Lot 22.25
AR Zone

----- X

FIVE-LOT SUBDIVISION

Date: August 16, 2009
Time: 7:57 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

MICHELLE L. CONERO
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CHAIRMAN EWASUTYN: The next item on the agenda is Greiner Subdivision. It's a five-lot subdivision located on Lattintown Road, opposite Merritt Lane, in an AR Zone, represented by Gregory Shaw.

MR. SHAW: Before we start I have to say this project has been the best decade of my life. It started in 2003.

In 2011 we got conditional final subdivision approval from your Board for an eleven-lot subdivision. That consisted of an extension of Greiner Road to a cul-de-sac, storm drainage piping and an easement to a stormwater water quality and detention pond located in approximately this area. With that came a whole slew of issues, which we resolved everything from the estimate approved by Jim Osborne, to the formation of the drainage district, to the common driveway maintenance agreements, on and on and on.

Now that the dust has somewhat settled with this economy, my client has revisited this project and took a look at the cost. The infrastructure for the six extra lots that would

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be an addition to this five; very simply, it doesn't make economic sense. So, with that, if we shave it back to a five-lot subdivision, we have a site disturbance of about 4.3 acres. With that goes the extension of Greiner Road. With that goes the storm drainage piping and the easements and the pond. Really what we have is a relatively simpler subdivision, all lots fronting on existing Town roads and no new public improvements.

So we're here before this Board tonight on this application, I would guess for some direction as to where we proceed from here and ultimately for approval for this reduced subdivision.

CHAIRMAN EWASUTYN: One thing we had discussed, we will have to have a public hearing on this. If you're in agreement on that.

MR. SHAW: Of course I'm not, but my vote don't count.

CHAIRMAN EWASUTYN: We would like to schedule it for the 6th of September if that's convenient for you.

MR. SHAW: Okay.

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CHAIRMAN EWASUTYN: And all other things we'll have Pat Hines and Bryant Cocks talk to you about. Pat.

MR. HINES: The first is that we just need to affirmatively withdraw the larger subdivision. The reason for that is that this project can't be part of a "larger development scheme," which it previously was but now we were informed they have no intention of developing more than this minor subdivision, and that reduces the stormwater requirements down to an erosion and sediment control plan because it's residential, less than 5 acres disturbance, less than 25 percent impervious.

We received a stormwater management plan consistent with that and concur that that is what should be done. As long as the other development is off the table, we're okay with that.

The other issue is this project was before the Orange County Health Department. There are reputedly agriculturally impacted soils due to the former orchard use. That was under the County's purview, and they require certification

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of them. The County is not out of it as a minor subdivision. We're suggesting the Town of Newburgh has a policy that we don't want to be in that certification business, or even the receiving of those, so we're suggesting a note be placed on the plans, because the applicant is going to go through that remediation process on these lots, that the owners of those individual lots receive copies of that information, just taking the Town out, the County is no longer involved, but there's at least some process to allow the potential buyer or the buyers to know that work has been done.

The only other issue we have is there's several easements for access, grading and utilities that Mike Donnelly's office will have to sign off on. The majority of the work is done. The septic's have been reviewed. There are no new public improvements now.

With the public hearing requirement, I think that's all that's needed to be done.

CHAIRMAN EWASUTYN: Are you in agreement?

MR. SHAW: Just a couple questions. One

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is how do I withdraw the application from a minor -- excuse me, from a major to a minor subdivision?

MR. DONNELLY: I think a letter will do it. If you'd like the letter be held in case this thing falls apart and he changes his mind again, that would still satisfy the requirement. Give us a letter that surrenders the approval and we'll hold it. If this gets approved, we'll have it dated as of the beginning.

MR. SHAW: Just some other general issues that you touched on. Mike had agreed with the previous subdivision, we have it in writing, that the right-of-way and easement agreements were satisfactory to him. We do owe you Central Hudson's. I want to put that on the record. We do owe you Central Hudson's. And again, the notes that we had on the plans with respect to grading satisfied Mike in 2011. Whether it does or not today I can't tell you, but it did in 2011.

MR. DONNELLY: If I pull out my letter I'm sure it will.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

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MR. COCKS: I did have a question. Lot 5, did that get approval for the driveway location with the previous approval from the highway department?

MR. SHAW: To the best of my knowledge; no, it didn't.

MR. COCKS: We'll need that. The buildable area plan, if you could just show the 5,000 square foot rectangular box. It has to be a rectangle. I think one of the lots was a little off shade.

MR. SHAW: Is that the larger lot?

MR. COCKS: It had a curve in it instead of just a straight rectangle. That's the lot area requirement.

MR. SHAW: I'll look at it.

MR. COCKS: There's plenty of room.

MR. SHAW: If I have a question I'll contact you after tomorrow or the following day.

CHAIRMAN EWASUTYN: Do you work on Saturday?

MR. SHAW: Do I work on Saturday? I work with Tom.

CHAIRMAN EWASUTYN: Jerry, do you have

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anything to add to that?

MR. CANFIELD: Just one question with respect to Pat's comment about the note on the soil certification. That's going to be a recommendation, not a requirement upon issuance of C of O?

MR. HINES: It takes us out of there. It's going to be -- the potential buyers will receive that certification.

MR. SHAW: Okay.

MR. CANFIELD: So that verbiage can be that way. It's not a requirement. My guys will pick it up and look for it, and that's not what we want here.

MR. SHAW: Just so satisfy myself, why the public hearing? It seems every impact we have is going to be less.

CHAIRMAN EWASUTYN: That was my knee-jerk reaction to -- that was kind of my knee-jerk reaction in general. Let's talk about it.

MR. DONNELLY: The standard of the Town law is there's no new hearing required if it's in substantial conformity with the approved plat. While I guess these five lots are the same, I

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guess the thinking was it's not in substantial conformity with the plat because you're removing lots. I don't think it's that onerous a thing to do to be safe. Was this a contentious hearing?

MR. GALLI: No.

MR. SHAW: You're talking 500 feet now?

MR. DONNELLY: Yeah.

MR. SHAW: And is that the certified mailing still or did I hear just conventional mailing?

CHAIRMAN EWASUTYN: The conventional mailing, that's more for an informational.

MR. SHAW: You're still with certified, 500 feet?

MR. DONNELLY: What do you think?

MR. COCKS: The last couple that we've done, it's been a substantial change to the plans so we've required public hearings for the last couple that have come in.

MR. DONNELLY: Were they ones that we just removed lots?

MR. COCKS: The last one.

MR. DONNELLY: I think we should be consistent.

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MR. HINES: Elm Farm was a reduced lot count.

MR. SHAW: I got my answer.

CHAIRMAN EWASUTYN: I wondered about it myself.

Okay. So I'd move for a motion to set September 6th for a public hearing for the five-lot subdivision of Greiner.

MR. MENNERICH: So moved.

MR. WARD: Second.

MR. GALLI: I have a question.

CHAIRMAN EWASUTYN: Let me carry the motion.

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

MR. GALLI: Since this is an original project and the hearing is going to be like September 6th and we're already at August 15th -- 16th, does he still have to send out the notice that it's going to be -- the first notice?

MR. DONNELLY: I don't think that law has been enacted and this one is going to be done before that.

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MR. GALLI: So just the public hearing notice.

MR. COCKS: There is time for the public hearing notice. There's three weeks.

MR. GALLI: I know that. I'm saying he doesn't have to send out the other notice we were talking about, the project be introduced?

MR. DONNELLY: Especially since there's going to be a mailing anyway.

MR. GALLI: I didn't want him to get in trouble and find out afterwards.

CHAIRMAN EWASUTYN: Okay. I have a motion by Ken Mennerich, I have a second by John Ward and discussion by Frank Galli. Any further discussion?

MR. FOGARTY: I just have one question. I'm sorry.

Pat, is there any way, now that it's reduced down to five, that ten years from now or whatever they could come in with a plan to do the other six lots?

MR. HINES: Yes. We just need to cover ourselves with making sure it's not part of a larger development scheme. We'll do that fine by

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having a note saying it's not their intention now. A lot that size, it certainly has development potential in the future. It just needs to be off the table now.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, I have a second by John Ward, I had discussion by Frank Galli, I had discussion by Tom Fogarty. Any further discussion?

(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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Bryant hasn't contacted the assessor's office but Bryant will notify you when the mailing list is ready.

MR. SHAW: Thank you so much.

CHAIRMAN EWASUTYN: If you don't mind, the Tuesday, if possible, before the meeting, if

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you could get the signed registered receipts to the office and Frank Galli will have a chance to review them.

MR. SHAW: The Tuesday before the meeting. Fine. Whether they are all in or not. Okay.

MR. MENNERICH: Since the original application is going to be withdrawn, do we have to start SEQRA over again? We're doing the public hearing and everything.

MR. DONNELLY: I think you can reaffirm the negative declaration.

MR. HINES: All the issues are smaller. You've done the larger SEQRA.

MR. MENNERICH: We have that confirmation of the negative declaration?

MR. DONNELLY: I guess it would be a good idea to do it now, yes.

CHAIRMAN EWASUTYN: So do you want to make that motion?

MR. MENNERICH: I'll make a motion that --

MR. HINES: Reaffirming the previously issued.

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MR. MENNERICH: -- reaffirming the
negative declaration on the previous proposal.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank
Galli. 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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. SHAW: Thank you.

(Time noted: 8:10 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: September 14, 2012

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

----- X
In the Matter of

TIME WARNER
(2012-14)

800 Auto Park Place
Section 97; Block 2; Lot 11.2
IB Zone

----- X

SITE PLAN

Date: August 16, 2009
Time: 8:10 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN PETROCCIONE

----- X

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CHAIRMAN EWASUTYN: The next item we have this evening is the Time Warner Cable site plan located on Auto Park Place. It's in an IB Zone and it's being represented by John Petroccione.

MR. PETROCCIONE: How are you? It's a fairly simple project. Time Warner has an existing building that they lease on the property which has the Chevy dealership on Auto Park Drive. We've got an existing 720 square foot masonry building which houses their computer equipment. As the demands for cable service and what's involved in it have increased, so have their computer needs. They're looking for an addition simply to do what they're still doing, house the servers and other computer equipment.

The total building will be roughly 1,700 square foot. Your code does allow for a waiver from Planning Board review for buildings less than 2,500 square foot. We are here tonight requesting that waiver.

The other improvements that we'll be making, in addition to the building addition, is the creation of five dedicated parking spots for

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this building. Normally this is an unoccupied building. If everything is going well with Time Warner, somebody will come out once a month, check on the equipment, and that's it. In the event of a problem, they do send their technicians out to resolve it. They just want to have a few spaces available dedicated to those people so they can get their equipment right up to the building. Those are the main components of the plan.

They do propose a little bit of lighting for security purposes, some landscaping to make it look nice. It's a very straightforward project.

CHAIRMAN EWASUTYN: Jerry, this is more of a building department matter. Are you satisfied with this?

MR. CANFIELD: Yeah. I have no outstanding issues with it.

You're correct, if the Board chooses to allow this waiver, then the applicant -- well, let me back up. If the Board chooses to allow the waiver, the Board has the right to impose any conditions that they see fit for it. If the

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waiver is granted with conditions, the Board can direct Mike to draw up a resolution. It has to be done by a resolution. Any conditions that would be imposed would be listed in the resolution. At that point it becomes the responsibility of the code compliance department to have the applicant fill out a building permit, which of course would be inspected for construction and a C of O, and compliance with the items of the resolution

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: It's straightforward. I can't see too much resolution for if they're going to do some lighting and landscaping of the building, five parking spots. Pretty straightforward.

MR. MENNERICH: I don't have a problem granting the waiver. I think maybe there should be a resolution that just points out those three items.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Ken, you mentioned the color at the work session.

MR. MENNERICH: The color.

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MR. PETROCCIONE: It stays the same.

MR. BERMAN: The whole building will be repainted so the paint stays. I believe it's like a beige.

CHAIRMAN EWASUTYN: And your name is?

MR. BERMAN: I'm sorry. Pete Berman with the Ruby Group. We're Time Warner's project manager, designer and builder. We actually have the plans. The MEP drawings came into our office today, the stamped sets. Once we finish this process we'll turn over.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I have no further comment.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Mike, do you want to give us conditions in the resolution for granting the waiver for the Time Warner site plan located at Auto Park Place.

MR. DONNELLY: The resolution is the standard form for waiver under 185-56(B). This is a Type II action under SEQRA, so there's no further SEQRA compliance required. The resolution recites that the waiver is granted under the

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following conditions: Number one, that the following improvements are required to be completed before a certificate of occupancy is issued, the construction of five parking spaces, the planting of the eleven white spruce trees and four winter gem foxwoods in front of the building, and the building color I put beige (to match the existing building).

CHAIRMAN EWASUTYN: I'll move for a motion to grant the waiver for the Time Warner Cable site plan subject to the conditions in the resolution presented by Attorney Mike Donnelly.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, 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. PROFACI: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. PETROCCIONE: Thank you very much.

(Time noted: 8:16 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: September 14, 2012

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

----- X
In the Matter of

SPRINT/NEXTEL
(2012-16) (2012-17)

Setting of a Public Hearing for September 20, 2012

----- X

BOARD BUSINESS

Date: August 16, 2009
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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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SPRINT/NEXTEL

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CHAIRMAN EWASUTYN: We have one item of Board Business. Actually, we have two items of Board Business. The first item we have is to set a public hearing for the two Sprint/Nextel applications, that being application numbers 2012-16 and 2012-17.

Is the date September 20th, Bryant?

MR. COCKS: Yes, September 20th.

CHAIRMAN EWASUTYN: On September 20th. I'll move for a motion.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. 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.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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(Time noted: 8:17 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: September 14, 2012

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

----- X
In the Matter of

WPA ACQUISITION
(2012-08)

Discussion of a Mining Permit from the DEC in
Conjunction with the Clearing & Grading Permit

----- X

BOARD BUSINESS

Date: August 16, 2009
Time: 8:17 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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CHAIRMAN EWASUTYN: Next we have a discussion for the WPA Acquisition clearing and grading application, 2012-08. Mike Donnelly, Attorney, and Pat Hines will discuss a letter we received from Edward Carroll, Esquire regarding the possibility of a mining permit.

Gentlemen.

MR. HINES: Sure. I'll jump in here. Subsequent to getting Mr. Carroll's letter I contacted the DEC mined land reclamation specialist people, I work with them on several other mines that I work for private clients, and I asked them the question is this a mine. They provided me with the activities exempt from mined land reclamation law when minerals are removed from the site, their policy document. In discussing it with them I had mentioned that we got a letter from the attorney for WPA. They were a little surprised because WPA had been at their office on May 11th to determine whether or not -- they were in in early June, it says, this year asking the very same question and they were informed this was in fact a mine. So they asked for a copy of the attorney's letter while I was

1 speaking with them and while they provided me
2 with this. Just today I got a letter to that
3 attorney, copied to us, reiterating their
4 position that this was in fact a mined and not a
5 construction project. So their policy is if in
6 fact it's a construction project, it has to not
7 be speculative, will occur on the site of the
8 excavation and grading will occur concurrently or
9 as soon thereafter as the excavation. The
10 objective evidence of that is what they require
11 is copies of all relevant building permits,
12 grading plans and other approvals. They wrote
13 this policy a couple years ago because people
14 were trying to make a run around the mining
15 ordinances by getting site plan approvals for
16 projects. You could get a single-family
17 residential house requiring 85 feet of grading.
18 So they came up with this policy that said name
19 that tune and give us the building permit. They
20 looked at this project back in June with Mr.
21 Gucacus and his representative and they have
22 determined please be advised the department has
23 determined that the proposed site activities meet
24 the definition of mining and do not qualify for a
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construction project exemption as further discussed below, and then they go on to reiterate the exempt activities policy that I think I provide you a copy.

CHAIRMAN EWASUTYN: Yes.

MR. HINES: They were familiar with the site.

MR. DONNELLY: I'll just follow up. I spoke to Mr. Carroll today. When he received the letter he called me. I think he understands the issue and where we are. I told him that -- he kind of described himself or his client's position as being in a catch 22, and I said not at all. You can either apply for and get your mining permit to conduct the activities unrelated to a local end use approval or you can return to the Planning Board and apply for something, even if it's something that was earlier approved, get a new site plan approval. There are certainly going to be some changes in drainage but I don't know what else there will be, and if you have a new approval and a building permit to begin that construction, and if the work you're doing is incidental and directly related to that

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construction project, then you can get a clearing and grading permit from us and you won't need a mining permit, but the choice is yours. So I don't know which one --

MR. HINES: I just brought copies of the DEC letter I got today.

CHAIRMAN EWASUTYN: How did they respond?

MR. DONNELLY: I think he understood it completely. It seemed to him they would return to the Planning Board and get a new approval.

MR. DONNELLY: If you'd like, either Pat or I --

CHAIRMAN EWASUTYN: That's what I was doing.

MR. DONNELLY: Do you want me to write him a letter?

CHAIRMAN EWASUTYN: Please. So there's no misunderstanding.

I think we had discussed and we're all in agreement that it would be nice to have some type of activity on that site to bring it into compliance with that whole intersection.

MR. FOGARTY: I agree. I think we have

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to find some way to allow him to go in there and clean up the project. If that's his goal, to clean it up and sell it, then let's find some way that he can do that.

MR. DONNELLY: Jerry, do you remember the date when his site plan expired? It's a couple of years now.

MR. CANFIELD: 2001, 2002. That was -- it was like ten years ago.

MR. HINES: It was signed when Mike Fayo was chairman.

MR. CANFIELD: That was the late '90s.

MR. DONNELLY: I'll just say expired years ago.

MR. HINES: The concern is the clearing and grading plan didn't have what it was going to look like in the end. It was going to be five acres, 40,000, 45,000 yard export, not unlike what it looks like today when they're done, just a little flatter. But DEC was aware of the site. They say they would like to know if one more yard of material went off it. I'm not there enforcing it, so --

CHAIRMAN EWASUTYN: I'll move for a

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motion to have Mike Donnelly forward a letter on to Mr. Carroll advising him that we discussed the project tonight and let him know of your willingness to work with him once he decides on what his next step will be.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

It would help me, because I note there's some schedules that will be fluctuating in the course of the next month or so, if I could have something in writing that I could use for a reference as to who may be not making the next meeting, or two or three, I'd appreciate that.

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I guess whoever has any spare time to go over to River Bend and Meyers Corners Road in Wappingers to take a look at that project.

MR. GALLI: I'll take a ride over.

MR. MENNERICH: Just east of Route 9.

CHAIRMAN EWASUTYN: Yeah. It's a rather convenient place, Meyers Corners.

That being said, I'll move for a motion to close the Planning Board meeting of the 16th of August.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:24 p.m.)

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

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