

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

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

----- X

In the Matter of

BALDWIN FAMILY TRUST
(2020-12)

Highland Terrace
Section 9; Block 3; Lot 40.22
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: October 1, 2020
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: DEREK DAY

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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

CHAIRMAN EWASUTYN: Thank you all for coming out this evening. Our October 1st meeting has one public hearing and one request for an extension.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

CHAIRMAN EWASUTYN: At this time in the meeting we'll turn it over to Dave Dominick.

MR. DOMINICK: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

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

MR. DOMINICK: Please silence your cellphones.

CHAIRMAN EWASUTYN: At this time I'll have Ken Mennerich read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Baldwin Family Trust Two-Lot Subdivision, project 2020-12. The project is a proposed two-lot, single-family residential subdivision. The site is an existing 8.23 acre parcel of property located in the R-3 Zoning District. The subdivision will result in a total of two residential lots. The premises is located on Highland Terrace in the Town of Newburgh, designated on the Town's tax maps as Section 9, Block 3, Lot 40.22. Each lot will be served by a connection to the municipal water service and an on-site sanitary sewage disposal system. Individual driveways are proposed to access Highland Terrace. A public hearing will be held on the 1st day of October 2020 at the

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

BALDWIN FAMILY TRUST

4

Town Hall Meeting Room, 1496 Route 300, Newburgh,
New York at 7 p.m. at which time all interested
persons will be given an opportunity to be heard.
By order of the Town of Newburgh Planning Board.
John P. Ewasutyn, Chairman, Planning Board Town
of Newburgh. Dated 14 September 2020."

CHAIRMAN EWASUTYN: The representative
for the project is Day & Stokosa Engineering. Is
someone here from them?

MR. DAY: That is correct. Good
evening, everyone. Derek Day with Day & Stokosa
Engineering, here tonight to discuss the proposed
two-lot subdivision for Baldwin Family Trust.

The project site is an 8.2 acre parcel
located on Highland Terrace in the Town's R-3
Zone.

The applicant wishes to subdivide the
lot into two residential -- two separate
residential lots, lot 1 on the west being 4.8
acres and lot 2 proposed to be 3.4 acres.

Both proposed homes on each lot will be
served by their own private septic systems and be
served by Town water, which is available on
Highland Terrace.

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

We have received the latest set of comments from the Town Engineer. We are currently addressing them.

CHAIRMAN EWASUTYN: Okay. Is there anyone here this evening for the public hearing?

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one here for the public hearing.

Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. MENNERICH: No comments.

CHAIRMAN EWASUTYN: I visited the site. I think it's a nice piece of land, nice location.

MR. BROWNE: I have nothing, John.

MR. DOMINICK: No comment.

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: We don't have any new comments. We had provided comments at the previous meeting.

If you could just get a copy of the plans to the highway superintendent so he can

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

approve the driveway locations.

MR. DAY: Okay.

MR. HINES: There's an existing garage on the site that needs to be removed, and a note on the plans should state that a permit is required from the Building Department prior to that demolition.

I had provided you with the Town's standard water notes to be added to the plans.

The approval block just needs to be a blank block without the language you have there.

We talked about that bold line at the last meeting. It needs to be removed at the driveway entrance. I think it's a drafting issue.

MR. DAY: At the entrance. I actually spoke to the surveyor of the project and she believes that that was actually -- I'm not sure if it ever was established, but it was an easement. She said I believe at one point they were going to do a cul-de-sac or a turning circle in that spot, but it just never got finalized from what it sounded like. That's what she said that line was.

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

MR. HINES: If it was an easement, we'll need that depicted. If not, the line will just create confusion. Have the surveyor do some additional deed work on that to make sure what it is.

MR. DAY: Okay.

MR. HINES: Otherwise someone looking at the map doesn't know what it is.

With that, we previously neg dec'd this. We would have no issue with the Board issuing a conditional final based on these comments, if they desire.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comments?

MR. CANFIELD: No. Nothing.

CHAIRMAN EWASUTYN: Before we turn the meeting over to Dominic Cordisco, would someone move for a motion to close the public hearing on the two-lot subdivision for Baldwin Family Trust?

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Dave Dominick. Can I please have a roll call vote?

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: At this point we'll turn to Dominic Cordisco, Planning Board Attorney, for the resolution.

MR. CORDISCO: Thank you, Mr. Chairman. The Board would be in a position to consider granting both preliminary and conditional final subdivision approval at this time.

The conditions would include the fact that the applicant shall solicit and receive the concurrence of the Town of Newburgh's highway superintendent's review of the driveway locations. It will also require the submission of the deeds for the new lots. The applicant would make the changes to the plans as outlined in Pat Hines' comments. The Board should also include, as part of this resolution, a determination that parkland would be required. Since no parkland is being provided, that the applicant would be required to pay the recreation fees, which is

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

standard in the Town, as well as all general conditions, including the payment of fees prior to the submission of the plat for signature.

CHAIRMAN EWASUTYN: Would someone make a motion to approve both the preliminary and the subdivision approval?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Cliff Browne. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. DAY: Actually, sorry, one last question I had. The applicant has decided they actually may keep the existing garage that's on lot 2 now. So what would be the case with that?

MR. CORDISCO: Funny that you ask now.

MR. HINES: A garage in the front yard.

MR. CANFIELD: It becomes existing

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

nonconforming.

MR. HINES: It's going to cause a nonconformity. Being the front yard setback of the flag lots, it would need to go to the ZBA.

MR. GALLI: You have to go to the ZBA.

MR. HINES: I don't know if it has 5 feet off the property line. A garage in the front yard is not permitted.

MR. DAY: Okay.

MR. HINES: You can't file a map showing that garage. The map that you have here is showing it removed.

MR. CANFIELD: If you decided earlier in this stage to leave that, then this Board would probably refer this to the ZBA.

MR. CORDISCO: Yes.

MR. DAY: Okay.

MR. CANFIELD: The approval is predicated on that being removed.

MR. DAY: Okay. I'll discuss it with the applicant.

CHAIRMAN EWASUTYN: Well I think let's -- we would have to rescind, at this point, our approval. We can't have you -- Dominick --

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

MR. CORDISCO: You can not. So in fact I was going to suggest to the Board that we amend the conditional final to require the removal of the garage as shown on the plans. However, it could be the applicant's choice, that if they wish to retain the garage, that they would have to be referred to the Zoning Board for variances that would be necessary for that.

MR. HINES: That was the intent of my comment, that a note would need to be on the plans that the garage would be removed.

MR. DAY: What if we just end up with just taking it down?

MR. HINES: That's the reason for my comment.

MR. CORDISCO: It's their choice. The plans are predicated on it being removed.

MR. DAY: Okay.

MR. BROWNE: With the current approval it's got to go.

MR. DAY: We'll take it down then.

MR. BROWNE: If you choose to leave it there, then you have to come back and reapply.

MR. HINES: We can't even file the

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

subdivision map without those notes that say it will be removed. It would be creating a nonconformity.

MR. DAY: Understood.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Mr. Chairman, I will revise the resolution to include that discussion as well.

MR. HINES: It was kind of included in my note, too, as well.

MR. CORDISCO: Right.

MR. DAY: Thank you.

(Time noted: 7:07 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of October 2020.



MICHELLE CONERO

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

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

----- X

In the Matter of

LANDS OF ZAZON
(2004-29)

Fostertown Road (County Route 86)
Section 20; Block 1; Lot 24
R-2 Zone

----- X

REQUEST FOR AN EXTENSION UPDATE
ELEVEN-LOT SUBDIVISION

Date: October 1, 2020
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KALEB PANELSKI

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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

CHAIRMAN EWASUTYN: The second item of business is the Lands of Zazon. It's an eleven-lot subdivision, and I believe it's located on Fostertown Road.

They're here tonight for a request on the extension and an update. It's in an R-2 Zone.

I've never been good at pronouncing the name of your company. I know they were doing work over at Meadow Brook Estates today, the surveyors. How do you pronounce that?

MR. PANELSKI: Pietrzak & Pfau.

CHAIRMAN EWASUTYN: And your name is?

MR. PANELSKI: Kaleb Panelski.

CHAIRMAN EWASUTYN: Could you come forward and talk, please?

MR. PANELSKI: Sure. We're just looking for another six-month extension. I'm here on behalf of Pietrzak & Pfau representing the applicant. He was not available for tonight.

MR. HINES: This project has a 2004 job number. It was approved in 2006 or early 2007. It has continually received extensions which the Board has granted. It has a current preliminary

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

approval. I believe it had final approval at one point and they withdrew the conditional final, withdrew it to go back to preliminary in 2008 due to the economic conditions.

I would suggest, as we have to the Board on previous extensions, that due to the timeframe that this has had preliminary approval, that the Board take advantage of the code which permits a final public hearing, because some of the residents in the area -- some of the properties may have transferred ownership and they may have no idea that this happened. When the project does come back for final approval, we're recommending that a final public hearing be held to receive any comments from people who may not be aware that this project, which began in 2004, has continued on.

CHAIRMAN EWASUTYN: You'll express that to the applicant and the people in your office?

MR. PANELSKI: Yeah. Yup.

CHAIRMAN EWASUTYN: Dominic, do you have something to add?

MR. CORDISCO: Mr. Hines is absolutely correct. The Board has the discretion to require

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

a final public hearing.

We would also, obviously, review to make sure that the plans as designed for, going back to 2004, meet all current requirements.

MR. HINES: That brings to mind the stormwater management for the project. The project dates back to the 2003 stormwater regs. They've been modified several times. When it does come back for final, there's most likely a need to update the stormwater management to incorporate the current regulations.

CHAIRMAN EWASUTYN: And the owner is waiting for market conditions to change, I would assume?

MR. PANELSKI: Yeah. He's been trying to sell the property. At this point he's unable to do so. He is still looking for a potential buyer. He's trying his best.

CHAIRMAN EWASUTYN: Do you find the activity in the western part of Orange County for subdivisions like this to be more favorable than --

MR. PANELSKI: In recent conditions?

CHAIRMAN EWASUTYN: Yes.

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

MR. PANELSKI: Speaking personally and doing the work of our firm, it's really all around Orange County. A lot of people are moving up from the city to this area.

Speaking just anecdotally, my uncle recently finished renovating a house down in Warwick and it was sold within ten days. The buyers were coming from the city. They barely had even seen the property.

The applicant is hopeful that he will be able to sell the property.

CHAIRMAN EWASUTYN: I think my question is do you see a market for eleven-lot subdivisions in the western portion or quadrant of Orange County?

MR. PANELSKI: I think there's certainly a market for it. I believe so.

CHAIRMAN EWASUTYN: You're seeing people buying and constructing?

MR. PANELSKI: Buying and constructing. Within our company, yeah.

MR. HINES: I actually have a meeting with a representative of his firm tomorrow in Wawayanda on a 34-lot subdivision. It has a 2007

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

approval that has been sitting and it's now under construction.

CHAIRMAN EWASUTYN: Interesting. Okay.

Would someone make for a motion to grant the six-month preliminary extension to the Lands of Zazon, and as part of the record state that when they do come back for final approval, there will be a public hearing and the necessary engineering work will have to meet today's standards?

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. PANELSKI: Thank you all very much.

CHAIRMAN EWASUTYN: Would someone make a motion to close the Planning Board meeting of the 1st of October?

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

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

(Time noted: 7:14 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of October 2020.

Michelle Conero

MICHELLE CONERO