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

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In the Matter of

FLETCHER DRIVE SUBDIVISION - EAST ROCK CUT CORP.  
(2018-11)

Fletcher Drive  
Section 93; Block 1; Lot 64.5  
R-1 Zone

----- X

PUBLIC HEARING

Date: December 6, 2018  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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FLETCHER DRIVE SUBDIVISION

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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 6th of December. This evening we have five items of business and one Board Business item.

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

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

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

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

MR. ARNOTT: Sean Arnott with McGoey, Hauser & Edsall, Planning Board Consulting Engineer.

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

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MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: Our first item of business this evening is the Fletcher Drive Subdivision - East Rock Cut Corp. It's a public hearing. It's on Fletcher Drive in an R-1 Zone. It's being represented by Justin Dates of Maser Consulting Engineers.

At this time Mr. Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of East Rock Cut Corporation - Fletcher Drive Subdivision, project 2018-11, for a four-lot subdivision on Fletcher Avenue in the Town of Newburgh, designated on Town tax maps as Section 93, Block 1, Lot 64.5. The project proposes a four-lot subdivision in

1 the vicinity of Fletcher Drive and Fletcher  
2 Drive's dead end cul-de-sac. Lots are to be  
3 served by on-site septic and public water. One  
4 residential structure is currently under  
5 construction on the parent parcel. A public  
6 hearing will be held on the 6th day of December  
7 2018 at the Town Hall Meeting Room, 1496 Route  
8 300, Newburgh, New York at 7 p.m. at which time  
9 all interested persons will be given an  
10 opportunity to be heard. By order of the Town of  
11 Newburgh Planning Board. John P. Ewasutyn,  
12 Chairman, Planning Board Town of Newburgh. Dated  
13 5 November 2018."

14  
15 CHAIRMAN EWASUTYN: Justin.

16 MR. DATES: Justin Dates from Maser  
17 Consulting. We're representing East Rock Cut  
18 Corp, the applicant for this project. I'll do a  
19 brief description of the project.

20 As mentioned, the lot itself is about 8  
21 acres in size. We have frontage on Fletcher  
22 Drive, the dead end portion on the east, and then  
23 Fletcher Drive North along the west and southern  
24 side here. It is a proposed four-lot  
25 subdivision.

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What we're calling lot 3 down in the lower left-hand corner here, that's where the existing residence is. That is substantially complete at this point. They have septic, water hook up. The exterior is more or less complete. They're doing interior finishing on that existing residence.

We have three other lots for the project. This we're calling lot 1. We'll have a driveway off Fletcher Drive North to access that residence. Lot 2 and lot 4, they will have a common driveway that will extend to the dead-end section of Fletcher Drive.

As mentioned, the parcel is within the Town's water district, so they will have a municipal water service connection to each of the homes.

They all have on-site septic.

We are in the R-1 Zoning District which has a minimum lot area of 40,000 square feet, just shy of 1 acre. All of our lots are about 2 acres in size, so we're about double the minimum. All the other bulk requirements, setbacks, coverage, things of that nature, we comply with

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the R-1 Zoning District.

I think that's it.

CHAIRMAN EWASUTYN: Michael Donnelly.

MR. DONNELLY: Before the Planning Board takes action on a subdivision project like this it will hold a public hearing. The purpose of the public hearing is for you, the members of the public, to let the Planning Board know of issues or concerns that the Planning Board may not be aware of. Given the fact that you live in the area, you're more likely to know of those issues. Shortly the Planning Board Chair will ask those that wish to speak to raise your hand. When you're called upon would you please step forward, give us your name, and if you can tell us where you live in relation to the project, that would be helpful. Spell your name for our stenographer so we get it down correctly. Please address your comments to the Planning Board. If you have questions that can be easily answered, either Mr. Dates or one of the Town's consultants will try to answer that question for you.

CHAIRMAN EWASUTYN: Thank you, Michael.

Is there anyone here this evening that

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has any questions or comments? Please.

MR. FOOSE: My name is Eric Foose, I'm actually at 104 Fletcher Drive North. Actually, I am right almost behind where this other house will come in. The next door neighbor would be Robert Cole, which he is down in North Carolina right now so I'm speaking for him also.

In this case I've lived there my whole life. This property through the years has always been wet. Between my property and my next door's, which is right here and goes down, there used to be a ditch that went down and the water used to run through that all the way down, across the road -- right across Fletcher Drive and then down. Through the years that is now gone. As you look back through the woods you can see the trees are starting to go and all that. We still have water that's kind of lying around in there.

For me, I'm just concerned on where the water is going to go, you know. I know everything goes downhill. I'm on that downhill slide. With the septic in the backyard and everything, I'm just concerned on water. That's my whole concern.

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CHAIRMAN EWASUTYN: Justin, would you like to respond to that?

MR. DATES: Sure. So as I mentioned, we are substantially larger than the minimum lot size here. What we've tried to do is preserve as much of the natural vegetation in that area so as to not remove it and to increase that runoff.

We've also developed, during the construction, a detailed erosion and sediment control plan. While we do have open soils to construct the septic, the driveway, the building, we're managing that all on site and not allowing it to go off site to these neighbors.

The existing wooded areas that we're preserving, we're really trying to stay out of there and not grade and have changes to the drainage pattern. Some of that will stay the same. Where we're developing the lots we'll have some manipulation of grading. We're really trying to maintain the existing drainage patterns without directing drainage at these neighbors.

CHAIRMAN EWASUTYN: Eric, a question?

MR. FOOSE: Well I mean, like I said, it's been -- the vegetation is starting to go



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away now. It's been going away for years. It's just dying off. Even on the back of Robert Cole's garage, this year he had to replace the whole back of it. Water just took it all out, rotted it out. So it's not -- we're not opposed to having houses behind there, we're just trying to figure out where to put the water so it doesn't creep in on everybody, then it will start affecting my septic system, or Bob next door. He has an above ground but I have a below. It's been a heck of a year for water. That's another issue, too. It's hard to judge. Like I said, I've lived there for fifty years, so --

CHAIRMAN EWASUTYN: Sean, are you looking at the topography?

MR. ARNOTT: I am. I do notice Mr. Foose's property is slightly downhill. Maybe something I could suggest to Mr. Dates is maybe a swale that could direct water maybe away from these houses.

MR. DATES: Are you on sheet 5?

MR. ARNOTT: I'm actually on the first sheet. It does have some topography, existing topography.

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MR. DATES: On sheet 5 you can kind of see -- this is Mr. Foose's lot here. You can see that some of this -- the next adjacent lot, the topography is coming onto our site. Some of that drainage is flowing onto our parcel and then it kind of flattens out there. We're looking to preserve all that wooded area, not get into redirecting that drainage necessarily.

The only concern I have with swaling it at this point is we're forcing water into the swale and then we've got to move it somewhere. We've got to put it somewhere where it's not going to be further impactfull.

MR. ARNOTT: Understood. And your septic is in that area.

MR. FOOSE: Maybe plant some extra trees back through there to kind of bind up the ground a little more. It's just something to look to, you know.

CHAIRMAN EWASUTYN: If you were to consider planting trees, I would suggest you plant something that would be more tolerant of wet soil conditions.

MR. DATES: Correct.

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CHAIRMAN EWASUTYN: Trees can only absorb so much water. They're like people, if you're thirsty you can drink six ounces but you're not going to drink twelve.

MR. FOOSE: You got it.

MR. DATES: We are clearing the woods out of here. The majority of the earthwork we're doing out there is going to be vegetated for the most part except the house and the driveway.

CHAIRMAN EWASUTYN: Jason is a landscape architect so he's well suited and well educated for suggesting to his client a few trees to minimize the future impact of possible water.

Can you do that, Jason?

MR. DATES: I can take it back to the applicant.

MR. FOOSE: Like I said, it's just something that through the years I've seen. Like I said, that path that the water goes is no longer there and it's been gone for a lot of years. I remember the water flooding down through there. I have one I have to take down back there now that's going.

CHAIRMAN EWASUTYN: Further comments

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from the public?

MS. PEREZ: My apologies. What project are you speaking of?

MR. DATES: This is the Fletcher Drive subdivision.

MS. PEREZ: I just wanted for the record that --

CHAIRMAN EWASUTYN: Can you give your name, please?

MS. PEREZ: My name is Grace and my last name is Perez, P-E-R-E-Z.

Although I am not a resident of Fletcher Drive North, I am a resident at Amber Fields. I'm here because last minute a relative of mine who is a resident on Fletcher Drive North could not make it and wanted to inform you that they could not be here because of work.

The notice that was received was received just Friday. Although the date on the letter was early in I think November, it didn't leave Albany -- it went to Albany and then it came down to the Town sometime in, I think it was right before Thanksgiving. So that's why several people from that area are not here. I don't see

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anyone here from --

UNIDENTIFIED SPEAKER: I'm here,  
Fletcher Drive.

CHAIRMAN EWASUTYN: Thank you.  
This gentleman, would you like to  
speak?

MR. COLICCI: My name is Jimmy Colicci,  
I own the property on 53 Fletcher Drive with my  
brother.

The subdivision that -- it looks good  
but the thing is on that area there, on the dead  
end of Fletcher Drive there is no water, Town  
water or City water.

That property there, not that but the  
other -- Anita Lane or the other houses by this,  
that property, all that is a runoff property.  
Whenever it rains, with all the septic tanks they  
have, which not this property again, that's  
already existing like eight houses, nine, all  
that runoff when it rains, snows, whatever, it  
goes through the houses below Fletcher Drive.  
Whatever happens in the future, it will be a  
great thing to do the water main, this way they  
can be safe from one thing. This house is going

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to be fine. I don't see a problem. They definitely need water. Instead they're using septic. All the ten houses or whatever houses, they don't have water on the dead end of Fletcher Drive. It's important, very important because they use septic. They all have problems with their water. So assess for water here, whatever. I don't know if that's starting now.

CHAIRMAN EWASUTYN: Do you want to speak on that, Mike?

MR. DONNELLY: Do you mean sewer or drinking water?

MR. COLICCI: The drinking water. The municipal water. Fletcher Drive North, the water main goes. The only water you don't have from Fletcher Drive is where you make the turn to the dead end on the cul-de-sac.

MR. DONNELLY: In the Town water can only service residents within a district. The people in the area could petition the Town Board to create a district or extend the existing district, if that's possible, to add the water. They'd have to present what's called a map plan and report to show how that's feasible. If you

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wanted to go that route, meaning the people in the neighborhood, you could petition the Town Board for that purpose. This is proposed to have wells and septics.

MR. DATES: Water. This does have water.

MR. DONNELLY: I'm sorry. You're talking about extending it beyond this?

MR. COLICCI: It would help. That's a clay area. I'm working in that area for twenty-six --

MR. DONNELLY: Certainly this developer can't control anything that goes beyond his property. If those people would like to see water, they could approach the Town Board.

MR. COLICCI: I thought that was the meaning of this. No?

MR. DONNELLY: No. This is on this subdivision here. That's a different board. The Town Board would be the one that has the authority to create or extend a district.

MR. COLICCI: Okay. No problem.

CHAIRMAN EWASUTYN: Ms. Perez.

MS. PEREZ: Thank you. So this

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property will have access to Town water and sewer? I'm so sorry, I got here after the presentation.

MR. DATES: These four lots will have Town water. They'll have services from the main that's located in Fletcher Drive North and then they will have on-site septic. There's no Town sewer in this area.

MS. PEREZ: Okay. Thank you.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn it over to the Board Members. Stephanie?

MS. DeLUCA: No.

MR. MENNERICH: No questions.

MR. DOMINICK: Justin, just to get back to what Mr. Foose said here about the trees and planting of trees, for the record what do you think would be a reasonable amount of trees to add to this property to help eliminate or alleviate some of the water issues?

MR. DATES: Speaking just along this property line here -- I do a lot of wetlands



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plantings and things like that -- from a deciduous tree standpoint I would look at some type of Red Maple. They tend to take to the wet. I would probably be looking to -- that's pretty mature, or can be pretty large at maturity. I would maybe be looking at four to five. Given the proximity to the buffer they're looking to preserve, there's about forty feet or so in that area of existing mature trees, it would only be a few that I would propose just so we're not -- we want to be sustainable. I wouldn't want to overcrowd and, you know, waste some plant material to just squeeze them in there. I'm probably looking at around four.

CHAIRMAN EWASUTYN: The caliber of the tree?

MR. DATES: I would propose like a two to two-and-a-half inch.

CHAIRMAN EWASUTYN: That's a sizable tree. Thank you.

MR. DOMINICK: Thank you.

MR. WARD: Basically on the same note, I'd like to see the buffer between that property and their backyards, too. You know, that it's

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not open, just with trees.

MR. DATES: There's about forty feet of that existing mature wilderness that's remaining on our property, not using whatever may be on the neighbor's property.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: At this point I'll turn it over to Sean for final comments from the Board.

MR. ARNOTT: We have not received any resubmission on the previous comments. At this time we're awaiting the resubmission.

MR. DATES: There's a couple of things from the prior memo that we have accomplished. One was item number 8. Mr. Hines' memo had to do with getting the highway superintendent out to the site to review the driveway locations. I did walk the site with Mr. Hall. He approved the driveway locations. He has provided a note to the Board to that effect. He's got two points in his letter that we talked about out in the field.

Lot number 1, the plans currently do not show a culvert in the driveway over the roadside ditch here, so we will be proposing a

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15-inch HTP culvert in that section.

Then down on the dead end portion of Fletcher, the driveway is going to come down and lead up to Fletcher Drive there. He was going to -- as he explained to me, when the applicant pulls a driveway permit, he was going to look at that drainage a little more closely to see -- he mentioned potentially adding an inlet just off the edge of pavement there because there is -- in this area and then down towards the end there's some roadside inlets. There's existing Town drainage there which goes right across the front of that driveway access. There could be the potential to drop a drain inlet structure right on top of that existing pipe to take care of some of that. He mentioned doing that at the time of a driveway permit application. I was planning to note that on the plan, if that's okay with the Board.

CHAIRMAN EWASUTYN: We'll make that a condition of approval.

Michael, would you speak on behalf of that?

MR. DONNELLY: One of the things I

1  
2 think that Pat said we could do earlier is  
3 require that you address all of the comments in  
4 his October 25th memo before the plan is signed.  
5 I don't think there are any that are a flag.

6 In terms of conditions, we need a  
7 sign-off letter from Pat on that. We'll make the  
8 approval subject to the review and approval of  
9 the changes to the driveway drainage improvements  
10 required by the Town of Newburgh highway  
11 superintendent. We will need a common driveway  
12 easement and maintenance agreement. A  
13 satisfactory one has already been delivered to  
14 me. We'll carry it as a condition and I'll give  
15 it to the attorney to prepare instructions on how  
16 it needs to be recorded in conjunction with the  
17 map. I'll add a condition based upon this  
18 evening's discussion that we will require  
19 delivery of a tree planting plan showing four to  
20 five trees of two to three-inch caliber along the  
21 southeast property line. Finally, you'll have to  
22 pay fees in lieu of parkland for the four new  
23 lots in the amount of \$8,000.

24 MR. DATES: The construction of that  
25 existing home has already begun.

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MR. DONNELLY: That's an existing lot.  
For the three new lots, \$6,000.

CHAIRMAN EWASUTYN: Any further  
questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for  
a motion to close the public hearing on the  
Fletcher Drive subdivision.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken,  
second by Stephanie. I'll ask for a roll call  
vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll move for a motion to grant final  
approval to the subdivision based upon the  
conditions that were presented by Attorney Mike  
Donnelly.

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Motion made by Dave

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Dominick. Is there a second?

MR. WARD: Second.

CHAIRMAN EWASUTYN: Seconded by John  
Ward. Any comments?

(No response.)

CHAIRMAN EWASUTYN: Stephanie to start  
a roll call vote.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Ms. Perez, Eric, thank you.

MR. DATES: Thank you very much.

CHAIRMAN EWASUTYN: Jim, also thank  
you.

There is a certification that the  
mailings were delivered to the Town Hall, stamped  
and then they're mailed from the Town Hall. What  
I'm trying to say to you is what happens from the  
time they're mailed at the Town Hall as to when  
they arrive on your doorstep --

MS. PEREZ: Thank you.

(Time noted: 7:25 p.m.)

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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 22nd day of Dcember 2018.

*Michelle Conero*

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MICHELLE CONERO

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

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In the Matter of

233 QUAKER STREET/DRIVANOS TWO-FAMILY  
(2018-19)

233 Quaker Street  
Section 2; Block 1; Lot 15  
AR Zone

----- X

SITE PLAN - TWO-FAMILY

Date: December 6, 2018  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

APPLICANT'S REPRESENTATIVE: LINDA ZWART

----- X

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



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CHAIRMAN EWASUTYN: The second item of business this evening is 233 Quaker Street/ Drivanos, two-family. It's a site plan for a two-family located on Quaker Street in an AR Zone. It's being represented by Mike Aiello.

MS. ZWART: I'm not Mike Aiello. My name in Linda Zwart, I'm the architect for the project. Mike had a commitment to be at the Montgomery Town Board meeting on the same night that you guys have your meeting, so I'm standing in for him.

This is the first time I've been before your Board on this project. We have received comment letters from MH&E, which they've been addressed. We received a letter back late this afternoon from Pat indicating that the comments had been addressed and that the project needed to be sent to County Planning, and then also we need to set a public hearing.

CHAIRMAN EWASUTYN: For our review and for the public, what were those comments that were written and what was the response to them?

MS. ZWART: Sure. There was a letter from -- let's see -- from Mike back to Pat dated

1  
2 November 13, he added a bulk table reflecting the  
3 setbacks for the two-family provided on sheet 1.  
4 Four parking spaces are provided. The  
5 architectural and entrance details were provided  
6 on sheet 3. Building plans for architectural  
7 review were also provided on sheet 3. Then a  
8 general note stating the need for sanitary,  
9 as-built and certification. Those were the  
10 comments that were sent back to him.

11 In summary of Pat's memo that came this  
12 afternoon was that he had comments concerning the  
13 separate entrance. You have a requirement in  
14 your zoning for two-family saying it needs to  
15 look like a one-family where the entrances are.  
16 We provided an entrance on two sides of the  
17 building.

18 CHAIRMAN EWASUTYN: Do you have  
19 something you can put up on the board?

20 MS. ZWART: I do. His one comment  
21 talked about the architecture. I easily can talk  
22 to that.

23 What we've done is the existing  
24 footprint remains the same of the building as  
25 it's getting rebuilt. We have one entrance here

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that has a front porch style traditionally, and then we have a side entrance to the second unit on this side. It looks like a side door. It very much looks like a single-family residence. It looks simply like you have the front door and a side door.

CHAIRMAN EWASUTYN: Which side has three bedrooms, which side has two bedrooms?

MS. ZWART: This side is the larger side with three bedrooms. It has a first floor and a second floor. The three bedrooms are upstairs on the second floor above this side. On this side there's two bedrooms in the back.

CHAIRMAN EWASUTYN: Comments from the Board Members. John?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Nothing.

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

MR. DONNELLY: Pat's question to you is whether or not you feel that satisfies the requirement that it maintains the appearance of a

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single-family dwelling.

CHAIRMAN EWASUTYN: I want to hear from Jerry on that.

MR. CANFIELD: There was an existing structure on the lot that has been removed.

Also there's a requirement for the Architectural Review Board, if you want to cover that tonight or wait.

MR. DONNELLY: We need material charts and what not.

CHAIRMAN EWASUTYN: The night of the public hearing, if you could bring some renderings of the materials that you're using and the colors.

MS. ZWART: Okay. And you want specific colors for shingles, siding and trim?

CHAIRMAN EWASUTYN: Whatever you're selecting for the property.

MS. ZWART: Okay.

CHAIRMAN EWASUTYN: Mike Donnelly, do you want to repeat your question?

MR. DONNELLY: I think what Pat, correct me if I'm wrong, was suggesting is there is a requirement in the code that a two-family

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home in this zone maintain the appearance of a single-family home so it doesn't obviously look like a two-family home. The question he's putting to you, because it's not a technical one but a judgment one, is whether or not the elevations you're being shown here satisfy that requirement.

CHAIRMAN EWASUTYN: Stephanie, your opinion on this?

MS. DeLUCA: I think it presents rather well.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: How many square feet in each dwelling?

MS. ZWART: So the total for unit 1, which is the larger two-story, is 1,750; and then this side area here is 940.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Ken, are you satisfied?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: I'm satisfied but I have a question. Unit 1 you have unfinished storage

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14 by 18. That's a pretty large unfinished storage area. What's that going to be? Are we going to sneak another room in there? Is it a garage?

MS. ZWART: I can let the owner actually speak to this, too. The original building, it has been added on several times throughout the decades. The original building was a small garage basically. That floor is a concrete floor that's elevated that is two foot thick.

MR. DRIVANOS: The foundation -- there was something that was built not up to code at the time. That one section you can't use as living space, obviously, because it's not --

MS. ZWART: It doesn't have the foundation that it needs.

MR. DRIVANOS: -- the concrete floor was there.

MS. ZWART: They are planning on using it strictly as --

MR. DRIVANOS: For utilities, like for the furnaces and stuff like that so all the stuff is separate from the other buildings. That one

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section we were going to leave there to house all the utilities.

MS. ZWART: You can see on the elevation it is a just simple gable structure. You see it here and then you see the other end of it in this area here. We were just adding a couple double doors to it to make it very accessible.

MR. DOMINICK: What's the size of those double doors?

MS. ZWART: There are two three-foot doors. So a six-foot opening.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board Members feel that this meets the code as far as the entryways being not noticeable for being a two-family.

I believe the action this evening -- you'll circulate to the County?

MR. ARNOTT: Last month it was circulated.

CHAIRMAN EWASUTYN: We did get something?

MR. ARNOTT: Both Orange County, Ulster

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County and the Town of Plattekill.

MR. DONNELLY: I think you issued a negative declaration in November as well. Right?

MR. ARNOTT: I have to look at my notes.

MR. DONNELLY: I think it's ready for a hearing.

CHAIRMAN EWASUTYN: Having issued a negative declaration, the next action before the Planning Board would be to schedule this for the 3rd of January for a public hearing.

Would someone make that motion?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich, second by John Ward. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Someone will work with Pat Hines for the mailings of the public hearing notice.



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MS. ZWART: Yes.

CHAIRMAN EWASUTYN: We also have to put in the informational letter as part of that public hearing notice?

MR. DONNELLY: I would assume so if that wasn't done earlier.

CHAIRMAN EWASUTYN: I don't think that's been done yet.

MR. ARNOTT: I'm not sure.

CHAIRMAN EWASUTYN: Have you done any mailings to date?

MR. DRIVANOS: No.

CHAIRMAN EWASUTYN: You'll combine the informational letter and the public hearing notice all in the same envelop.

MS. ZWART: Okay.

MR. DOMINICK: Should we put this in the lobby?

CHAIRMAN EWASUTYN: Not for this.

MR. DONNELLY: At the hearing the Board will address the site plan and architectural review. If you could bring a material rendering and chart so the public can see it.

MS. ZWART: Sure. Thank you.

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(Time noted: 7:35 p.m.)

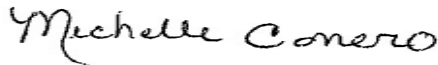
C E R T I F I C A T I O N

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 22nd day of December 2018.



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MICHELLE CONERO

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

----- X  
In the Matter of

MADISON ROSE PROPERTIES  
(2018-21)

119 Foxwood Drive South  
Section 16; Block 3; Lot 11.1  
R-2 Zone

----- X

INITIAL APPEARANCE - SUBDIVISION

Date: December 6, 2018  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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CHAIRMAN EWASUTYN: The next item of business is Madison Rose Properties. It's an initial appearance for a subdivision. It's located on Foxwood Drive South in an R-2 Zone. It's being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John.

This is a lot that was lot number 1 on the Foxwood Estates subdivision which was filed map number 256-93 in November of '93. There was a note not for residential purposes at this time. We're here to get that removed.

There was no septic design for that lot. The road has Town water in it. The owner of the lot hired Mike Aiello with the new Health Department regulations which allow Elgin systems and shallow systems. They weren't allowed before. He got Health Department approval in 2015, in August, for a two-bedroom septic.

There's a water tap already there.

The Health Department regulations have actually reduced it to 130 gallons a day which was the design rate for the original subdivision of 110 gallons a day.

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Like I said, the curb stop is already there. We have Health Department approval on the septic. I would like to move this thing forward. Maybe we can possibly even schedule a public hearing.

CHAIRMAN EWASUTYN: Sean, would you address the Board on this please?

MR. ARNOTT: Absolutely. First, as Mr. Brown pointed out, due to recent regulation changes the proposed septic is now allowable under Department of Health regulations. At the time this lot was originally subdivided and approved back in '93 the lot was basically unbuildable but it still passed.

One of the things that Pat points out is Mr. Brown, if you can put your title block on the plans.

MR. BROWN: The other thing as far as the survey, I did talk to Margaret Hildreth. She said she's about three weeks out on providing the certificate.

MR. ARNOTT: One of the notes on the plan is that the boundary survey -- the plot does not represent a boundary survey so a surveyor

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will have to certify the subdivision amendment in order for this to be approved.

It's recommended that the additional sheet be provided for the Town requiring the Town's septic system notes and water system notes and details for the connection to the municipal water system.

He notes, as Mr. Brown noted, that the sanitary sewer disposal system was approved by the County and that a public hearing is required.

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

MR. CANFIELD: It should be noted that that approved septic system was for the loading of a two-family -- excuse me, correction -- two-bedroom residence. Two-bedroom only.

MR. BROWN: That's understood.

CHAIRMAN EWASUTYN: Any questions or comments from the Board?

MS. DeLUCA: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Michael, do we have to make a SEQRA determination on this?

MR. DONNELLY: I think you can issue a

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SEQRA consistency determination. There's really no change. We have no change in the lot lines and the Health Department has approved the septic. Or reaffirm your negative declaration. I think that would be fine.

CHAIRMAN EWASUTYN: The date was 1993?

MR. DONNELLY: Let's just call it your earlier negative declaration.

CHAIRMAN EWASUTYN: Thank you. I'll move for a motion to reconfirm our earlier negative declaration -- we'll do it in two parts -- and set this for a public hearing on the 3rd.

MR. DOMINICK: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion made by Dave, a second by Ken. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: You're familiar

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with working with Pat Hines.

MR. BROWN: Yes. Thank you.

(Time noted: 7:40 p.m.)

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 22nd day of December 2018.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

11 OLD BALMVILLE ROAD  
(2018-18)

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

----- X

SITE PLAN

Date: December 6, 2018  
Time: 7:40 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

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11 OLD BALMVILLE ROAD

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CHAIRMAN EWASUTYN: The fourth item of business is a site plan. It's known as 11 Old Balmville Road. It's located on 11 Old Balmville Road in an 04 Zone. It's being represented by Jason.

Do you want to introduce yourself, Jason.

MR. PITINGARO: Good evening. Jason Pitingaro from Pitingaro & Doetsch Engineers. We're here to make a second appearance before the Board representing this application at 11 Balmville.

It's an old nursing home and it was purchased by the gentleman that was here last time we were before the Board. He has current personal offices for his company in Highland. He's a Newburgh resident and plans to move his operations here and to transfer the front section of this building -- convert this section of this building into office space for his use and prospective tenant use.

The office spaces as proposed are going to occupy the front section of the building, two stories, a total of 18,000

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square feet of office space. The remainder of those are ancillary for those office spaces.

Since we were here last time, based on a second site walk with the owner we modified the parking to push it further back from the building itself. It was something he requested we do. He's trying to kind of conceal all the parking to the rear of the site. I think that's a benefit. There are some neighbors on this side whereas to the north it's just Route 84. It's an improvement in the design overall. We were able to get a few extra spaces out of there as well.

We've also prepared our stormwater pollution prevention plan since then and a landscaping plan which were submitted.

I know the Board, Pat, has requested a lighting plan. We have prepared a lighting plan, although it wasn't included in this submission but it can be submitted to the Board going forward.

Beyond that, the project received a zoning exception to be included in the

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11 OLD BALMVILLE ROAD

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overlay district for office use although it wasn't originally permitted. It's compliant otherwise with the zoning for that district.

CHAIRMAN EWASUTYN: Thank you, Jason.

At this point we'll turn to Jerry Canfield, Code Compliance Officer.

MR. CANFIELD: Just a question. At the work session before the meeting we had discussed the occupancies of the building. Although office is permitted, from the last submission to this -- the first submission was fifteen employees. This one now in the narrative calls out eighty employees. Of course the parking is predicated on that number. We were just wondering why the increase in the employees?

MR. PITINGARO: I'm not sure that -- if it said fifteen, that was incorrect. The plan is to make use of this whole front space here. Again, it's about 18,000 square feet. That's what we're using as far as our parking count. There are some additional spaces that we -- as the architectural plans get developed we will be able to give a little bit more input as to what their use will be. It will only be ancillary

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uses to the office spaces that are up front there.

MR. CANFIELD: You did it correctly based on the 18,000 square feet. Are you taking into consideration or addressing the leasable space in the building? We're trying to identify what will be the leasable space.

MR. PITINGARO: So the occupancy is -- the leasable space will be in the front section and those tenants will have exclusive use of the remaining portions of the building. That can be noted on the plan if you'd like. Those common areas which are gathering areas basically for -- as was mentioned in the traffic engineer's comments, like for workshop sessions or group meetings between the professionals that are working in the other parts of the building.

MR. CANFIELD: For the Board's benefit, I think they may be looking for identification of those leasable areas.

If I'm correct, John, in speaking for what the Board is looking for.

MR. PITINGARO: One way for us maybe to do that is to provide the floor plans for the

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building in the next submission that will identify how the offices are going to lay out, and the rest of the building as well.

CHAIRMAN EWASUTYN: I don't think it's up to us to determine floor plans, maybe I'm wrong, and then decide as to what that use might be. That's not our field of expertise as to what that use might be. I think you have to, in a written form, discuss this use. If I remember correctly, I think the owner at the first meeting said he had no intentions of leasing any space. Help me with this.

MR. WARD: He basically was saying he doesn't have plans now but in the future could be.

MR. PITINGARO: Okay. I mean I would have to ask him to make an exact clarification for that. My understanding is that these two floors -- I don't know if he's planning to take the first or second floor to be occupied by his staff and the second floor would be -- eventually I guess he hopes to grow into that floor but at this time he may be leasing it. That's my understanding. I can make sure it's provided to

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you in a narrative form going forward.

MR. DOMINICK: Jason, you're going to have to be a little more precise. When you say future tenants or when those future tenants have exclusive use of the building, those numbers could triple. They tripled, more than that, since your initial appearance here. I think that's what Jerry was getting at. First you said fifteen and now it's up to eighty, but you really didn't answer that question.

MR. PITINGARO: I think the fifteen was incorrectly stated on the first plan. Fifteen people is certainly incorrect because just the front section is 15,000 square feet. That would be over 1,000 square foot per person. I think there was something that was inconsistent on that first plan.

MR. DONNELLY: Jason, one of the things that might help, and John suggested it, is if you give us a narrative that explains how the building will be used, what sections will be dedicated to desks and equipment, what the open spaces will look like, and ultimately if that narrative is the satisfactory solution the

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Planning Board could include that narrative as part of it's resolution stating that that is the outside limit of the activities that may be conducted on the site, and any expansion beyond what's explained in the narrative would require an amended approval and perhaps upgraded parking. I don't know that we're going to come up with a narrative that does that but it might be a method of trying to achieve that.

MR. PITINGARO: I think that's a good suggestion. I'll work with the architect and owner to define that space and clarify it through a narrative and potentially through a floor plan that shows how those are worked out.

CHAIRMAN EWASUTYN: Comments from Board Members on this subject?

MS. DeLUCA: No.

MR. DOMINICK: It's just pretty vague. If you can be more precise, that would help us.

CHAIRMAN EWASUTYN: Sean, do you want to broad brush the comments from Pat Hines?

Jason, it's too early to circulate to the Orange County Planning Department because, although you said you had plans and such, we need



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11 OLD BALMVILLE ROAD

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a complete detail sheet. Sean will talk to you now.

MR. ARNOTT: The first is the lighting as was already discussed.

Maybe an additional landscaping plan for the rear of the building to kind of mask some of that substantial amount of parking.

The dumpster enclosure should be addressed.

There are a significant amount of stormwater comments that maybe could be addressed at the next meeting.

CHAIRMAN EWASUTYN: Karen, our landscape architect, wasn't able to review your landscape plan at this time, she had other obligations. I suggest you work with her to define those plans.

MR. PITINGARO: Okay. Ken recommended some additional landscaping and islands in the rear. I think we can accommodate that. Based on Pat and Ken's comments we're considering some additional landscaping along this area which would screen it's view from Balmville as well.

There was a comment regarding the

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potential sprinklering of the building. I believe there's a meeting scheduled to discuss that with the building department next week.

CHAIRMAN EWASUTYN: Thank you.

MR. CANFIELD: Yes, that's correct. Tuesday we have a meeting with the architect.

CHAIRMAN EWASUTYN: Okay. So once you're ready let us know. If you would address your revised plans.

MR. WARD: One more question. The cafeteria, has anything changed, what you're going to be doing with it?

MR. PITINGARO: Not to my knowledge. Again, we'll address all of the square footage within the building in narrative form so it's very clear before we return to the Board.

MR. WARD: Thank you.

MR. PITINGARO: Good night.

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

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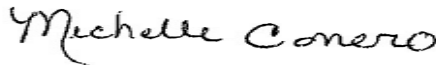
C E R T I F I C A T I O N

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for and within the State of New York, do hereby  
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That hereinbefore set forth is a  
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I further certify that I am not  
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blood or by marriage and that I am in no way  
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IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of December 2018.



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MICHELLE CONERO

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

----- X  
In the Matter of

CBPS REALTY, LLC - SELF STORAGE  
(2018-20)

North Plank Road  
Section 35; Block 1; Lot 21.2  
D-8 Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: December 6, 2018  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

APPLICANT'S REPRESENTATIVE: AL FUSCO

----- X

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

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CHAIRMAN EWASUTYN: Our last agenda item this evening is CBPS Realty, LLC, self storage. It's an initial appearance for a site plan on North Plank Road in a D-8 Zone. It's being represented by Fusco Engineering

MR. FUSCO: My Chairman, my name is Al Fusco, Fusco Engineering. Thank you for allowing us to be on the agenda this evening. It's a little better date than last time we were trying to come here.

The property is off of North Plank Road and it's SBL 35-1-21.2. It's a little over 4 acres. It's currently being used as a storage yard for materials of -- a contractor's yard so to speak. The owners at this point are interested in improving the property and are considering storage units.

Towards that end, we have noted that we're going to put up three buildings, 12,000, 10,000 and 10,000 approximately. We have kept the 25 feet between them as required by the code.

We are looking to fine tune this. This is our initial presentation of course. We recognize we have quite a bit of work to do yet

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but we wanted to get the feeling of the Board in relationship to storage units in general and make sure that we're on the right track as we proceed with the project and the final details.

I have worked on a number of storage units similar to this, also multi-story indoor storage units as well. We are familiar with the procedures towards that end.

I did get comments from I believe the traffic engineer and McGoey, Hauser & Edsall. We really don't have any issue with any of the comments except possibly in relationship to DOT. It's an existing entrance so I don't know how much more we need to do. Obviously they will be notified under 239 General Municipal Law and they may come up with some questions in relationship to signage and things of that nature. It does have a DOT approved access at this point.

The rest of the comments are perfunctory. We will proceed with those. They need to be done for the plan. For the initial presentation we just wanted to get the Board's feelings in relationship to this use of the property.

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CHAIRMAN EWASUTYN: So what would you like to hear from us?

MR. FUSCO: A couple of things I wanted to know. If you believe that this is a legitimate use of the property, it is listed in the IB Zone, we would like to move forward with continuing design of it.

I also was curious if you do like the idea of conditioned storage as well. This is dry dead storage as it is stated in your zoning, but we are looking at the possibility of some conditioned space since it seems to be more of a premium now these days. We wanted to know if you would entertain that.

Also, in addition to that, I did note that the building height is only 15 feet for this type of use. I was wondering if you would consider -- we may have to go to the ZBA I understand -- a multi-story. If we go to conditioned space, that is more appropriate for the cost of the construction.

Those are some of the issues we have.

MR. DONNELLY: In the first instance, whether the conditioned space use is allowed

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would go through Jerry's office first. If we jump ahead and say that it is and you want to build a taller building, certainly you need to get a variance from the Zoning Board. This Board could grant that referral after we got to that juncture.

MR. FUSCO: I appreciate that.

MR. DONNELLY: Just so we understand, what do you mean by conditioned space?

MR. FUSCO: Heated and air conditioned. Heated and air conditioned. Temperature control, things of that nature, for documents and things of that nature, you know, as well. I know the building code makes for specific condition space you need certain requirements. We're very familiar. I'm a certified code officer as well, so I'm very well aware of what we need to do. I would of course talk to Jerry and see what his thoughts are with it. Before we proceeded with it I wanted to make sure that there were no specific road blocks. I know I've done many of these in the Town of Wallkill and at this point they really are fed up with them at this point, to be totally blunt. They did approve my last



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one. It never got built. It was one where you would drive a vehicle in, you would have an elevator, you take it up two or three stories with your cart, come back down, get in your car and drive away. It worked out very well but unfortunately it was never built. That's something we would talk to Jerry about consideration of.

In the meanwhile, McGoey, Hauser & Edsall's comments were appropriate. The only thing, like I said, is we will check with DOT but I think we're in good stance here.

MR. MENNERICH: If you were to go to the conditioned space, would it be on the same footprint that you're showing?

MR. FUSCO: It would probably be a little different footprint. Yes, it would be a little different footprint. What we may do is consider both. We may consider both, one conditioned space and one just the typical storage. There is a need for both. There's a need for both.

We were going to consider also some outside storage. We noted that you do allow like

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campers and boats at the rear of the property.  
We may look at some of that also. We'll probably  
cut down a little bit on the parking space  
because really there's not that much that would  
be needed on that.

Other than that, we have no issue with  
the fencing and the landscaping and the balance  
of the notes that the engineers put forth.

MR. DONNELLY: We have different  
things, warehouses, self storage --

CHAIRMAN EWASUTYN: You're discussing a  
lot of possibilities. You're discussing less  
parking, storage of boats and trailers in the  
rear. The magnitude of this or potential  
magnitude, as you said to Ken Mennerich, the  
footprint may change. I can't visualize from  
what you're saying what you're proposing.

MR. FUSCO: I understand that.

CHAIRMAN EWASUTYN: I'm not  
comprehending quite clearly what may go on here.

Jerry is looking up something now.

MR. CANFIELD: I just looked at the  
bulk use table. This is a concept plan. There  
are a lot of details, obviously. The bulk use

1  
2 table, the use of the self storage is permitted  
3 conditioned. Environmentally conditioned or not  
4 is not a section of the -- it's not a  
5 determination if it is or isn't permitted.  
6 As far as the Zoning Code, I believe there's no  
7 difference. 185-35 of our Municipal Code, Zoning  
8 Code, addresses self-storage units. There's a  
9 gamut of requirements that the site needs to  
10 adhere to.

11 Also I've got to agree with the  
12 Chairman. We're talking about a lot of things.  
13 It's like a moving target. I think this Board  
14 needs to see a plan --

15 MR. FUSCO: Right.

16 MR. CANFIELD: -- a viable plan of what  
17 the applicant proposes to do and then we can  
18 address concerns and be factual as to what's  
19 required.

20 MR. FUSCO: I appreciate that. I  
21 apologize for the shotgun sort of approach. My  
22 client wasn't quite clear on what he wanted to  
23 do. Actually, in a conversation this evening  
24 when I was driving over here he added all of  
25 these what if, what if, what if. I felt required

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to bring that forth at this point to see so I could answer him and then we will resubmit with a more definite and complete plan. I don't like to do it in this fashion myself. I represent a lot of boards myself and I can appreciate that. I apologize for that. Again, the clients are looking to try to do it, and when they talk to people somebody says what about conditioned space, what about my boat, when can I put my boat there. This is stuff that actually came up on the drive over here today.

CHAIRMAN EWASUTYN: Like I said, what about a Dairy Queen.

MR. FUSCO: I like Dairy Queen.

CHAIRMAN EWASUTYN: Maybe on the drive back.

MR. FUSCO: I do appreciate that and I apologize for that portion of it.

MR. CANFIELD: If I can just add one thing regarding the outside storage. If you familiarize yourself with 185-35, they specifically talk about outside storage --

MR. FUSCO: At the rear of the property?

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MR. CANFIELD: -- being prohibited.

CHAIRMAN EWASUTYN: It's what?

MR. CANFIELD: I'm sorry?

CHAIRMAN EWASUTYN: Does it say it's prohibited?

MR. CANFIELD: Correct. Outside storage.

If you look at it, you know, you may answer some of your own questions for your client.

MR. FUSCO: I did read that section. I thought it said outside storage of boats and campers are allowed in the rear. Did I misread that?

MR. CANFIELD: Probably.

MR. FUSCO: Okay. I will review that.

MR. DONNELLY: That may be in that overlay zone which is different.

MR. CANFIELD: That's on 9W.

MR. DONNELLY: He may have been reading the wrong section.

MR. CANFIELD: Perhaps if you look further on.

MR. FUSCO: I will re-review that.

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One thing also, on the map -- we did do the mapper, by the way, and there were no red flags on it. That was one of the questions.

MR. ARNOTT: Pat is suggesting that for the next submission.

MR. FUSCO: Very good.

CHAIRMAN EWASUTYN: Michael, are we in a position to declare our intent for lead agency now?

MR. DONNELLY: I guess you can. I don't know who else is involved. DOT.

Do we have a complete EAF?

MR. FUSCO: Yes. I'll forward it.

MR. ARNOTT: I believe we should wait until -- Pat's number 12 comment is that the DEC's interactive website be used for the EAF. I believe it should wait until that is completed.

CHAIRMAN EWASUTYN: Fine.

MR. FUSCO: Okay. Very good. Thank you very much.

(Time noted: 8:00 p.m.)

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*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Extension of Conditional Final  
Approval until March 7, 2019

----- X

BOARD BUSINESS

Date: December 6, 2018  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

----- X

MICHELLE L. CONERO  
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CHAIRMAN EWASUTYN: The last item of business we have, Mr. Mennerich will read an extension letter.

MR. MENNERICH: The letter is dated November 27, 2018. It's to Mr. John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, regarding Lands of Zazon, reference 2004-29, P&P number 23153.01. "Dear Mr. Ewasutyn, please let this letter serve as our request for a six-month extension (two ninety-days extensions) of conditional final approval of the above-referenced project as the applicant is currently in the process of satisfying the remaining conditions of the final approval. As you will recall, this project was previously granted conditional final approval. In a letter dated August 19, 2013, the Board granted two 90-day extensions from September 19, 2013 to March 19, 2014. On August 21, 2014 the Planning Board granted an additional 180-day extension to March 19, 2015. In March 2015 we received an extension to September 19, 2015. In September we requested an additional 6-month

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extension to March 19, 2016. At the March 3, 2016 Planning Board meeting the Board granted a 6-month extension to September 20, 2016. At the September Planning Board meeting the Board granted an extension to December 15, 2016, at which the Board granted an extension to June 15, 2017. At the June 1, 2017 Planning Board meeting the Board granted an additional extension to December 7, 2017 at which time the Board granted a 6-month extension to June 7, 2018. The Board then granted an extension to December 7, 2018. Thank you for your attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact this office. Very truly yours,  
Pietrzak & Pfau, PLLC."

CHAIRMAN EWASUTYN: Michael mentioned that we grant an extension to --

MR. DONNELLY: That's a rather lengthy series of extensions. We haven't really heard an explanation other than an attempt to satisfy the conditions. What you've done in other matters is granted a short extension on the order of 90 days

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with a directive for the applicant or the representative to appear and to give us a careful accounting of where they stand and what they think the projection is for when they'll satisfy those conditions, informing them if that explanation isn't satisfactory that will be the last extension.

CHAIRMAN EWASUTYN: The Board would appreciate it if you would prepare a letter and send it to them with the date being March 7, 2019.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: Is that satisfactory?

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. DOMINICK: Yes.

(Time noted: 8:05 p.m.)

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MICHELLE CONERO

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

----- X  
In the Matter of

PLANNING BOARD REORGANIZATIONAL MEETING  
TO BE HELD ON JANUARY 14, 2019

----- X

BOARD BUSINESS

Date: December 6, 2018  
Time: 8:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
GERALD CANFIELD  
SEAN ARNOTT

----- X

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

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CHAIRMAN EWASUTYN: One other thing, Sean had mentioned and I'd like the Board's input, originally we were preparing our schedule of meeting agendas and work sessions and having a reorganizational meeting on the 3rd of January. As a matter of politeness -- I think, and I'm fairly certain the reappointed members will be reappointed but they won't be reappointed until the 14th of January when the Town Board has their meeting.

Would you mention to Kathleen that I think we'll hold our reorganizational meeting on the 17th of January? I think out of politeness and etiquette.

MR. ARNOTT: Absolutely.

CHAIRMAN EWASUTYN: That being said, I'll move for a motion that we close the Planning Board work session of the 6th of December.

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Ken. Second by Stephanie. I'll ask for a roll call vote starting with Stephanie.

MS. DeLUCA: Aye.

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BOARD BUSINESS

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:09 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
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