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

3 ----- X

In the Matter of:

4

LANDS OF ESTHER PEKAR
(2007-1)

5

350 Fostertown Road
Section 17; Block 4; Lot 8.1
R-2 Zone

6

7

8 ----- X

9 PUBLIC HEARING
10 TWO-LOT SUBDIVISION

10

11 Date: April 5, 2007
12 Time: 7:00 P.M.
13 Place: Town of Newburgh
Town Hall
14 1496 Route 300
Newburgh, NY 12550

15 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
16 KENNETH MENNERICH
ED O'DONNELL

17

18 ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
19 PATRICK HINES
KAREN ARENT
20 MICHAEL MUSSO

21

APPLICANT'S REPRESENTATIVE: JAMES E. RAAB

22

----- X

23

MICHELLE L. CONERO

10 Westview Drive

24

Wallkill, New York 12589

(845) 895-3018

25

Reported By: Rosemary A. Meyer

1 LANDS OF ESTHER PEKAR

2 CHAIRMAN EWASUTYN: Good evening ladies and
3 gentlemen. I would like to welcome you to the Town of
4 Newburgh Planning Board meeting of April 5th.

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

7 MR. GALLI: Present.

8 MR. MENNERICH: Present.

9 MR. O'DONNELL: Present.

10 CHAIRMAN EWASUTYN: Myself present.

11 The Town of Newburgh Planning Board and the Town of
12 Newburgh residents are represented tonight by a group of
13 professionals who make recommendations to the Planning
14 Board. I ask that they introduce themselves.

15 MR. DONNELLY: Michael Donnelly, Planning Board
16 Attorney.

17 MR. HINES: Pat Hines, with Mc Goey, Hauser and
18 Edsall, Consulting Engineers.

19 MR. COCKS: Bryant Cocks, Planning Consultant,
20 Garling Associates.

21 MS. ARENT: Karen Arent, Landscape Architectural

22 Consultant.

23 MR. MUSSO: Mike Musso, Wireless Consultant with

24 HTRMLS.

25 MS. JACOBSEN: Norma Jacobsen, Secretary to the

1 LANDS OF ESTHER PEKAR

2 Planning Board.

3 MS. MEYER: Rosemary Meyer, Stenographer.

4 CHAIRMAN EWASUTYN: At this time I would like to

5 turn the meeting over to Frank Galli.

6 MR. GALLI: Now stand for the pledge.

7 (The Pledge of Allegiance was recited.)

8 MR. GALLI: Please shut off all electronic devices,

9 cell phones, things like that.

10 MR. MENNERICH: Hearing aids.

11 MR. GALLI: Hearing aids.

12 CHAIRMAN EWASUTYN: The first item of business we

13 have this evening is the Lands of Esther Pekar. It's a

14 public hearing for a two-lot subdivision located on

15 Fostertown Road. It's in an R-2 Zone. It's being

16 represented by James Raab.

17 At this time I'll ask Ken Mennerich to read the

18 Notice of Hearing.

19 MR. MENNERICH: "Notice of Hearing, Town of Newburgh

20 Planning Board.

21 "Please take notice that the Planning Board of the

22 Town of Newburgh, Orange County, New York, will hold a
23 Public Hearing pursuant to Section 276 of the Town Law on
24 the application of Land of Esther Pekar for a two-lot
25 subdivision on premises 350 Fostertown Road in the Town

1 LANDS OF ESTHER PEKAR
2 of Newburgh, designated on Town Tax Map as Section 17;
3 Block 4; Lot 8.1, Zone, R-2.

4 "Said hearing will be held on the 5th day of April,
5 2007 at the Town Hall Meeting Room, 1496 Route 300,
6 Newburgh, New York, at 7:00 p.m., at which time all
7 interested persons will be given an opportunity to be
8 heard.

9 "By order of the Planning Board of the Town of
10 Newburgh, John P. Ewasutyn, Chairman, Planning Board,
11 Town of Newburgh."

12 Dated March 26, 2007.

13 MS. JACOBSEN: Mr. Chairman, the Notice of Hearing
14 was published in the Mid Hudson Times on March the 28th,
15 2007; in the Sentential on March the 30th, 2007.

16 The Applicant's representative sent out nine
17 certified letters. Six signed receipts were returned.

18 The mailings and the publication are all in order. Thank
19 you.

20 CHAIRMAN EWASUTYN: Thank you, Ms. Jacobsen.

21 MR. RAAB: Seven.

- 22 MS. JACOBSEN: Oh, seven?
- 23 MR. RAAB: Yes.
- 24 MS. JACOBSEN: Seven returned.
- 25 CHAIRMAN EWASUTYN: At this time I'll turn to our

1 LANDS OF ESTHER PEKAR

2 attorney, Mike Donnelly, to explain to the public the
3 purpose of the public hearing.

4 MR. DONNELLY: Yes. Tonight we have two public
5 hearings on the agenda. Both of them are subdivisions.
6 Public hearings are mandatory for subdivisions. The
7 purpose of the public hearing is so that the Planning
8 Board, before it takes action, can hear from the public
9 and determine whether or not there are issues that they
10 have not yet thought of or that their consultants have
11 not yet brought to their attention. Therefore, the Board
12 wants to hear from anybody who wants to address the
13 Planning Board.

14 What we would ask is that after the Applicant has
15 given his presentation and the Chairman recognizes you,
16 that you come forward and state your name and spell your
17 last name at least, if you would, for our stenographer so
18 we can get it down correctly. And tell us the address
19 you live at so we have some idea of the perspective you
20 bring to bear. Direct your comments to the Board. If
21 questions need to be answered, the Chairman will direct

22 either the Applicant's representative or one of the
23 consultants to answer that question.

24 MR. EWASUTYN: And at this point I'll turn to
25 Mr. Raab to give his presentation.

1 LANDS OF ESTHER PEKAR

2 MR. RAAB: Thank you, Mr. Chairman.

3 This is a 4.7 acre parcel located on the northerly
4 side of Fostertown Road directly across from the
5 intersection of Fostertown Road and Wells Road. What the
6 Pekars wish to do is to cut a 0.7 acre parcel for her
7 grandson Steven for, I think he's building a house next
8 to her house, located in an area that was at one time
9 Beansey Stone Service Junkyard.

10 It will have an individual septic system but will be
11 hooked up to town water, as is Mrs. Pekar's house, as
12 well, is hooked up to town water. And it'll access over
13 a 50-foot right-of-way so that there'll be, maybe in the
14 future, if they ever subdivide the rest of this property,
15 they'll have access over there to the back property.

16 This driveway will enter over that 50-foot right-of-way.

17 But it will have frontage on Fostertown Road.

18 MR. EWASUTYN: Comments from the public. Ron?

19 MR. HUGHES: I have a question. It's more of a
20 legal issue.

21 CHAIRMAN EWASUTYN: Can we have your name, please?

22 MR. HUGHES: Yes. My name is Hughes. I live in

23 Middle Hope.

24 I see you have four voting members.

25 CHAIRMAN EWASUTYN: Right.

1 LANDS OF ESTHER PEKAR

2 MR. HUGHES: You have to a complete and unanimous
3 decision on that?

4 MR. DONNELLY: That's correct. Four out of the
5 seven. There's three absent so it would take all four.

6 MR. HUGHES: Just make it clear to the applicants
7 and the public knows, so they know.

8 MR. DONNELLY: I think Ron's point is that if any
9 applicant before the Board wishes to have this matter
10 pass to another night, that the request should be
11 considered by the Board so that there were a larger
12 number of members present to vote.

13 By the same token, I think the public should know
14 what Ron just brought to everyone's attention, and that
15 is that the Planning Board must, to carry any action,
16 vote by a majority of its entire membership. In this
17 case, with seven members, by four votes. You don't have
18 three out of the four present. You need four out of the
19 seven.

20 CHAIRMAN EWASUTYN: Thank you.

21 MR. HUGHES: Thank you.

22 CHAIRMAN EWASUTYN: Comments from the public?

23 (No verbal response.)

24 CHAIRMAN EWASUTYN: Okay. Having no comments from

25 the public, at this time I'll turn to our consultants for

1 LANDS OF ESTHER PEKAR

2 their final comments.

3 Patrick Hines, Drainage Consultant.

4 MR. HINES: Our previous comments have been
5 addressed. Any access and maintenance agreement for the
6 driveway on the adjoining lot will be required and County
7 approval for the driveway proposed is required.

8 CHAIRMAN EWASUTYN: Bryant Cocks, Planning
9 Consultant.

10 MR. COCKS: Jim, how's the right-of-way, that
11 stretch, all the way to the road? Where the yellow is,
12 it looks like it doesn't reach over there.

13 MR. RAAB: It goes right to the highway.

14 MR. COCKS: Does it? We need a copy of that. I
15 didn't get it.

16 MR. RAAB: I wasn't quite sure what you were saying.
17 But now that I understand --

18 MR. COCKS: I didn't get new plans, that's why.

19 MR. RAAB: Well, they thought they sent enough out
20 for you and the two that went to the counties.

21 MR. COCKS: Okay.

22 MR. RAAB: I apologize.

23 MR. COCKS: That's okay. The screening of the
24 proposed house Wells Road was our only other comment.

25 MR. RAAB: From Wells Road?

1 LANDS OF ESTHER PEKAR

2 MR. COCKS: I'm sorry. From Fostertown.

3 MR. RAAB: Okay. Because it's going to be sitting
4 up in back. I don't know how much more screening it's
5 going -- it's going to be sitting up in back, in back of
6 this house so ...

7 MR. COCKS: Okay. That's it.

8 CHAIRMAN EWASUTYN: Final comments from Board
9 Members. Frank Galli?

10 MR. GALLI: Nothing final.

11 CHAIRMAN EWASUTYN: Ken Mennerich?

12 MR. MENNERICH: No questions.

13 CHAIRMAN EWASUTYN: Ed O'Donnell.

14 MR. O'DONNELL: No comments.

15 CHAIRMAN EWASUTYN: If there's no additional
16 comments from the public, I move for a motion to close
17 the Public Hearing for the two-lot subdivision for the
18 lands of Esther Pekar.

19 MR. GALLI: So moved.

20 MR. O'DONNELL: Second.

21 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

22 I have a second by Ed O'Donnell.

23 Any discussion on the motion?

24 (No verbal response.)

25 CHAIRMAN EWASUTYN: I'll ask for a roll call vote,

1 LANDS OF ESTHER PEKAR

2 then, starting with Frank Galli.

3 MR. GALLI: Aye.

4 MR. MENNERICH: Aye.

5 MR. O'DONNELL: Aye.

6 CHAIRMAN EWASUTYN: Myself yes. So carried.

7 Mike Donnelly, can you please give us the conditions
8 for approval?

9 I will do a neg declaration first.

10 MR. DONNELLY: I think you did a Negative
11 Declaration on February 15th.

12 CHAIRMAN EWASUTYN: Thank you, Mike.

13 MR. DONNELLY: I question whether you want to have
14 the recommendation of screening that Frank mentioned
15 earlier included as a condition of the resolution or are
16 you satisfied with the layout the way it is.

17 CHAIRMAN EWASUTYN: Karen, in looking at it, do you
18 see a necessity for screening?

19 And the house sits how far back from the road, Jim?

20 MR. RAAB: The house sits about a hundred and,
21 probably a little over 125 feet from the road.

22 MS. ARENT: Yeah. I think it's probably consistent
23 with the neighborhood, similar.
24 MR. RAAB: Yeah.
25 MS. ARENT: So I think that we don't need to require

1 LANDS OF ESTHER PEKAR

2 screening.

3 MR. DONNELLY: All right. And the conditions would
4 be the access and maintenance agreement affording access
5 to Lot 1 across Lot 2. This is conditioned upon County
6 DPW approval and the payment of parkland fees.

7 CHAIRMAN EWASUTYN: Having heard the conditions of
8 approval I move for the approval for the two-lot
9 subdivision for the lands of Esther Pekar.

10 MR. MENNERICH: So moved.

11 MR. GALLI: Second.

12 CHAIRMAN EWASUTYN: I have a motion by Ken
13 Mennerich. I have a second by Frank Galli. Any
14 discussion on the motion?

15 (No verbal response.)

16 CHAIRMAN EWASUTYN: Move for a roll call vote
17 starting with Frank Galli.

18 MR. GALLI: Aye.

19 MR. MENNERICH: Aye.

20 MR. O'DONNELL: Aye.

21 CHAIRMAN EWASUTYN: Myself aye. So carried.

22

(Time noted: 7:08 p.m.)

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 19, 2007

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

----- X
In the Matter of:

LANDS OF ESPOSITO & MOBLEY
(2006-22)

343, 345 & 347 Quaker Street
Section 4; Block 19.1 & 7.1
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION
LOT LINE CHANGE

Date: April 5, 2007
Time: 7:08 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: HOWARD WEEDEN

----- X

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

Reported By: Rosemary A. Meyer

1 LANDS OF ESPOSITO & MOBLEY

2 CHAIRMAN EWASUTYN: The next item of business this
3 evening is the lands of Esposito and Mobley. It's a
4 Public Hearing for a two-lot subdivision and a lot line
5 change, located on Quaker Street. It's an AR Zone. It's
6 being represented by Howard Weeden.

7 And I'll ask Mr. Mennerich to read the Notice of
8 Hearing.

9 MR. MENNERICH: "Notice of Hearing, Town of Newburgh
10 Planning Board.

11 "Please take notice that the Planning Board of the
12 Town of Newburgh, Orange County, New York, will hold a
13 Public Hearing pursuant to Section 276 of the Town Law on
14 the application of land of Frank Esposito and David and
15 Agnes Mobley for a two-lot subdivision and lot line
16 change on premises 343 and 347 Quaker Street in the Town
17 of Newburgh, designated on Town Tax Map as Section 4,
18 Block 1, Lot 9.1 and 7.1, Zone AR.

19 "Said hearing will be held on the 5th day of April,
20 2007, at the Town Hall Meeting Room, 1496 Route 300,
21 Newburgh, New York, at 7:00 p.m., at which time all

22 interested persons will be given an opportunity to be

23 heard.

24 "By order of the Planning Board of the Town of

25 Newburgh, John P. Ewasutyn, Chairman, Planning Board, the

1 LANDS OF ESPOSITO & MOBLEY

2 Town of Newburgh." Dated March 26, 2007.

3 MS. JACOBSEN: Mr. Chairman, the Notice of Hearing
4 was published in the Mid Hudson Times on March the 28th,
5 2007; in the Sentential on March the 30th, 2007.

6 The Applicant's representative mailed out 13
7 registered letters, and nine were returned signed and one
8 was undeliverable. Thank you. The publication and the
9 mailings are all in order.

10 MR. EWASUTYN: Thank you, Norma.

11 Mr. Weeden, would you give your presentation now,
12 please.

13 MR. WEEDEN: Thank you, Mr. Chairman.

14 My name is Howard Weeden. I'm a surveyor for
15 Mr. Esposito. He currently resides in a trailer toward
16 the rear of the property. And Mr. Esposito's father owns
17 the house that's on the same lot. So there's two
18 dwellings right, presently, on the same lot. It's a
19 landlocked parcel off of Quaker Street.

20 We're proposing to do two 15-foot strips for each
21 lot through lands of Mobley, which is a relative of

22 Mr. Esposito. We've been to the Zoning Board of Appeals

23 for a variance on the existing dwelling for the side

24 yard, and a variance was granted.

25 We're proposing a house on the rear lot to take the

1 LANDS OF ESPOSITO & MOBLEY

2 place of the trailer. We have a proposed septic and a
3 proposed well for the house in the back. The house in
4 the front has an existing well and septic. And I've also
5 shown the Mobley property, which has an existing house,
6 well and septic in the front.

7 CHAIRMAN EWASUTYN: Thank you, Howard.

8 At this time we'll open the meeting up to the
9 public. Anyone this evening have any questions or
10 comments?

11 (No verbal response.)

12 CHAIRMAN EWASUTYN: Okay. We'll turn to our
13 consultants for their final review. Pat Hines, Drainage
14 Consultant.

15 MR. HINES: Private driveway access and maintenance
16 agreement is required between Lot 1 and 2.

17 The only other outstanding issue we have, which we
18 discussed at work session, was the zoning variance
19 requirement for the trailer to remain, based on the
20 revised lot lines.

21 CHAIRMAN EWASUTYN: Bryant Cocks, Planning

22 Consultant.

23 MR. COCKS: We just need a copy of the ZBA

24 resolution from December 28th. We request one for our

25 files.

1 LANDS OF ESPOSITO & MOBLEY

2 These comments might have been addressed. They were
3 the last time, but I didn't get additional plans. The
4 proposed driveway to Lot 2 needs to be shown, the
5 proposed location of the house and a turn around area,
6 and a surveyor seal and signature for final approval.
7 That was it.

8 CHAIRMAN EWASUTYN: Would you like for them to speak
9 up?

10 MS. MEYER: Just a little bit.

11 CHAIRMAN EWASUTYN: Mike, would you discuss with us?

12 MR. DONNELLY: The issue, and I received a letter
13 today from Richard Chazano (ph.), the Applicant's
14 attorney, and let me try to frame what the issue is, the
15 trailer that is on the property will, after the
16 subdivision is approved, no longer be in compliance with
17 the setback requirements of the ordinance. The Planning
18 Board, by approving the subdivision and allowing the map
19 to be filed is certifying that there is compliance with
20 the requirements of the ordinance, and it cannot allow
21 that map to be filed with that situation in place.

22 Therefore, we had proposed, and we discussed it last
23 month, a condition that would let the Board to vote this
24 evening to approve the subdivision but condition that
25 approval on the removal of the trailer before the map is

1 LANDS OF ESPOSITO & MOBLEY

2 signed and released for filing so that we would
3 accomplish that result. Mr. Chazano's (ph.) letter
4 addresses a difficulty and hardship for the Espositos
5 that flow from that, and I do understand that. However,
6 this Board doesn't have any choice. It can't authorize
7 the filing of a map that shows noncompliant structures.
8 What we perhaps could do is amend the proposed language
9 of the condition to afford the Applicant an opportunity
10 to go back to the Zoning Board of Appeals that could
11 consider granting a variance on whatever terms were
12 appropriate. And rather than have the Applicant return
13 to the Planning Board, if they received that variance, to
14 provide you that in a resolution. Therefore, I would
15 suggest language something like the following.

16 The trailer presently located upon the premises will
17 become noncompliant upon a subdivision unless the
18 Applicant contains a variance allowing that trailer to
19 remain. Prior to signing the plan releasing it for
20 filing the Applicant shall be required to remove the
21 trailer.

22 And I think that's the best we can do to try to
23 accommodate the needs. But only the Zoning Board can
24 grant a variance for that noncompliance.
25 MR. WEEDEN: If I may, Mr. Chairman. Mr. Esposito

1 LANDS OF ESPOSITO & MOBLEY
2 and I talked outside before the meeting. I think it
3 would put everything to rest if I moved this line over
4 about six feet, which is all that is needed, and then
5 swap the acreage so that it would be the same acreage on
6 both of them. This would bring the setback line over and
7 the trailer here, and we wouldn't need a variance.

8 MR. DONNELLY: We had to see such a plan.

9 MR. WEEDEN: I think that would let Mr. Esposito --
10 the trailer would then be conforming to the setbacks.
11 And he would also be able to build his house and then
12 take the trailer down as soon as the house is up. He is
13 putting modular out there.

14 CHAIRMAN EWASUTYN: Although there's no one here
15 this evening has any comments on the public hearing,
16 we're having a public hearing presenting one application.
17 And I'm just trying to think it through from where I sit
18 as a Board Member. There now is a revised subdivision
19 plan, and I don't know procedurally where that puts us.

20 MR. DONNELLY: Well, certainly, out of a public
21 hearing you could have adjustments to the plan. And

22 certainly, we operate in the public and the public would
23 have had a chance to comment. So I'm not troubled by
24 that aspect of it.

25 What is a logistic difficulty is we had to approve a

1 LANDS OF ESPOSITO & MOBLEY
2 plan. And right now we have a description of movement of
3 some lines that, at the very least, has to be looked at
4 by your consultants. And depending upon how you feel
5 about it, may need to be looked by you, as well. If it
6 was okay for your consultants to approve those
7 adjustments and to ensure that there is now compliance,
8 you could approve it subject to a review of the amended
9 map by Pat Hines or Bryant Cocks, whoever is the
10 appropriate person, and a sign off that the trailer is
11 now in a conforming location after subdivision and there
12 were no other substantial changes to the plan. I think
13 that could be done. Or you could ask the Applicant to
14 come back with a revised plan and act at that time.

15 CHAIRMAN EWASUTYN: How would the Board like to
16 proceed with this? Frank?

17 MR. GALLI: With the building of the additional
18 dwelling, that would be two dwellings on one piece of
19 property.

20 MR. HINES: There could be a building permit issue.
21 That's what I was thinking of.

22 MR. DONNELLY: All I can do, all we can do is
23 address the subdivision. I don't know how Jerry
24 Canfield's office will react when you come in and request
25 a building permit on a lot that already has a dwelling.

1 LANDS OF ESPOSITO & MOBLEY

2 I mean that may be an insurmountable difficulty there. I
3 don't know.

4 MR. MENNERICH: Couldn't we place in the resolution
5 that the trailer has to be removed within a certain
6 amount of time after the completion?

7 MR. DONNELLY: You can. But then what we've
8 allowed, we've allowed the filing of a map that has a
9 noncompliant structure on it. I just don't think that's
10 an appropriate practice. Apart from the enforcement
11 difficulties, what if it's sold. Because once it's filed
12 the lot could be sold. I just don't think that this is
13 consistent with how you've handled other applicants, that
14 you require those things to be accomplished before the
15 filing of the map.

16 Moving the trailer is an option. Moving the lot
17 lines is an option. You're still going to have, I think
18 a difficulty with the Building Department. And I don't
19 know how the Town will react to that.

20 CHAIRMAN EWASUTYN: What's your final approach,
21 Howard? I know we have to make a decision on that.

22 MR. WEEDEN: To go to the ZBA is going to take a
23 couple months. To change this lot line and just move
24 this over five, six feet, I can have the maps in the next
25 couple of days.

1 LANDS OF ESPOSITO & MOBLEY

2 CHAIRMAN EWASUTYN: Then again, I think what I
3 understand people are saying, the Building Department may
4 not want to act on that course of action.

5 MR. WEEDEN: I haven't followed up on that
6 possibility. I just want to make it through the Planning
7 Board.

8 CHAIRMAN EWASUTYN: That, again, might require you
9 to go to the ZBA, as Mr. Mennerich is saying.

10 MR. WEEDEN: That's true, too. I can follow up on
11 that, though. Okay. We'll have to follow up on that.

12 CHAIRMAN EWASUTYN: Mike, what if we were to move to
13 close the public hearing, ask the Applicant to waive the
14 62 day decision time, and when you finally decide on what
15 you're doing you could submit revised maps with a
16 narrative letter, ten copies to the Planning Board, four
17 copies to the consultants.

18 And I see believe, Norma, it's the 19th of May which
19 is our next agenda that hasn't been printed.

20 MS. JACOBSEN: Yes.

21 CHAIRMAN EWASUTYN: I would set this up for the

22 agenda of the 19th of May.

23 MR. WEEDEN: Okay.

24 MR. O'DONNELL: I mean it's completely unreasonable

25 to think you could take that trailer out of there before

1 LANDS OF ESPOSITO & MOBLEY
2 the house was built. I mean if the trailer left there
3 wouldn't be any issue here at all, right? It's not
4 possible to do, or what? Is that where you live? I
5 didn't think that was such a good idea.

6 CHAIRMAN EWASUTYN: Any additional comments from
7 Board Members? Frank Galli?

8 MR. GALLI: No additional.

9 CHAIRMAN EWASUTYN: Ken Mennerich.

10 MR. HINES: It's May 17th.

11 CHAIRMAN EWASUTYN: May 17th. Thanks

12 Okay. I move for a motion from the Board to close
13 the Public Hearing on the two-lot subdivision lot line
14 change for the lands of Esposito, Mobley, subject to the
15 Applicant waiving a 62-day decision period.

16 MR. MENNERICH: So moved.

17 MR. GALLI: Second.

18 CHAIRMAN EWASUTYN: Do you waive that?

19 MR. WEEDEN: Yes.

20 CHAIRMAN EWASUTYN: I have a motion by Ken
21 Mennerich. I have a second by Frank Galli.

22 Any discussion of the motion?

23 (No verbal response.)

24 CHAIRMAN EWASUTYN: I move for a roll call vote

25 starting with Frank Galli.

1 LANDS OF ESPOSITO & MOBLEY

2 MR. GALLI: Aye.

3 MR. MENNERICH: Aye.

4 MR. O'DONNELL: Aye.

5 CHAIRMAN EWASUTYN: And myself, yes. So carried.

6 We'll schedule this for our meeting of the 17th of

7 May. Thank you.

8 MR. WEEDEN: Thank you.

9 (Time noted: 7:20 p.m.)

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 19, 2007

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

----- X
In the Matter of:

LANDS OF DZIEWIATOWSKI
(2007-6)

296 Forest Road
Section 1; Block 1; Lot 118
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
THREE-LOT SUBDIVISION

Date: April 5, 2007
Time: 7:20 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: HOWARD WEEDEN

----- X

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

Reported By: Rosemary A. Meyer

1 LANDS OF DZIEWIATOWSKI

2 CHAIRMAN EWASUTYN: The next item of business this
3 evening we have is the lands of Dziejewski.

4 Help me with that, Howard.

5 MR. WEEDEN: Dziejewski.

6 CHAIRMAN EWASUTYN: It's a conceptual sketch plan
7 for a three-lot subdivision located on Forest Road in an
8 AR Zone. It's being represented by Howard Weedon.

9 MR. WEEDEN: Okay. Thank you, Mr. Chairman.

10 Mr. Dziejewski owns 52 acres on Forest Road just
11 at the Ulster County line. He has an existing house on
12 the front, the northerly parcel, with a driveway out onto
13 Forest Road. He's got a septic and well. He's also got
14 some barns which we're showing on Lot 2.

15 Mr. Dziejewski is going to be taking those barns down
16 before final approval.

17 Lot 2 is an acre. And then we're going to keep the
18 rest of the 50 acres as an agricultural use. I wanted to
19 know if the Planning Board would allow that as a note or
20 whether we have to show a home site on the remaining
21 lands.

22 MR. DONNELLY: I think we thought that a note that
23 says "not for development purposes at this time" is more
24 appropriate.

25 MR. WEEDEN: Okay. We will have to show the

1 LANDS OF DZIEWIATOWSKI

2 driveway. We did have some comments back from the Orange
3 County DPW so we are going to show the driveway to the
4 back here for their comments.

5 CHAIRMAN EWASUTYN: Turning to our consultants for
6 their comments. Pat Hines, Drainage Consultant.

7 MR. HINES: Our first comment has to do with the
8 three structures that Mr. Weeden just stated are to be
9 removed prior to filing. If those notes could be placed
10 on the plans on those structures.

11 County DPW approval is required. Future submissions
12 need to contain engineering details for the well, septic,
13 erosion control. Driveway details that the County would
14 require are needed.

15 My only comment is Note 3 is not for residential
16 purposes at this time for the balance parcel. And
17 because of the lot size you do not need to show it as
18 buildable. And County Planning referral is required.

19 That's all I have.

20 CHAIRMAN EWASUTYN: Bryant Cocks, Planning
21 Consultant.

22 MR. COCKS: Yes. This is also going to have to be
23 sent to the Town of Plattekill since it's right on the
24 border. So when you send it out to the County send it to
25 them, too.

1 LANDS OF DZIEWIATOWSKI

2 The bulk table needs to be revised. The rear yard
3 setback should be 50 instead of 40.

4 And I was just asking if there is any structures on
5 the agricultural lot.

6 MR. WEEDEN: There's nothing on the rest of the 50
7 the acres. There's three barns that are shown on Lot 2.
8 The one barn extends into the County right-of-way.

9 MR. COCKS: And we just encourage the commentary for
10 the two proposed driveways. Those are all our comments.

11 CHAIRMAN EWASUTYN: Frank Galli, Planning Board
12 Member.

13 MR. GALLI: No additional comment.

14 CHAIRMAN EWASUTYN: Ken Mennerich.

15 MR. MENNERICH: No comments.

16 CHAIRMAN EWASUTYN: Ed O'Donnell.

17 MR. O'DONNELL: No comments.

18 CHAIRMAN EWASUTYN: I move for a motion to grant
19 conceptual sketch plan approval.

20 MR. O'DONNELL: So moved.

21 MR. GALLI: Second.

22 CHAIRMAN EWASUTYN: We have a motion by Ed

23 O'Donnell. I have a second by Frank Galli.

24 Any discussion on the motion?

25 (No verbal response.)

1 LANDS OF DZIEWIATOWSKI

2 CHAIRMAN EWASUTYN: Move for a roll call vote
3 starting with Frank Galli.

4 MR. GALLI: Aye.

5 MR. MENNERICH: Aye.

6 MR. O'DONNELL: Aye.

7 CHAIRMAN EWASUTYN: Myself. So carried.

8 Howard, if you would present plans to Bryant Cocks,
9 our planning consultant, he'll circulate to the Orange
10 County Planning Department and the Town of Plattekill.

11 MR. WEEDEN: Yes, I will. And I'll make the
12 revisions before the next meeting.

13 MR. DONNELLY: Is there any reason why you couldn't
14 issue an Negative Declaration and schedule it for a
15 hearing after this?

16 CHAIRMAN EWASUTYN: Yes.

17 MR. HINES: There's no engineering submitted.

18 MR. WEEDEN: We had over a foot of frost in the
19 ground. We'll get in there.

20 CHAIRMAN EWASUTYN: All right. We'll declare our
21 intent for Lead Agency. Ken?

22 MR. MENNERICH: I'll make that motion.

23 MR. GALLI: Second.

24 CHAIRMAN EWASUTYN: I have a motion by Ken

25 Mennerich. I have a second by Frank Galli. I'll ask for

1 LANDS OF DZIEWIATOWSKI

2 a roll call vote starting with Frank Galli.

3 MR. GALLI: Aye.

4 MR. MENNERICH: Aye.

5 MR. O'DONNELL: Aye.

6 CHAIRMAN EWASUTYN: And myself, yes. So carried.

7 Thank you.

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

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 20, 2007

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

----- X
In the Matter of:

LANDS OF LORENZEN WOODS
(2006-62)

Lorenzen Drive Off East Road
Section 2; Block 2; Lots 21.221 & 39
RR Zone

----- X

THREE-LOT SUBDIVISION
LOT LINE CHANGE

Date: April 5, 2007
Time: 7:25 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JAMES E. RAAB

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018
Reported By: Rosemary A. Meyer

1 LANDS OF LORENZEN WOODS

2 CHAIRMAN EWASUTYN: The following item of business
3 is the lands of Lorenzen Woods. It's a three-lot
4 subdivision and lot line change located on Lorenzen Drive
5 off of East Road. It's an RR Zone. It's being
6 represented by Jim Raab.

7 MR. RAAB: When we were last here there was a number
8 of small items that had to be taken care of, as well as
9 cleaning up the geometrics of the subdivision itself.
10 Those have all been addressed, although I believe there's
11 going to be discussion on the geometrics again. So based
12 on that, I think we've got this pretty well wrapped.

13 CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant.

14 MR. HINES: We had quite a few comments back in
15 January. They have been addressed on the plans.

16 We do concur that the lot geometry is a little
17 rough, but it does comply and provides access to each of
18 the lots.

19 The septic system revisions we requested are shown
20 on the plans. The well was relocated on Lot 1. And the
21 pump station details have been added appropriately.

22 Cul-de-sac grades were revised. So they've addressed our
23 previous comments.

24 CHAIRMAN EWASUTYN: Bryant Cocks, Planning
25 Consultant.

1 LANDS OF LORENZEN WOODS

2 MR. COCKS: Yes. The comments about the lot
3 geometry we also add. But I colored them in and figured
4 out which way things go.

5 MR. RAAB: I did it just before I got up here.

6 MR. COCKS: So everything meets zoning requirements,
7 so the lot geometry is fine.

8 But I got the last submission. I didn't get a data
9 sheet. I don't know if it just --

10 MR. RAAB: I'm sorry. I apologize.

11 MR. COCKS: That's fine. A common driveway
12 maintenance agreement to be submitted to Mike Donnelly.

13 What I'm just asking is the lands of Nordahl,
14 they're still going to use that?

15 MR. RAAB: Yes.

16 MR. COCKS: Okay. That was it.

17 CHAIRMAN EWASUTYN: Frank Galli.

18 MR. GALLI: No additional comment.

19 CHAIRMAN EWASUTYN: Ken Mennerich.

20 MR. MENNERICH: No questions.

21 CHAIRMAN EWASUTYN: Ed O'Donnell.

22 MR. O'DONNELL: How come it's so difficult to get
23 the geometry right here?

24 MR. RAAB: Well, it's not so much about getting it
25 right, it's about getting it so it doesn't look ugly.

1 LANDS OF LORENZEN WOODS

2 It's not easy to do on Pratt Road. That's really the
3 bottom line.

4 MR. O'DONNELL: I mean it's in compliance.

5 Mr. RAAB: I could move it over a little bit. I
6 could make it a little bit better, but it's still going
7 to look ugly.

8 MR. HINES: It's the existing lot geometry. The
9 balance parcel has got some strange lot lines to it that
10 make it a challenge.

11 MR. O'DONNELL: It's ugly, but it's got to be in
12 compliance. That's all I care about. Okay.

13 CHAIRMAN EWASUTYN: Having heard from our
14 consultants in review of the three-lot subdivision, lot
15 line change for lands of Lorenzen Woods, I move to
16 declare a Negative Declaration and to set the 21st of
17 June for a public hearing.

18 MR. MENNERICH: So moved.

19 MR. GALLI: Second.

20 CHAIRMAN EWASUTYN: I have a motion by Ken
21 Mennerich. I have a second by Frank Galli.

22 I'll ask for a roll call vote starting with Frank

23 Galli.

24 MR. GALLI: Aye.

25 MR. MENNERICH: Aye.

1 LANDS OF LORENZEN WOODS

2 MR. O'DONNELL: Aye.

3 CHAIRMAN EWASUTYN: Myself. So carried.

4 MR. RAAB: I was just wondering why the 21st.

5 CHAIRMAN EWASUTYN: Because actually, there's that

6 many. Procedurally, I have that many public hearings

7 lined up as far as what's going to fall in play with the

8 telecommunication towers that are coming up on the 7th.

9 And it's just a scheduling thing. It's the scheduling.

10 I'm sorry. And having Mike Musso in town on given days

11 to do it, it's scheduling.

12 MR. RAAB: Okay.

13 CHAIRMAN EWASUTYN: As a matter of fact, you'll see

14 where that will fall into place with the next one with

15 Kintzer, and that's going to work. You'll be here both

16 nights for that also.

17 MR. RAAB: Okay.

18 CHAIRMAN EWASUTYN: We couldn't arrange it any

19 differently, Jim.

20 MR. RAAB: Okay.

21 CHAIRMAN EWASUTYN: You know how much I try and

22 balance it out.

23 MR. RAAB: It wasn't for my benefit.

24 CHAIRMAN EWASUTYN: I understand what you're saying.

25 (Time noted: 7:29 p.m.)

REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 20, 2007

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

----- X
In the Matter of:

LANDS OF DAVID & GAIL KINTZER
(2007-8)

20 Distillery Path
Section 17; Block 3; Lot 26
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: April 5, 2007
Time: 7:29 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JAMES E. RAAB

----- X

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

Reported By: Rosemary A. Meyer

1 LANDS OF DAVID & GAIL KINTZER

2 CHAIRMAN EWASUTYN: The next item of business is the
3 lands of David and Gail Kintzer. It's a conceptual plan
4 sketch plan for a two-lot subdivision located on
5 Distillery Path. It's in an AR Zone. It's being
6 represented by Jim Raab.

7 MR. RAAB: This is the last of the lots on
8 Distillery Path, a subdivision we did about a hundred
9 years ago. Dave Kintzer was the first one to buy a lot
10 in here, and now he's getting ready to move to the
11 Carolinas and he wanted to subdivide off this lot.

12 We've had the wetlands delineated, and we do have
13 the verification now. We didn't have it when we were
14 ready to submit. But we do have the -- Bill Gottler
15 (ph.) signed off on it. So basically, we're putting, Lot
16 No. 2 is going to be 3.49 acres, which, you know, half of
17 that is wetlands. And then the existing house will be
18 left on 2.51 acres. It'll be accessed by a common
19 driveway which will start at the end of the existing
20 private road, Distillery Path. That's pretty much it.

21 CHAIRMAN EWASUTYN: Thank you.

22 Pat Hines, Drainage Consultant.

23 MR. HINES: We just have a comment. The contour

24 that's on a Giammarco lot, it looks like that needed to

25 be revised.

1 LANDS OF DAVID & GAIL KINTZER

2 Wetland certification should be provided, as you
3 stated.

4 A common driveway access and maintenance agreement
5 for Mike's review.

6 The sand, DOT sand specifications for the Elgin
7 system needs to be on the plans per the County's
8 requirements, the actual detail for that.

9 MR. RAAB: Okay.

10 MR. HINES: The distribution box is shown as a nine
11 hole but there's a five hole distribution box shown on
12 the septic drawings.

13 And we were just discussing at work session of the
14 Planning Board, and our comment, but some sort of
15 turnaround could be provided right down Distillery Path
16 ends at the driveways.

17 MR. RAAB: It's a little challenge.

18 MR. HINES: I realize the wetlands are there.

19 MR. RAAB: Well, not so much the wetlands. It drops
20 of quick a bit, right here on this side, and this side is
21 a hill. You have one of these situations. So there's

22 not a whole lot of spots to put a turnaround in. There's
23 plenty of wide spots in this, on the way up through here,
24 along the road, that are easy enough. You can pretty
25 much turn off here, turn off in any of those spots.

1 LANDS OF DAVID & GAIL KINTZER

2 MR. HINES: It's an existing private road. I don't
3 think we can require it. It was just a comment.

4 MR. RAAB: Well, I took it under consideration. In
5 fact, I went up before the meeting to take a look at it
6 and see. But like I said, to put it at the end of the
7 road would be a challenge. I'd have to get the approval
8 of everybody on the maintenance agreement.

9 MR. HINES: Actually, I didn't know that the
10 existing house lot, the remaining lot would work.

11 MR. RAAB: Up in here?

12 MR. HINES: No. Where the driveway and the private
13 road meet.

14 MR. RAAB: Right here? The last. That's where the
15 problem is. It's extremely steep on this side and it
16 goes up rapidly on the other side of the road.

17 CHAIRMAN EWASUTYN: What's your recommendation?

18 MR. HINES: It's not something we usually require on
19 private roads, but if it could be accomplished it would
20 help. The consideration is for turning around emergency
21 vehicles.

22 MR. DONNELLY: Even if it could be put, if not, a
23 fork somewhere closer to where the private roadway
24 currently terminates?

25 MR. HINES: That's what I mean. I was looking right

1 LANDS OF DAVID & GAIL KINTZER

2 at where it terminates.

3 MR. RAAB: It would have to be all on David's lot.

4 Let me see how that would work out.

5 MR. HINES: I mean even if it's not compliant with

6 the turnaround.

7 MR. RAAB: Are you talking about like a little --

8 MR. HINES: It would be half A T, actually.

9 MR. RAAB: Yes, I think we can do that. We can do

10 that.

11 MR. DONNELLY: You have it as an existing private

12 roadway agreement?

13 MR. RAAB: Well, I'll put it on the common driveway.

14 I won't put it on --

15 MR. DONNELLY: I'm talking about another issue.

16 There's an existing private easement agreement that you

17 will show me eventually that shows it.

18 MR. RAAB: In fact, I thought it was submitted with

19 the submittal but -- I thought I did. If I didn't, Mike,

20 I'm sorry. I have it. I'm ready to submit it.

21 MR. DONNELLY: I know you'll get it to me

22 eventually.

23 CHAIRMAN EWASUTYN: Bryant Cocks, Planning

24 Consultant.

25 MR. COCKS: My only comment was about the DEC

1 LANDS OF DAVID & GAIL KINTZER
2 wetlands, and you already addressed that. It's just a
3 simple two-lot subdivision. Both lots meet the zoning
4 requirements. And we have no issues.

5 CHAIRMAN EWASUTYN: Frank Galli, Planning Board
6 Member.

7 MR. GALLI: No additional comment.

8 CHAIRMAN EWASUTYN: Ken Mennerich.

9 MR. MENNERICH: No questions.

10 CHAIRMAN EWASUTYN: Ed O'Donnell.

11 MR. O'DONNELL: Nothing.

12 CHAIRMAN EWASUTYN: Having heard from our
13 consultants, I move for a motion to declare a Negative
14 Declaration for the lands of David and Gail Kintzer and
15 set the --

16 MS. JACOBSEN: You've got --

17 CHAIRMAN EWASUTYN: Excuse me?

18 MS. JACOBSEN: You've got to grant conceptual.

19 CHAIRMAN EWASUTYN: Thank you.

20 I rescind that motion.

21 I move for a motion to grant conceptual sketch plan

22 approval for the two-lot subdivision of Dave and Gail

23 Kintzer.

24 MR. MENNERICH: So moved.

25 MR. O'DONNELL: Second.

1 LANDS OF DAVID & GAIL KINTZER

2 CHAIRMAN EWASUTYN: I have a motion by Ken
3 Mennerich. I have a second by Ed O'Donnell. I'll ask
4 for a roll call vote starting with Frank Galli.

5 MR. GALLI: Aye.

6 MR. MENNERICH: Aye.

7 MR. O'DONNELL: Aye.

8 CHAIRMAN EWASUTYN: Myself, yes. So carried.

9 I move for a motion from the Board to declare a
10 Negative Declaration for the lands of David and Gail
11 Kintzer for a two-lot subdivision and set the 21st of
12 June for a public hearing.

13 MR. GALLI: So moved.

14 MR. O'DONNELL: Second.

15 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.
16 I have a second by Ed O'Donnell. I move for a roll call
17 vote starting with Frank Galli.

18 MR. GALLI: Aye.

19 MR. MENNERICH: Aye.

20 MR. O'DONNELL: Aye.

21 CHAIRMAN EWASUTYN: Myself, yes. So carried.

22 Jim, with Norma retiring next week, we're arranging
23 that until there's a replacement for Norma, just to bring
24 it along, that's Bryant's Cocks' office will be working
25 through this offices as far as any public hearings,

1 LANDS OF DAVID & GAIL KINTZER

2 mailing and circulations. Okay?

3 MR. RAAB: Good.

4 CHAIRMAN EWASUTYN: And again, the agenda has

5 already been put out for the 5th of May, just to explain

6 myself and why we couldn't do it any sooner.

7 MR. RAAB: No. I just wanted you do it for the

8 Applicant. Thank you.

9 (Time noted: 7:36 p.m.)

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

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I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 20, 2007

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

----- X
In the Matter of:

NEXTEL NY - 2207A MID VALLEY MALL
(2006-61)

309 North Plank Road (Water Tank)
Section 75; Block 1; Lot 11
B Zone

----- X

SPECIAL USE PERMIT
CONCEPTUAL SITE PLAN

Date: April 5, 2007
Time: 7:36 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CHRIS FISHER, ESQ.

----- X

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

Reported By: Rosemary A. Meyer

1 NEXTEL NY - 2270A MID VALLEY MALL

2 CHAIRMAN EWASUTYN: The following item of business
3 this evening is Nextel New York, 2207A Mid Valley Mall.

4 It's a Special Use permit and a conceptual site plan.

5 It's in a B Zone. It's being represented by Anthony

6 Gioffre, is it?

7 MR. FISHER: Actually, Chris Fisher again for

8 Mr. Gioffre tonight.

9 MS. JACOBSEN: Can I just say something? On the
10 next item, Sprint/Nextel, the application says

11 Sprint/Nextel. And when your office wrote letters about
12 it, they're calling it Nextel.

13 MR. FISHER: Right.

14 MS. JACOBSEN: And we filed it all under
15 Sprint/Nextel. They've got to keep with that.

16 MR. FISHER: Sounds good. That's what the company
17 is trying do, too. So we'll do that.

18 MS. JACOBSEN: Okay. Since someone has to find all
19 this stuff in the office. I wouldn't be there anymore.

20 CHAIRMAN EWASUTYN: Mr. Fisher.

21 MR. FISHER: Yes. This is the application for

22 installation of antennas on an existing water tank at Mid
23 Valley Mall. When we were last here your consultant had
24 some comments. We went through those comments, and after
25 the meeting had a chance to go back with our engineers,

1 NEXTEL NY - 2270A MID VALLEY MALL
2 get some additional information, make some plan revisions
3 and submit those, which we did.

4 I had a chance to talk to Mr. Musso. I think, you
5 know, subject to some ongoing information exchanges
6 between our engineers, we think that the application is
7 at least complete and ready for a hearing, and we can
8 move forward from there.

9 CHAIRMAN EWASUTYN: Thank you.

10 Mike Musso, Telecommunications Consultant for the
11 Planning Board.

12 MR. MUSSO: Thanks, Mr. Chairman. I just want to
13 give an update on our technical review of this report. I
14 do not have a report submitted as of yet, but I have just
15 about a complete draft in. I would like to go over
16 quickly just a couple of key items that we have reviewed
17 and what I can talk to tonight, and then go over a couple
18 of the things that, as Mr. Fisher noted, the Applicant is
19 still working on, and finally, present some suggestions
20 on moving forward, perhaps for scheduling a public
21 hearing in June.

22 We did receive the additional information that was
23 requested. We were able to look at coverage, other
24 telecommunication sites, alternate sites and conformance
25 with emissions. Those are all key items at that this

1 NEXTEL NY - 2270A MID VALLEY MALL
2 Board has asked about many times. We feel those issues
3 have been addressed. And again, they'll be folded into
4 our final report. That should be submitted within the
5 next one to two weeks.

6 The information that's still out, partially of which
7 has been submitted, was conditional on the structural
8 assessment. There's been some calculations given for
9 very similar water tower structures. But what we're
10 still waiting on at this point is information on the
11 specific water tower in terms of the property and the
12 maintenance that would be upkept. I think that's
13 important for us to understand, to fold into the overall
14 findings. But i would agree with what the Applicant has
15 attested to. I think at this point, looking at the
16 structural information they submitted, looking at the
17 certifications from New York State P.E.s, that the
18 structural, at the of the day, will check out the
19 proposed installation. So I think it is reasonable, and
20 we've entertained that in other municipalities, to
21 provide that as a condition of approval.

22 There are a couple things that I suggest moving
23 forward with that. One would be during the time that our
24 report is finalized that I would just clarify with the
25 Applicant representatives what exactly we need to

1 NEXTEL NY - 2270A MID VALLEY MALL
2 complete that report. As I mentioned, information on the
3 property itself and maintenance procedures, the status of
4 the water tank. There's a couple loose ends there that
5 I'd like to clarify. And then if this Board would
6 entertain it, during that time also, in the next week or
7 so, provide a clear and direct scope of what would have
8 to be done for a site specific structural analysis.
9 Going out through that, I think there's a little bit of
10 work to do. And again, I think it's reasonable to ask as
11 a condition of approval. The amount of work that we
12 entail in that, we'd probably look for some site specific
13 inspection, some of the steel members, condition of the
14 water tank, just to confirm that they've looked at those.
15 And then, of course, completing the structural
16 calculations. I think they're about halfway, probably a
17 little bit more there already. So I think that's kind of
18 the outstanding issues that I wanted to bring forth at
19 this point.

20 CHAIRMAN EWASUTYN: Any questions or comments?
21 Frank Galli?

- 22 MR. GALLI: No.
- 23 CHAIRMAN EWASUTYN: Ken Mennerich.
- 24 MR. MENNERICH: No.
- 25 CHAIRMAN EWASUTYN: Ed O'Donnell.

1 NEXTEL NY - 2270A MID VALLEY MALL

2 MR. O'DONNELL: I mean this thing can't move
3 forward, from what I understand, whether structurally
4 this water tower is capable of handling this additional
5 weight, I guess.

6 MR. MUSSO: We feel it will be. They have provided
7 some structures or some analyses on similar structures,
8 but not for this structure. Of course, it has a
9 different foundation, may be in different condition or
10 different state.

11 MR. O'DONNELL: How long has it been there? Do we
12 know?

13 MR. MUSSO: I believe it was constructed about 40
14 years ago.

15 MR. O'DONNELL: How many?

16 MR. MUSSO: Forty.

17 CHAIRMAN EWASUTYN: I think that there's a report
18 that stated in the 50's or something. '55 or '51.

19 MR FISHER: One of the things we've just been trying
20 to do is work through the actual manufacturer of the tank
21 and get the information that was requested. There's been

22 changes in companies in terms of the original
23 manufacturer, so it's just a data collection effort. But
24 we don't have any concerns that, you know, we'll be able
25 to have at the end of the day. Obviously, we have to

1 NEXTEL NY - 2270A MID VALLEY MALL
2 have, for building code compliance, a structural on the
3 site. At this point what we're trying to do is give a
4 lot of information what we do have, and at this point
5 feel confident that it's going to pass structurally. We
6 just have to continue gathering data from the
7 manufacturer, track it down.

8 MR. O'DONNELL: Now, Mike, you've got a set of
9 criteria that, in your mind, these folks have to meet, I
10 would think; right?

11 MR. MUSSO: Correct. There is a Tower Industry
12 Associates structural guidance that Mr. Winespaul (ph.)
13 has referred to a number of times. He's the structural
14 engineer. Those are standards for antennas mounted on
15 top of existing structures, assuming wind loads for
16 Orange County, New York, icy conditions, things like
17 that. So it's actually a nice cookbook that we use on
18 sites just like this.

19 MR. O'DONNELL: And they're fixing the tank as 50
20 years old.

21 MR. MUSSO: Yes. And that's where recommendations

22 for an inspection would come in.

23 CHAIRMAN EWASUTYN: Your recommendation to the Board

24 at this time, would you recommend that we declare a

25 Negative Declaration and set it up for a public hearing

1 NEXTEL NY - 2270A MID VALLEY MALL
2 on the 6th of June?

3 MR. MUSSO: Yes. I think that's appropriate.

4 CHAIRMAN EWASUTYN: Having heard from our
5 Telecommunications Consultant, Mike Musso, having had
6 discussion on the application, I would move for a motion
7 to declare a Negative Declaration for the Nextel New York
8 Mid Valley Mall location for a Special Use permit, and to
9 set it up for a public hearing on the 7th of June.

10 MR. GALLI: So moved.

11 CHAIRMAN EWASUTYN: Second?

12 MR. MENNERICH: Second.

13 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.
14 I have a second by Ken Mennerich. Any discussion on the
15 motion?

16 MR. O'DONNELL: Sorry to come back again, but I mean
17 procedurally, prior to us knowing whether this structure
18 is capable of performing the task at hand, we would have
19 a Public Hearing on it?

20 CHAIRMAN EWASUTYN: Well, what we're talking about,
21 we having exactly approximately a month and a half, two

22 months from the time of the public hearing. Again, we'll
23 put it up for discussion. If we hear back from Mike
24 Musso between now and the mailing of the public hearing,
25 then we'll rescind that motion and we'll move forward

1 NEXTEL NY - 2270A MID VALLEY MALL

2 with a public hearing.

3 MR. MUSSO: Yes. I think part of it, though, for
4 the Board to consider, is whether or not a Planning Board
5 approval could be done, and then as a condition for
6 building permit and for occupancy, a full analysis would
7 have to be done to the satisfaction of the Town later on.

8 MR. O'DONNELL: I'll tell you right now, I'm not
9 going to vote on that that way. I want to see it before
10 I vote yes. I mean I can't be buying a pig in a poke
11 here. I don't buy that. I want to see the data
12 beforehand.

13 CHAIRMAN EWASUTYN: Okay. So then we don't have a
14 majority to move on the application.

15 MR. DONNELLY: You need to see it before you vote or
16 before you schedule it?

17 MR. O'DONNELL: Well, I think it needs to be seen by
18 this Board prior to having a public hearing on it. I
19 mean that's what I think. I mean this is not a new
20 project. It's been around a long time, right?

21 MR. FISHER: Yeah, no. But if I could actually just

22 be heard on that one comment. I know there's a motion on
23 the floor, but ...

24 MR. O'DONNELL: That's all right.

25 CHAIRMAN EWASUTYN: Go ahead.

1 NEXTEL NY - 2270A MID VALLEY MALL

2 MR. FISHER: You know, it's the equivalent, really,
3 of like doing a rehab on a building and you're coming in
4 for a site plan approval. When you do the renovation on
5 the interior of the building you really don't have, you
6 know, engineering for full rehab of the building.
7 Basically, you're looking at, when you come back in,
8 you've got to comply with the building code. So just
9 because this is telecom, this is really no different than
10 any development scenario where you've got to comply with
11 the building code at the end of the day. And normally,
12 that's a condition, whether it's stated or not, in the
13 Planning Board approval, that what you ultimately build
14 has got to comply with the code.

15 For us, we're working through it in terms of just
16 getting the equitable data. But it really goes to the
17 heart of do we comply with the code or not, the building
18 code. And I don't see why you wouldn't be able to move
19 forward and at least hold a hearing on this, and
20 honestly, even vote on it. But we're going to be able to
21 get it to you before you vote on it.

22 MR. DONNELLY: The only distinction I see is, you're
23 right, the Building Code would not normally be an issue
24 for the Board. But here, your proposal is to build
25 something atop the structure that the Board just wants to

1 NEXTEL NY - 2270A MID VALLEY MALL
2 make sure is sound enough to allow your project to move
3 forward. Now, that may not be full code compliance, but
4 some kind of certification that it's adequate.

5 MR. FISHER: And that's in the record. That's hat
6 we've given from all the information we have. All we're
7 talking about, I think, between what Mike has said and I
8 know from our engineers, just getting the final details
9 from the manufacturer of the water tank who we've been
10 trying to track down and getting an actual building code
11 report. But we have enough to say, and we have already
12 given, that this is going to be safe and complies with
13 code.

14 CHAIRMAN EWASUTYN: Mike.

15 MR. MUSSO: I think it's a preference of what we
16 wish to do. I think we have about two months before that
17 June meeting. What I would propose is I put together my
18 report, as I mentioned, in the next week or two,
19 outlining what needs to be done, and then working with
20 the Applicant to see if we could complete everything by
21 that time. That's certainly one option. As we get

22 closer to that meeting date that you mentioned in June,
23 we'll see where we're at, if it's appropriate to talk
24 more about this application at that time. If the Board
25 chooses, then we could do it that way.

1 NEXTEL NY - 2270A MID VALLEY MALL

2 MR. O'DONNELL: John, you know, I haven't been here
3 for five months because I've been sick. I mean has this
4 been here in my absence?

5 CHAIRMAN EWASUTYN: I think this is the second time
6 it's been before the Board.

7 MR. MUSSO: Second time, right.

8 MR. O'DONNELL: I don't understand. Why's it take
9 so long to figure out whether this thing is structurally
10 sound or not? I mean first of all, it's not like a
11 warehouse. It's a tower that's going to have a tower on
12 it that people don't like. I mean that's the way life
13 is, right? We're all indifferent. That's how it is.
14 I'm not willing, quite frankly, to say, "Okay, let's have
15 a public hearing," when somebody's going to body sit out
16 there and, "Well, jeez, why didn't you know that before,"
17 because the data didn't come out. I want to know it
18 before I have a public hearing. That's how I feel.

19 CHAIRMAN EWASUTYN: Okay. So I ask you this
20 question. Can we move for setting it up but if we don't
21 have it the --

22 MR. O'DONNELL: Who's going to present it to us? I

23 mean we're just going to get it and read it or --

24 CHAIRMAN EWASUTYN: We'll get an outline from Mike

25 Musso, our telecommunications expert, saying that it does

1 NEXTEL NY - 2270A MID VALLEY MALL

2 meet standards.

3 MR. MUSSO: Right. That's what I propose to do.

4 MR. O'DONNELL: When? When do you propose to do it?

5 MR. MUSSO: Well, as I mentioned, in the next week

6 or two to have the report. I don't think they'll have

7 all the information done by that time. But certainly --

8 CHAIRMAN EWASUTYN: Can I make a suggestion? We

9 need to have it by the 17th of May. The 17th of May is

10 when we have a plan meeting. It will be under Board

11 business on the 17th of May. And if the Board, at that

12 particular time, wants to rescind the motion to have a

13 public hearing based upon the report that we receive from

14 you, that it's of a negative standard, then we'll rescind

15 the motion.

16 MR. MUSSO: I think that sounds reasonable. The

17 question would just be back to the Applicant, whether or

18 not that information could be provided.

19 MR. O'DONNELL: Time out.

20 CHAIRMAN EWASUTYN: Go ahead.

21 MR. O'DONNELL: I think it's okay. I'm the guy that

22 raised the issue here. I would think that's an okay way
23 to do it, assuming, of course, that you meet the deadline
24 and that the data supports doing it. I don't have any
25 problem with that.

1 NEXTEL NY - 2270A MID VALLEY MALL

2 When's the public hearing? What date?

3 CHAIRMAN EWASUTYN: It would be on the 6th of June.

4 MR. MUSSO: The 7th.

5 CHAIRMAN EWASUTYN: The 7th of June. I get my dates
6 confused.

7 MR. O'DONNELL: We'll hear from you three weeks
8 before that.

9 CHAIRMAN EWASUTYN: The 7th of June, correct.

10 MR. O'DONNELL: Three weeks before that we'll see
11 your analysis as to whether this is a viable project.

12 CHAIRMAN EWASUTYN: I think that's reasonable
13 considering it's April 5th now. That gives you a month
14 plus to collect the additional information that's
15 difficult to find since the manufacturer, the original
16 manufacturer is so old. And we're being reasonable, I
17 think, at this point.

18 MR. FISHER: I think so. And we can meet that
19 deadline.

20 CHAIRMAN EWASUTYN: Okay. I have a motion by Frank
21 Galli. I have a second by Ken Mennerich. Any further

22 discussion on the motion?

23 (No verbal response.)

24 CHAIRMAN EWASUTYN: I should rescind that motion to

25 state that the Applicant has until the 17th of May, or

1 NEXTEL NY - 2270A MID VALLEY MALL

2 actually, sooner than the 17th of May. The Applicant has
3 until --

4 Give me a date. You would want to have ample time
5 to review it so give us a date.

6 MR. MUSSO: The 7th, ten days.

7 CHAIRMAN EWASUTYN: Okay. Then the Applicant has
8 until the 7th of May.

9 Give us the verbiage on that, Mike. What would you
10 like to have by then?

11 MR. MUSSO: That the additional site specific
12 structural information that's pending to complete the
13 application will be provided to the Town by May 7, 2007.

14 CHAIRMAN EWASUTYN: And that you'll be responding to
15 the Planning Board by?

16 MR. MUSSO: So that HTRLMS will provide data, an
17 addendum structural memo addressing the last question by
18 May 17, 2007.

19 CHAIRMAN EWASUTYN: And at which point, then, the
20 Board would continue on with holding the public hearing
21 for the 7th of June.

22 Okay. The motion was rescinded. I'll look for a

23 motion again.

24 MR. GALLI: So moved.

25 CHAIRMAN EWASUTYN: Motion by Frank Galli.

1 NEXTEL NY - 2270A MID VALLEY MALL

2 MR. MENNERICH: Second.

3 CHAIRMAN EWASUTYN: I have a second by Ken
4 Mennerich. Any further discussion on the motion?

5 (No verbal response.)

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

8 MR. GALLI: Aye.

9 MR. MENNERICH: Aye.

10 MR. O'DONNELL: Aye.

11 CHAIRMAN EWASUTYN: Myself. So carried.

12 Thank you, Ed.

13 MS. JACOBSEN: Was this conceptual site plan? We
14 had it listed, but it could have been approved and we
15 were --

16 CHAIRMAN EWASUTYN: No, we didn't cover it. I kind
17 of held off on that. But we'll move for it at this time
18 also.

19 Conceptual site plan approval for the Nextel Mid
20 Valley Special Use permit.

21 MR. GALLI: So moved.

22 MR. MENNERICH: Second.

23 CHAIRMAN EWASUTYN: I have a motion by Frank Galli
24 for conceptual site plan approval.

25 MR. MENNERICH: We have to do it for a Special Use

1 NEXTEL NY - 2270A MID VALLEY MALL

2 permit?

3 CHAIRMAN EWASUTYN: This kind of gleans into some
4 preliminary final approval.

5 MR. DONNELLY: It's in your procedures. I know it
6 sounds unreasonable.

7 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.
8 I have a second by Ken Mennerich. Any discussion on the
9 motion?

10 (No verbal response.)

11 CHAIRMAN EWASUTYN: I move for a roll call vote
12 starting with Frank Galli.

13 MR. GALLI: Aye.

14 MR. MENNERICH: Aye.

15 MR. O'DONNELL: Aye.

16 CHAIRMAN EWASUTYN: Myself. So carried.

17 Thank you, Norma.

18 MR. COCKS: John, was the Negative Declaration
19 still?

20 CHAIRMAN EWASUTYN: Yes. That was part of it.

21 (Time noted: 7:52 p.m.)

22

23

* * *

24

25

REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 20, 2007

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

----- X
In the Matter of:

SPRINT/NEXTEL IV NEW YORK - 0423
(2007-7)

Newburgh Mall Access Drive
Section 60; Block 3; Lot 35.1
IB Zone

----- X

AMENDED SPECIAL USE PERMIT
AMENDED SITE PLAN

Date: April 5, 2007
Time: 7:52 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: CHRIS FISHER, ESQ.

----- X

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

Reported By: Rosemary A. Meyer

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 CHAIRMAN EWASUTYN: The next item of business is
3 Sprint/Nextel the Fourth, is that? Is that the fourth?

4 I see IV in there. Is it Sprint/Nextel IV New York?

5 UNIDENTIFIED SPEAKER: Newburgh IV.

6 CHAIRMAN EWASUTYN: Excuse me?

7 MR. FISHER: Newburgh IV.

8 CHAIRMAN EWASUTYN: Newburgh IV New York. It's an
9 amended --

10 UNIDENTIFIED SPEAKER: It's the site name. Sorry,
11 John.

12 CHAIRMAN EWASUTYN: It's an amended Special Use
13 permit for amended site plan at the Newburgh Mall Access
14 Drive. It's in an IB Zone. It's being represented by
15 Chris Fisher.

16 MR. FISHER: Good evening, John. We filed this
17 application which involves the existing tower right near
18 the Newburgh Mall along the thruway.

19 This site was originally built by Ida Bureau Sprint
20 in the late '90's. It's got also, their antenna is at
21 the 150 foot level of the tower. There are also other

22 carriers located on it that have come in subsequently and
23 obtained your review and approval, including T-Mobile,
24 and then also Cellular One.

25 The proposal before you is really, while it is a

1 SPRINT/NEXTEL IV NEW YORK - 0423
2 Nextel application, if you will, because of the merger of
3 the companies, Sprint and Nextel, we're really just
4 upgrading the site. We're going to be taking some of the
5 existing antennas at the top, changing them out with new
6 antennas in order for both systems to be operational from
7 the top spot of the tower. Physically and visually,
8 there really won't be any change to the exterior antenna
9 array that you see up there today, although it will be
10 all new antennas and new cable coming down the tower.

11 At grade, there's going to be a replacement of the
12 existing Sprint equipment with an equipment shelter that
13 will work for both. Sprint and Nextel equipment will be
14 located in the work site in tandem, effectively.

15 Other than that, and a few changes to the actually
16 fenced in area, and changing out a little bit of the
17 landscaping that's out in front of the site, there's not
18 much to this application. It's pretty much just a
19 co-location on the tower and really an upgrade of the
20 existing facility for the Sprint.

21 CHAIRMAN EWASUTYN: Mike Musso, Telecommunications

22 representative for the township.

23 MR. MUSSO: Thank you again, Mr. Chairman.

24 I just want to go through, again, a quick summary of

25 our review and just to bring up, I think a few of the key

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 issues to consider.

3 Originally this, the monopole in question was
4 approved in 1998. It was built that year or shortly
5 afterwards, in 1999. It was originally designed for
6 three arrays, which are up there now. There's Sprint
7 antennas at the very top spot. T-Mobile is flush
8 mounted, Spot No. 2, three antennas. And there's six
9 Cellular One antennas at the bottom. So what we can see,
10 this is basically what, from a structural capacity, this
11 is what the monopole was designed for.

12 The application is a bit interesting in that Sprint,
13 Nextel have merged into one company, something that Norma
14 had bought up beforehand. The top slot have a stealthing
15 device called radomes, which are essentially cylinders
16 that the antenna sit inside. If you've been by the site,
17 you don't see any cables hanging down the side.
18 Everything is routed through the middle of the monopole.
19 It's a, I think a fairly effective stealthing device.
20 Right now there six antennas on the top spot, but there's
21 nine radomes, or nine of those shells. Three of those

22 are empty. What's being proposed are three new Sprint
23 antennas, and then a total of six new Nextel antennas.
24 It's a net gain of three antennas. But out of those, out
25 of the total of nine that are on top, there's six Nextel.

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 One of the things that's in the report which I
3 handed you tonight, I know you haven't had a chance to go
4 through it, I did comment on the merger and the fact that
5 Sprint and Nextel do operate and maintain, at the current
6 time, two different platforms. So that's a question
7 that's come up before in the past. When you have Nextel
8 antennas at one site and all of a sudden Sprint is in
9 front of a planning board or a zoning board, people say:
10 Wait. Aren't they the same company? Part of this is a
11 fact that there are two separate platforms. They are not
12 compatible as of yet. There's industry forecasts that
13 say that they might be in the future. But anyway, we
14 moved ahead with our review for Nextel, which is the new
15 set of antennas at the site. We looked at coverage and
16 gap in coverage. And indeed, along Route I-84, 87, 300
17 and 52, there is a gap in service for Nextel. The
18 proposed installation will remedy that gap in service.

19 We also looked at the calculations that were
20 provided for cumulative radiofrequency emissions, public
21 safety report. Those also checked out as expected. I

22 think they were 300 times below general public standard.

23 We also looked at the structural review. There's a

24 structural review memo that's attached to this report.

25 Everything else checked out, as well, including wind and

1 SPRINT/NEXTEL IV NEW YORK - 0423
2 icing conditions and any kind of stresses that might be
3 imparted to the monopole itself, or the foundation. So
4 we feel comfortable that the structural also checks out.

5 Just a couple of notes on the aesthetic. Really,
6 the monopole, when viewed at distance, will not
7 appreciably change at all. Like I said, they have nine
8 radomes that exist. There's some space in those. What
9 they're proposing to do is kind of rearrange and add
10 Nextel and change out the Sprint antennas effectively.
11 So from appearance point of view, this will not change
12 the monopole at all.

13 The only change is at the bottom where a new slab
14 will be constructed at ground level to house the Nextel
15 shelter and also to slide up the existing Sprint
16 equipment that's there to on top of the slab. One of the
17 issues that was brought up in the application was whether
18 or not there is a need for variances with this
19 application. There's existing nonconformity in the rear
20 yard and side yard setbacks. The existing T-Mobile
21 equipment really has the most nonconformity. So this

22 proposed Nextel ground based equipment, the Applicant
23 contests that because it's not increasing the
24 nonconformity that's there, no variances are needed.
25 That's one of the aspects that I wanted to bring out on

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 the application.

3 What we also looked at the is landscape plan.

4 There's three dead trees that are noted back by that

5 site. We propose to take those out and plant six-foot

6 all white pines, something that the architectural

7 consultant may want to comment on.

8 There's also another compliance issue that was

9 brought up but I think resolved adequately by the

10 Applicant regarding any kind of construction and DEC

11 water bodies and wetlands. There was a note in there

12 from the DEC regarding land disturbance and encroachment

13 on an outfall that runs behind the site. It is an

14 unprotected classification so construction with minimal

15 land disturbance, saying they should not alter or be in

16 any kind of violation with DEC.

17 As I mentioned, the structural does check out on

18 this. We had all the information that we needed. And I

19 think that's it. That summarizes the report.

20 I think the application was good. I did not have to

21 request additional materials to complete our review. And

22 I think I've memorialized everything in the report that I
23 submitted tonight.

24 CHAIRMAN EWASUTYN: Frank Galli, any questions?

25 MR. GALLI: So no additional height? They're going

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 to stay at 150 feet?

3 MR. MUSSO: Exactly. No change at all. No lighting
4 or anything else is required, proposed. Again, if you're
5 viewing this from I-87 or from afar, you're not going to
6 notice any appreciable difference.

7 CHAIRMAN EWASUTYN: Ken Mennerich.

8 MR. MENNERICH: Is there a provision in this
9 agreement for removal of the tower if they're no longer
10 used?

11 MR. MUSSO: I think there's an item of abandonment
12 in the local wireless ordinance.

13 MR. DONNELLY: And a bond to fund the removal if the
14 Town had to do it.

15 MR. MENNERICH: Yes. That's what I was wondering if
16 that took place.

17 MR. DONNELLY: I assume one was posted originally?

18 MR. FISHER: That's what I'm assuming, yes. There
19 was a bond originally with this.

20 MR. MUSSO: Right. And the Applicant does note that
21 it's, again, the condition of approval, that they will be

22 to work with the town attorney for whatever is
23 appropriate. So they recognize that issue. That's been
24 brought up before.

25 MR. MENNERICH: And the other thing, I'll be

1 SPRINT/NEXTEL IV NEW YORK - 0423
2 interested in Karen's comment relative to the landscaping
3 on the site because my impressions are that it has not
4 been maintained at all.

5 MS. ARENT: I'll take a look at it.

6 CHAIRMAN EWASUTYN: There are pine strobus planted
7 in front, and I counted two or three that were dead. And
8 they're about six feet tall.

9 MS. ARENT: We'll probably need remediation, make
10 sure that it does. We did that at --

11 CHAIRMAN EWASUTYN: You're going to have to speak up
12 for the stenographer.

13 MS. ARENT: We'll probably request some kind of soil
14 remediation, some kind of new topsoil or something like
15 that to make sure that the new plants grow. Most likely,
16 the old plants were not planted in good soil. But I'll
17 take a look at that and make recommendations.

18 CHAIRMAN EWASUTYN: Ed O'Donnell.

19 MR. O'DONNELL: Mike, when this tower was built in
20 the late '90's, I expect that it had some stated capacity
21 as to what its limits would be. My question to you

22 really is with what they intend to do on that tower, is

23 it within that capacity?

24 MR. MUSSO: Yes, it is. Again, the tower was

25 originally designed for, and this is in all their

1 SPRINT/NEXTEL IV NEW YORK - 0423
2 application submittals, really three providers, three
3 slots occupying it. That's what's being proposed right
4 now.

5 The stresses on the pole, on the foundation I think
6 were at 45 to 65 percent capacity. So that's certainly
7 something that we looked at under the worse case
8 conditions with the new loads.

9 MR. O'DONNELL: Is this tower now maxed out?

10 MR. MUSSO: I don't know for sure. If there is
11 something that comes up, it depends what it is. If
12 they're smaller antennas or flush mounts, I think we'd
13 have to be entertaining an as come.

14 MR. O'DONNELL: You got any future plans, Chris?

15 MR. FISHER: No, on this, because this will be a
16 Sprint/Nextel. We'll be pretty much done for
17 Sprint/Nextel. It would be another carrier.

18 MR. O'DONNELL: Don't write that down.

19 MR. FISHER: Well, I just have to say in ten, twenty
20 years, something might happen.

21 CHAIRMAN EWASUTYN: The design of the panels are

22 visually appealing panels. From what I've seen in the
23 field, they're just like cylinders that really don't.
24 They're not like a panel that's a panel that's broad and
25 very visual. Having looked at the submission we just

1 SPRINT/NEXTEL IV NEW YORK - 0423
2 received for Orchard Hills, the design seems to be the
3 same on that also.

4 MR. MUSSO: Yes. I would just ask you to look
5 through my recommendations because I do have notes in
6 there about them maintaining those radomes, or the
7 shrouds as they're called, security fencing on it, and
8 things. But yes, I think the color actually works very
9 well at that site. Also, it's a little bit different. I
10 think it's an interesting approach.

11 CHAIRMAN EWASUTYN: Having heard from our
12 Telecommunications Consultant Mike Musso, I move to
13 declare a Negative Declaration for the amended Special
14 Use permit and amended Site Plan for the Sprint/Nextel IV
15 New York, and set a public hearing for the 7th of June.

16 MR. MENNERICH: So moved.

17 MR. GALLI: Second.

18 CHAIRMAN EWASUTYN: I have a motion by Ken
19 Mennerich. I have a second by Frank Galli. Any
20 discussion on the motion?

21 (No verbal response.)

22 CHAIRMAN EWASUTYN: I move for a roll call vote

23 starting with Frank Galli.

24 MR. GALLI: Aye.

25 MR. MENNERICH: Aye.

1 SPRINT/NEXTEL IV NEW YORK - 0423

2 MR. O'DONNELL: Aye.

3 CHAIRMAN EWASUTYN: Myself, yes. So carried.

4 Mr. Fisher, if you would coordinate with Bryant
5 Cocks' office as far as the mailing for these public
6 hearings, I'd appreciate that. And also, to make sure
7 that we have the notice in the media at the scheduled
8 time.

9 MR. FISHER: Thank you.

10 CHAIRMAN EWASUTYN: Norma, if these mailings don't
11 go out right you're the one to blame for it.

12 MR. O'DONNELL: Bring your cell phone with you,
13 Norma, so we can get a hold of you.

14 MS. JACOBSEN: The list is ready. Bryant, the
15 Applicant has to mail ten days, registered mail, prior to
16 the meeting.

17 CHAIRMAN EWASUTYN: Anything that goes wrong from
18 here on out we can blame Norma. If you can make that off
19 record.

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

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 20, 2007

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

----- X
In the Matter of:

SUMMER KIM/PHASE II at LONGVIEW FARM
(2006-39)

End of Barbara Drive
Section 20; Block 1; Lots 1,3.35, 3.1, 3.32,
3.33, 3.34 & 2.2
AR Zone

----- X

TWENTY-SIX LOT SUBDIVISION
SIX LOT LINE CHANGES

Date: April 5, 2007
Time: 8:05 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: THOMAS DePUY, P.E./L.S.

----- X

MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845) 895-3018
Reported By: Rosemary A. Meyer

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 CHAIRMAN EWASUTYN: The next item of business we
3 have is Summer Kim Phase II at Longview Farm. It's a
4 26-lot subdivision, six lot line changes. It's located
5 at the end of Barbara Drive and it's an AR Zone, and it's
6 being represented by Tom DePuy.

7 It's actually Tom DePuy, not Ann Staples. That's
8 even more amazing.

9 MR. DePUY: Just a quick review. Summer Kim was a
10 minor subdivision that created this lot, this lot and
11 this lot, here and here. Longview Farm is kind of the
12 Phase II of it.

13 We were going to extend this road through and
14 connect it into the Palmerone Taylor Way subdivision.
15 And then this road, which it will run up in here, this
16 will connect it to the Barbara Drive road which will come
17 to here. And then eventually this will extend out to
18 Merritt Lane. So I wanted to just give an overall view,
19 again, of where we're at.

20 This is the subdivision itself. We had had previous
21 comments. We've taken care of the previous comments.

22 Just there's several lot line changes involved.
23 This piece of land is going to go to this adjoining owner
24 here. These lots were a flag. We formed the lot line
25 change because their portion of their land will be

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 dedicated to the town as a town road. That's the same
3 thing that occurs up here. And also, we have a piece of
4 land here that we are going to bring in access in off of
5 Far Horizon Drive, up here. And this property will
6 actually get its access from this point here. But just
7 we had some grade change problems. That will work better
8 to get to access at that point. That's about it from the
9 last time we met.

10 CHAIRMAN EWASUTYN: Okay. At this time I'm going to
11 turn to Pat Hines, Drainage Consultant. He has a list of
12 comments he has prepared for us.

13 MR. HINES: The first set of comments have to do
14 with the lot line change. He just explained that Lot 15
15 and the access to Far Horizons Drive

16 MR. DePUY: Yes.

17 MR. HINES: That didn't show on the plan. It was a
18 little confusing because there was a driveway proposed
19 off of the Barbara Drive.

20 MR. DePUY: Yes. Okay. That was on one of the
21 other sheets.

22 MR. HINES: I didn't understand the purpose of that.

23 MR. DePUY: We'll detail that better.

24 MR. HINES: Is the Barbara Drive temporary

25 cul-de-sac shown?

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 MR. DePUY: Right here?

3 MR. HINES: No. That's proposed? I'm not sure what
4 purpose that serves at this point.

5 MR. DePUY: Yes. When this gets approved that will
6 go away.

7 MR. DONNELLY: But does it exist now?

8 MR. DePUY: No, not really. It exists in a field.

9 UNIDENTIFIED SPEAKER: We had put in the deeds to
10 those two lots a reversionary interest once the road went
11 through.

12 MR. HINES: And this is past those two lots.

13 MR. DePUY: It's a turnaround area out here.

14 MR. HINES: That just had to get clarified.

15 MR. DePUY: All right. We'll clarify that.

16 MR. DONNELLY: In other words, there has not yet
17 been an offer of dedication that we have to retrieve and
18 reassign.

19 MR. DePUY: No. Subdivisions do that but ...

20 MR. HINES: But it's not even necessary.

21 MR. DePUY: No, no.

22 MR. HINES: The culvert crossing proposed Summer
23 Drive, we need additional detail on that. We need the
24 inverts and the details. Apparently that was put in with
25 sidewalks on either side of it or --

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 MR. DePUY: Yes, yes. That was a cast in place
3 concrete culvert. That was on the original Summer Kim.

4 MR. HINES: Right. We want to see what was there,
5 the inverts and make sure that it works.

6 MR. DePUY: Okay. We're trying to close out the
7 flood plain permit that was issued. We had done a detail
8 for the flood plain application which I don't think all
9 that information was on the minor subdivision. So we
10 will be doing all that detailing.

11 MR. HINES: Show that on there.

12 MR. DePUY: Okay.

13 MR. HINES: There's a note on the plans that all
14 grading will be performed prior to transferring ownership
15 of the lots. I guess we're okay with that. We talked
16 about that at work session, as long as you guys are okay
17 with this. Quite a bit of grading that would occur prior
18 to transferring any of the lots. If that's truly your
19 intent, I think we're okay with that rather than a cross
20 grading easement. An awful lot of earth moving going on
21 through here.

22 MR. DePUY: Yes.

23 MR. HINES: Drainage along Barbara Drive, there's a
24 high point probably near the driveway to proposed Lot 15
25 and everything in the area where you are now. That all

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 comes back towards Barbara Drive.

3 MR. DePUY: Okay.

4 MR. HINES: And there's no stormwater management.

5 MR. DePUY: Okay. We'll re-detail that. There's
6 actually catch basins there that we did under the minor
7 subdivision.

8 MR. HINES: Okay. They're not shown on this.

9 MR. DePUY: Okay. Yes. They're right before the
10 private lane. And we have a storm easement that runs
11 down through here. We also captured the stormwater that
12 kind of ran across here and brought that into there, too.

13 MR. HINES: Okay. That needs to be detailed, then.
14 It's not on the plan.

15 MR. DePUY: Okay.

16 MR. HINES: Lot line change detail C identifies Lot
17 3 being owned by Estates of the Farm, LTD. Sheet 8 of 17
18 shows that under a different ownership. Apparently that
19 lot's transferred twice since Phase I.

20 MR. DePUY: Yes.

21 MR. HINES: And we just want to make sure that that

22 person is party to a lot line.

23 MR. DePUY: Okay. We had updated, I believe on this

24 sheet but not on one of the back sheets.

25 MR. HINES: That's more of a comment for Mike to

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 make sure that whoever owns that lot needs to be party to
3 the lot line change.

4 MR. DePUY: Okay. I'll have that transfer. So
5 power of attorney was retained by --

6 MR. DONNELLY: Part of that road section?

7 MR. DePUY: Right.

8 MR. DONNELLY: We handled it and recorded document.

9 MR. HINES: Parcel K is the one up top going into
10 the Merritt Road extension. Ownership of that should be
11 clarified.

12 UNIDENTIFIED SPEAKER: We own that.

13 MR. HINES: Is that part of the dedicated town
14 roadway?

15 MR. DePUY: Yeah. What we want to do is the intent
16 is that this road will continue through.

17 MR. HINES: Right. But before that happens.

18 MR. DePUY: We wanted to dedicate this now but not
19 build the road, just provide the stormwater management,
20 because the high point is here and all the water wants to
21 run down to that point.

22 MR. HINES: It just looks like any future extension
23 would eliminate the stormwater management that you're
24 putting in there.

25 MR. DePUY: Okay. I think we had it right in this

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 little shoe part of it.

3 MR. HINES: I think the whole thing is.

4 MR. DePUY: Okay. I'll review that.

5 MR. HINES: Take a look at that.

6 MR. DePUY: Okay.

7 MR. HINES: I think there's surface sand filters

8 that are going to be in there?

9 MR. DePUY: Yeah.

10 MR. HINES: Again, a comment from the original
11 subdivision. The first 600 feet in from Holmes Road in,
12 there is no drainage improvement shown on your plans. I
13 don't know if they exist today or --

14 MR. DePUY: Yes. We'll update that, too.

15 MR. HINES: Just a note for the Planning Board.

16 You're proposing asphalt curbs similar to the other
17 developments in the area. I want to let the Board know
18 that.

19 I have a series of comments on the stormwater
20 management. I know the Applicant's representative has
21 those. I think they're technical in nature and probably

22 could be addressed at a work session.

23 CHAIRMAN EWASUTYN: Bryant Cocks, Planning

24 Consultant.

25 MR. COCKS: Yes. Our previous memo from September

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 5th requested changes involving grading and relocation of
3 driveways and some houses. The Applicant has made those
4 changes, just minor revisions.

5 On your guy's letter dated March 7th the road names
6 were listed as Summer Lane, then on the map it says
7 Summer Drive so that's just going have to be clarified.

8 All these things are going to have to be sent to
9 Mike Donnelly before final approval.

10 Our office didn't get the revised EAF the last time
11 so if you could just fax it.

12 MR. DePUY: Okay. I'll send it.

13 MR. COCKS: And fencing details are going to be
14 needed, detention ponds on the landscaping plan.

15 MR. DePUY: Okay.

16 MR. COCKS: And I was just asking if you could just
17 explain this part being sectioned off.

18 MR. DePUY: Okay. Yes. I guess we're going to
19 change this. We had split the project into, I believe
20 four sections. Our intent was to originally build this
21 road and then all the detention ponds in this area here.

22 And then the next section we were going build up, I think
23 we were building the right section, building this. But
24 now we're rethinking it that we're only going to cut it
25 into two sections. It was making it too confusing.

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 MR. DONNELLY: But you talked in terms of doing all
3 of the grading and site work first.

4 MR. DePUY: Right.

5 MR. DONNELLY: How does that mesh with two stages?

6 MR. STAPLES: It's in section.

7 CHAIRMAN EWASUTYN: For the record, if you're going
8 to make a comment give your name.

9 MR. STAPLES: Jonathan Staples.

10 CHAIRMAN EWASUTYN: Thank you.

11 MR. DePUY: So we're going to go back and redo it in
12 just two sections.

13 MR. STAPLES: Maybe you should ask Mike, or the
14 Board, on the section, and get their opinion before we
15 change it to something --

16 MR. DePUY: We were trying to sectionalize it for
17 bonding reasons and stuff like that. And I don't know
18 how the town law works with that with respect to realty
19 subdivisions.

20 MR. DONNELLY: Well, if you're going to have true
21 phases like that the Board has to look as if the second

22 phase perhaps never happens. So there has to be
23 appropriate terminus for the roadway. We have to make
24 sure the drainage is going to work. I mean it's really
25 more those engineering issues and how the roadway system

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 is going to work because if they don't get connected, it
3 may take too long, you may end up with a need for some
4 kind of road line waiver or something.

5 MR. DePUY: We'll review the sections. I think
6 we're probably just going to do the two sections. We
7 want to build this first and get all of the detention
8 ponds and everything, then build the rest of the project
9 out.

10 CHAIRMAN EWASUTYN: Karen Arent, Landscape
11 Architect. And speak up, please.

12 MS. ARENT: I did an inspection on the Barbara Drive
13 section of Summer Kim. That was not at all like the rest
14 of the project. It's in bad shape. I was hoping that
15 maybe it can be improved as part of this project or
16 before, maybe even this spring. The asphalt in the road
17 is about six inches higher than the plantings, the
18 planting median, so therefore, it looks it might be a
19 ponding situation, which is not good for the trees. And
20 some of the trees don't look they are doing well. So if
21 you could take a look at that. But the rest of the

22 project looks much nicer than this piece.

23 There is also a house that has no lawn installation,

24 one of the houses that's shown on the map. I think it's

25 No. 3. There's no lawn and that house is all weeds and

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 bare spots on the grounds.

3 I think that we should include the installation of a
4 lawn and a landscape bond estimate. And instead of
5 scotch pine in the stormwater management area, ask that
6 you to use white pine. It's native and indigenous.

7 MR. DePUY: Okay.

8 MS. ARENT: And to show the ranch style fencing on
9 the stormwater management basin and plant them according
10 to the DEC regulations.

11 And in the landscape bond that you mentioned,
12 include street trees, stormwater management plantings and
13 lawn installation.

14 CHAIRMAN EWASUTYN: Mike, do you have anything you
15 want to add at this time?

16 MR. DONNELLY: No. We're going to need to see that
17 phasing.

18 CHAIRMAN EWASUTYN: Comments from Board Members.
19 Frank Galli.

20 MR. GALLI: No additional.

21 CHAIRMAN EWASUTYN: Ken Mennerich.

22 MR. MENNERICH: Nothing at this point.

23 CHAIRMAN EWASUTYN: Ed O'Donnell.

24 MR. O'DONNELL: Just a couple.

25 Bryant, you being the planner, I guess you're the

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 guy that I got to really depend on to make sure this
3 thing all works and I don't wind up with a road going
4 into somebody's living room. So I mean if you're
5 comfortable with this project and how it all mixes
6 together, I'm comfortable. Is that a yes?

7 MR. COCKS: Yes. I mean it's a bunch of different
8 phases put together. But the traffic access going
9 through, it's going to be fine. And it's not going to
10 really cause that much extra traffic. It's a flat town
11 road. So it pretty much fits in with the rest of the
12 developments that are going on around there.

13 MR. O'DONNELL: What about this spur that goes up to
14 Far Horizon Drive? What's the purpose of that?

15 MR. COCKS: That we've just found out about. I
16 guess that's just an access for the one lot.

17 MR. DePUY: It's access for one lot. We were having
18 problems serpentine up to the top of the hill to the
19 get driveway in without doing a massive earth.

20 MR. O'DONNELL: Do we know anything about that, like
21 grades? I mean that's a pretty steep area right there,

22 isn't it?

23 MR. DePUY: No. That's actually flat. The reason

24 why we're doing it is just pass there is where it drops

25 off. We were having trouble getting a driveway up

1 SUMMER KIM/PHASE II at LONGVIEW FARM
2 through this. The problem we were having was getting the
3 driveway here, up where we were going to locate the
4 house. So this is fairly flat in here, and then the
5 grade change is from here down. This is where the steep
6 hills are. So our reasoning is to access off of there
7 for this point here where we want to locate the house.

8 MR. O'DONNELL: So now this Far Horizon Drive that
9 was a road with a cul-de-sac at the end now has another
10 entrance point to it?

11 MR. DePUY: Yes, just like one driveway. It's just
12 a driveway for a single lot.

13 MR. STAPLES: It's over the existing driveway, then.

14 MR. DePUY: Yes.

15 MR. STAPLES: It's a shared driveway with the
16 existing lot. If the Board wished to limit it to that
17 use --

18 CHAIRMAN EWASUTYN: I'll move for a motion from the
19 Board to set this up for the next available date for a
20 consultants' meeting.

21 MR. GALLI: So moved.

22 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

23 MR. MENNERICH: Second.

24 CHAIRMAN EWASUTYN: I have a second by Ken

25 Mennerich. Any discussion on the motion?

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 (No verbal response.)

3 CHAIRMAN EWASUTYN: I move for a roll call vote
4 starting with Frank Galli.

5 MR. GALLI: Aye.

6 MR. MENNERICH: Aye.

7 MR. O'DONNELL: Aye.

8 CHAIRMAN EWASUTYN: Myself. So carried.

9 MR. DONNELLY: John, there was one other issue. I
10 had a letter from Steve Kavack (ph.). I think you're
11 probably familiar with it, Stan. The litigation with Tom
12 Barrone is still ongoing. It looks like it's close to
13 settling. But I'd like you to keep us in the loop as to
14 how that's going.

15 MR. SCHUTZMAN: Yes. There is an existing court
16 order that does settle the case. But basically, the
17 Board had requested that access be provided from the
18 Palmerone subdivision by private easement until the roads
19 were dedicated. So that letter doesn't change anything.
20 He still has a private easement to get out until we're in
21 a position to either complete Summer Lane, Summer Drive

22 coming from the south to access his property or the
23 complete it from there out.

24 MR. DONNELLY: His only point is the settlement is,
25 he calls it tentative and not quite finalized, but he

1 SUMMER KIM/PHASE II at LONGVIEW FARM

2 hopes it will be shortly. I just want to state in the

3 loop.

4 MR. SCHUTZMAN: Right. But all I would say is that

5 the issue of access is one that the Board had addressed

6 in connection with the last subdivisions.

7 CHAIRMAN EWASUTYN: Thank you, Mr. Donnelly.

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

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 24, 2007

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

----- X
In the Matter of:

CHESTERFIELD COURT
(2006-21)

Lakeside Road
Section 28; Block 1; Lot 14.11
R-1 Zone

----- X

CONCEPTUAL SKETCH PLAN
TEN-LOT SUBDIVISION

Date: April 5, 2007
Time: 8:22 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: LEWIS POWELL, L.S.

----- X

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

Reported By: Rosemary A. Meyer

1 CHESTERFIELD COURT

2 CHAIRMAN EWASUTYN: The next item of business this
3 evening is Chesterfield Court. It's is a conceptual
4 sketch plan for a ten-lot subdivision located on Lakeside
5 Road. It's in an R-1 Zone. It's being represented by
6 Lou Powell.

7 Mr. Powell.

8 MR. POWELL: Good evening. This project received
9 sketch plan approval sometime ago. We had to go to the
10 Town Board to get approval for three driveways off of the
11 Mc Conlin (ph.) driveway, which is the lot to the rear,
12 which we obtained.

13 You have preliminary plans. This is in the R-1
14 District with a minimum lot size of 40,000 square feet.
15 And the lots range in size from 40,000 up to 2.3 acres,
16 which is the lots in the back.

17 This project is in the sewer district and water
18 district. There is a low pressure sewer main in the
19 front of the property. And we are utilizing some of the
20 stubs that were left there, I think we have one new stub,
21 so that all of the lots will have grinder pumps which

22 pump into that low pressure sewer and then up to the
23 manhole which is further up the side. And water main
24 goes from the property. We're proposing a water main.
25 The fire company has requested that we put a hydrant

1 CHESTERFIELD COURT
2 at the end of this common drive, at the foot of the hill.
3 The fire company also requested that we have a T
4 turnaround so that can turn around down there because
5 they apparently have no intention of driving the fire
6 trucks up to the house. They'll be fighting any fires
7 from down here.

8 I received the consultants' comments.

9 CHAIRMAN EWASUTYN: Mr. Powell, before I turn over
10 to Pat Hines, our Drainage Consultant, I'd like to refer
11 back to the meeting of April 20th, at which point Bryant
12 Cocks, Planning Consultant, had asked the Board to hold
13 off on conceptual approval until the Town Board grants a
14 common driveway through three lots. So in your
15 presentation you had said we had granted conceptual
16 approval. That's a motion that we'd have to take under
17 consideration this evening.

18 At this point I'd like to refer to Pat Hines, our
19 Drainage Consultant.

20 MR. HINES: Yes. We have something that -- I was
21 just looking.

22 CHAIRMAN EWASUTYN: You're acting like me now.

23 MR. HINES: I know. I've got them now.

24 Lou, you just stated that you're going to use the

25 individual stubs out on Lakeside Road. But the plans

1 CHESTERFIELD COURT

2 show a low pressure sewer main extending into the road
3 with each house tapping into that.

4 MR. POWELL: Yes. There are a couple stubs they
5 left there we're connecting into. I don't know if it
6 went all the way across the road or not. I'll verify
7 that.

8 MR. HINES: So you're saying that you're going to
9 not have a main in the proposed town road, you're going
10 to run each individual lateral out?

11 MR. POWELL: No. This Lot 9 and 10, which front on
12 Lakeside, there are stubs that were connected into that.

13 MR. HINES: Right. But the rest of the houses are
14 going to be --

15 MR. POWELL: The rest of them will be on. The new
16 main we're going to run up.

17 MR. HINES: Okay. That will need DEC approval for a
18 sewer connection. That's our first comment.

19 Health Department approval for water main extension.

20 You have proposed, in order to reduce wetland
21 impacts, concrete retaining walls to support the town

22 road. That'll need Jim Osborne and the highway
23 superintendent's concurrence for that. You should get
24 that sooner than later.
25 We're looking for the low pressure sewer design

1 CHESTERFIELD COURT

2 report to be submitted for my office and Jim Osborne.

3 Cross grading easements will be required if grading

4 crosses the lot lines.

5 This property, the parent parcel is on either side

6 of Lakeside Road?

7 MR. POWELL: Right. This is a portion of it.

8 MR. HINES: What I'm suggesting now is we get the

9 dedication parcel for both sides of the road.

10 MR. POWELL: The 50-foot.

11 MR. HINES: The 50-foot rather than 25 shown.

12 There's a couple comments on the stormwater

13 management report that I know you have. One of the

14 issues, long-term operation and maintenance of the

15 detention ponds. The Town would mostly likely establish

16 a drainage district for this. You're going to need to

17 approach the Town on that because they're shown on the

18 individual lots rather than on their own lots.

19 MR. POWELL: I have to put them on the easement.

20 MR. HINES: Yes. But the Town may want them on

21 their own lots, and that will impact your lot count. You

22 need to get to the Town Board and Jim Osborne's office to

23 discuss that.

24 We talked at work session of timing of the

25 construction of the retaining walls for the shared

1 CHESTERFIELD COURT
2 driveway, and it was determined that those would most
3 likely be included in the public improvement bonding
4 requirements because obviously, the first one in is going
5 to have to build the wall, or the developer will.

6 And jurisdictional determination for wetlands,
7 you're at the permit limit. I think you're at .098 or
8 something like that. We'll be looking for the
9 jurisdictional determination on that under the new regs
10 that were adopted last week.

11 That's all we have.

12 CHAIRMAN EWASUTYN: Mike, to follow up to what Pat
13 Hines was saying, an important point that we have
14 procedurally now, as far as looking at this subdivision
15 in reference to the detention ponds.

16 MR. DONNELLY: What we have tried to work out with
17 the Town Board, just in a general sense that you see it
18 is, that before preliminary is granted, like now, the
19 applicant visits the Town Board and the Town Engineer to,
20 No. 1, find out whether or not this is a property where a
21 drainage district is appropriate. And No. 2, a little

22 bit of the format of what the Town Board and the Town
23 Engineer will want. Usually they want a fee parcel for
24 the drainage facilities that they're going to take over.
25 And if that's true, there's no sense going down the road

1 CHESTERFIELD COURT
2 with this proposal and giving you preliminary approval
3 and then having you go to the Town Board and change
4 things. Now, maybe you could convince them that an
5 easement right across multiple parcels is sufficient.
6 But that's for them to decide with you. So we want you
7 to go now rather than later.

8 MR. POWELL: Okay.

9 CHAIRMAN EWASUTYN: Thank you, Mike.
10 Bryant Cocks, Planning Consultant.

11 MR. COCKS: Yes. We just need a copy of the
12 resolution for the common driveway for the three lots.

13 The bulk table is going to be needed with each
14 individual lot in it, not just the minimum required.

15 All the easements are going to have to be sent to
16 Mike Donnelly before final.

17 A signed wetland certification map, not just a note
18 on the plans.

19 And a landscaping plan is going to be needed,
20 including street trees, planting types, maybe a buffer
21 from Lakeside Road, a gateway to the subdivision and

22 plantings by stormwater drainage area. But that will all
23 be reviewed by Karen.
24 CHAIRMAN EWASUTYN: Karen Arent, Landscape
25 Architect.

1 CHESTERFIELD COURT

2 MS. ARENT: Show disturbance limit lines and include
3 notes regarding the installation of safety fence along
4 this line before construction begins. Preserve as much
5 vegetation as possible along Lakeside Road. Screen the
6 development from the road.

7 The stormwater management area needs to be screened
8 from Lakeside Road. You may want to consider using some
9 of the stones from the stone walls that you're going to
10 be removing, the stone walls along that road, to screen
11 the basin. That would probably be the most effective and
12 aesthetically pleasing way to screen the basin.

13 You need to show a ranch style fence with wire
14 around the basin. But we could also consider a stone
15 wall if it's high enough. And plant the basin in
16 accordance with DEC guidelines, showing specified street
17 trees. Wherever possible, show side lawns and garages of
18 the houses. And that's it.

19 CHAIRMAN EWASUTYN: Frank Galli, Planning Board
20 Member.

21 MR. GALLI: No additional comments.

22 CHAIRMAN EWASUTYN: Ken Mennerich.

23 MR. MENNERICH: My only question, it concerns the

24 preservation of vegetation along Lakeside Road to screen

25 it from the road. Would that vegetation also be the

1 CHESTERFIELD COURT

2 screen from Orange Lake? Because this is located pretty
3 high up in elevation compared to the lake. It's a
4 question, in my mind, whether there is a visual impact
5 from the lake. I don't know.

6 MS. ARENT: Well, I'll look at that. And I'll look
7 at how much screening Lou is able to save, to preserve.
8 And I'll look and see how dense it is. In my
9 recollection, it's pretty dense. If he could save a
10 substantial portion of it in the various heights on the
11 hillside, that would help block some of the location,
12 help block some of the houses. So we'll have to see
13 exactly what you could see.

14 MR. POWELL: This is very -- if you look at the
15 location of land, this property, the Wolf property is
16 right at the very end of the lake. I'm not even sure
17 whether that's off Hauser or whether that's on Lakewood.
18 I doubt there's much visual to this site from on the
19 lake.

20 CHAIRMAN EWASUTYN: Actually, quite the opposite.
21 There is good exposure to the lake. The lands of Rudek,

22 which is noted on the other side of the lake, is part of
23 the Wolf Estate. There's a road. Visually, I know the
24 property. I mean it does. It just reflects straight
25 down the lake.

1 CHESTERFIELD COURT

2 MR. POWELL: Are they going to see the pond or are
3 they going this lot?

4 CHAIRMAN EWASUTYN: No. Actually, the houses are
5 visual from the lake, where proposed.

6 MR. POWELL: I thought you were talking about the
7 pond.

8 CHAIRMAN EWASUTYN: No. I think he was talking
9 about the houses.

10 MS. ARENT: The houses.

11 CHAIRMAN EWASUTYN: Yes, the houses. Within reason.

12 MR. MENNERICH: I mean on the west side of the lake
13 there was an item of concern.

14 MS. ARENT: Yes. I agree. We should look at that.

15 MR. HINES: One of the benefits here is that you
16 don't have the large septic areas because of the low
17 pressure sewer available. So there is some land you
18 could save that way, too.

19 MR. POWELL: That house on 9 could be pushed back.
20 10 is quite a ways back as it is so you can leave the
21 vegetation in the front there.

22 MS. ARENT: So I guess what you should do is try to

23 save as much of the vegetation as you can.

24 MR. POWELL: One of the sheets does have that

25 clearing line on here but I guess it's probably not too

1 CHESTERFIELD COURT

2 clear. We'll mark it so it's clear.

3 MS. ARENT: If you could.

4 CHAIRMAN EWASUTYN: Mike, what's your advise to the
5 Board at this point, as far as referring them to the Town
6 Board? What action?

7 MR. DONNELLY: I think they need to make a phone
8 call to the Supervisor and the Town Engineer, I think is
9 the process, for them to have that meeting and then
10 they'll take it to the Town Board from there.

11 CHAIRMAN EWASUTYN: All right. I'll move for a
12 motion to grant conceptual sketch plan approval for the
13 ten-lot subdivision for Chesterfield Court.

14 MR. MENNERICH: So moved.

15 MR. GALLI: Second.

16 CHAIRMAN EWASUTYN: I have a motion by Ken
17 Mennerich. I have a second by Frank Galli. Any
18 discussion on the motion?

19 MR. O'DONNELL: Yes. Lou, have you had any
20 conversations with the Arch Lake Homeowners group? I
21 mean are they still a part of things in Orange Lake? I

22 mean they usually wind up here whenever we see a project.

23 MR. HINES: They were pretty active in the Mountain

24 Lakes project.

25 MR. O'DONNELL: I mean have you had any discussions

1 CHESTERFIELD COURT

2 with them? Well, I mean I guess you're under no
3 obligation to do that. But I mean they kind of wind up
4 coming here and --

5 MR. DONNELLY: You may want to.

6 MR. O'DONNELL: You might want to do that, I think.

7 MR. POWELL: Thank you.

8 MR. O'DONNELL: It just would save some trouble down
9 the road.

10 CHAIRMAN EWASUTYN: Mr. Schulk (ph.), do you know
11 Fred Langer?

12 MR. SCHULK: Yes.

13 CHAIRMAN EWASUTYN: I would suggest he's one of --

14 MR. O'DONNELL: Or Jay.

15 CHAIRMAN EWASUTYN: Or Jay Cappola.

16 MR. O'DONNELL: I think you guys ought to do that.

17 End of the comments.

18 CHAIRMAN EWASUTYN: If you would revise your plans
19 and resubmit.

20 I had a motion. I have a motion. I had a motion by
21 Frank Galli, a second by Ken Mennerich, had discussion by

22 Ed O'Donnell. Any further discussion?

23 (No verbal response.)

24 CHAIRMAN EWASUTYN: Thank you. I move for a roll

25 call vote starting with Frank Galli.

1 CHESTERFIELD COURT

2 MR. GALLI: Aye.

3 MR. MENNERICH: Aye.

4 MR. O'DONNELL: Aye.

5 CHAIRMAN EWASUTYN: Myself. So moved.

6 (Time noted: 8:37 p.m.)

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REPORTER'S CERTIFICATION

I, ROSEMARY A. MEYER, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

That the foregoing transcript is an accurate record of the proceedings herein, to the best of my knowledge and belief, having been stenographically recorded by me and transcribed under my supervision.

I further certify that I am in no way related to any of the parties to this action and that I have no personal interest whatsoever in the outcome thereof.

ROSEMARY A. MEYER

Date Transcribed: April 21, 2007

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

----- X
In the Matter of:

ATLANTIC BUILDERS
(2006-55)

Gould Place
Section 2; Block 3; Lots 15 & 26.5
RR Zone

----- X

THREE-LOT SUBDIVISION

Date: April 5, 2007
Time: 8:37 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: MARK A. LUKASIT

----- X

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

Reported By: Rosemary A. Meyer

1 ATLANTIC BUILDERS

2 CHAIRMAN EWASUTYN: The last item of business we
3 have this evening is Atlantic Builders. It's a three-lot
4 subdivision located on Gould Place. It is in a RR Zone.
5 It's being represented by Mark Lukasit.

6 MS. JACOBSEN: He just stepped out. I'll go get
7 him.

8 (Mr. Lukasit entered the meeting room.)

9 MR. LUKASIT: Good evening.

10 CHAIRMAN EWASUTYN: We announced it. Thanks. Do
11 you want us to come back?

12 MR. LUKASIT: If I had a little less traffic on 17,
13 I'm from New Jersey, I would have made it on time.

14 CHAIRMAN EWASUTYN: Well, that's why we're
15 questioning whether we should have this project or not
16 because of traffic impact.

17 MR. LUKASIT: Then I'm in for a very long evening.

18 CHAIRMAN EWASUTYN: Let's try and make it short
19 because we're at that point.

20 MR. LUKASIT: Absolutely, sir.

21 CHAIRMAN EWASUTYN: Thank you. For the record, you

22 are?

23 MR. LUKASIT: Good evening. Mark Lukasit, Tectonic

24 Engineering, engineer for the project.

25 We're in receipt of both your consultants' review

1 ATLANTIC BUILDERS
2 letters, both from your engineer and also from your
3 planner, both of which are very straightforward, indicate
4 only some minor items, a couple typos, some items that we
5 can certainly resolve.

6 At this point in time, we're hoping that the Board
7 would be willing to entertain a motion to set a public
8 hearing for this project so that we can move forward with
9 the process.

10 CHAIRMAN EWASUTYN: Thank you, Mark.

11 Pat Hines, Drainage Consultant.

12 MR. HINES: As the Applicant has represented and
13 stated, we have a couple cleanup items on the septic
14 systems. They were revised per our previous comments.
15 There's two separate septic systems now. Previously, the
16 grading would have allowed them to function as one. We
17 believe that the project is ready for a Negative
18 Declaration and a public hearing at the next available
19 date.

20 CHAIRMAN EWASUTYN: Bryant Cocks.

21 MR. COCKS: We're just waiting for a letter from the

22 ACLA for the wetland delineation.

23 We are also awaiting the status of the drainage

24 district.

25 Did you guys request a drainage district?

1 ATLANTIC BUILDERS

2 MR. LUKASIT: There was a question raised as to
3 whether there was ever one created previously.

4 MR. COCKS: Okay.

5 MR. LUKASIT: There was none that were found during
6 the course of the title search. But it was requested
7 that we do contact the Town Engineer to determine
8 whether, in fact, there was anything there. We put a
9 couple calls in, a formal request. I haven't heard
10 anything back. But hopefully, we can clarify that in a
11 month or so, prior to a public hearing.

12 CHAIRMAN EWASUTYN: Just cc us on any correspondence
13 to the Town Engineer.

14 MR. LUKASIT: Certainly.

15 MR. COCKS: The bulk tables, you should show the
16 actual setback dimensions, not just the minimum required.

17 All easements are going to have to be filed with
18 Mike Donnelly before final approval.

19 And the Applicant has addressed the rest of our
20 comments regarding zoning, the lot layout. And we have
21 no other issues, and recommend a Negative Declaration.

22 CHAIRMAN EWASUTYN: Mike Donnelly, Planning Board

23 Attorney, would you like to add anything at this time?

24 MR. DONNELLY: Only this. If it doesn't have a

25 drainage district, is this a project where we're likely

1 ATLANTIC BUILDERS

2 to need one?

3 MR. HINES: No.

4 MR. DONNELLY: No. I have no comments.

5 CHAIRMAN EWASUTYN: Comments from Board Members.

6 Frank Galli.

7 MR. GALLI: No additional questions.

8 CHAIRMAN EWASUTYN: Ken Mennerich.

9 MR. MENNERICH: No.

10 CHAIRMAN EWASUTYN: Ed O'Donnell.

11 MR. O'DONNELL: Nothing.

12 CHAIRMAN EWASUTYN: I move for a motion to declare a

13 Negative Declaration for the lands of Atlantic Builders

14 for a three-lot subdivision and set it for the 21st of

15 June for a Public Hearing.

16 MR. MENNERICH: So moved

17 MR. O'DONNELL: Second.

18 CHAIRMAN EWASUTYN: I have a motion by Ken

19 Mennerich. I have a second by Ed O'Donnell. Any

20 discussion on the motion?

21 (No verbal response.)

22 CHAIRMAN EWASUTYN: I'll ask for a roll call vote

23 starting with Frank Galli.

24 MR. GALLI: Aye.

25 MR. MENNERICH: Aye.

1 ATLANTIC BUILDERS

2 MR. O'DONNELL: Aye.

3 CHAIRMAN EWASUTYN: Myself, yes. So carried.

4 (Time noted: 8:42 p.m.)

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REPORTER'S CERTIFICATION

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ROSEMARY A. MEYER

Date Transcribed: April 21, 2007

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

----- X
In the Matter of:

PET SMART - NEWBURGH PLAZA
(2005-35)

----- X

AMENDED SITE PLAN

Date: April 5, 2007
Time: 8:42 P.M.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK GALLI
KENNETH MENNERICH
ED O'DONNELL

ALSO PRESENT: NORMA JACOBSEN
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MICHAEL MUSSO

----- X

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

Reported By: Rosemary A. Meyer

1 PET SMART - NEWBURGH PLAZA

2 CHAIRMAN EWASUTYN: We just have one item of Board
3 business this evening. And I will let Frank Galli note
4 what that item of Board business is, I don't have the
5 agenda for it.

6 MR. GALLI: Pet Smart.

7 CHAIRMAN EWASUTYN: Thank you. Would you read it
8 the way it's written?

9 MS. JACOBSEN: This is Michael Donnelly, Esquire's
10 letter dated April 4, 2006 regarding Pet Smart, Newburgh
11 Plaza, 2005-35.

12 CHAIRMAN EWASUTYN: Thank you.

13 Mark, would you contact Bryant Cocks, excuse me, our
14 Planning Consultant, in reference to setting up the
15 public hearing?

16 MR. LUKASIT: We will.

17 CHAIRMAN EWASUTYN: Thank you.

18 Mike, would you please do the Pet Smart for this?

19 MR. DONNELLY: Yes. We spoke about it briefly in
20 work session. The issue, in a nutshell, is this. The
21 application was approved for a Pet Smart store with

22 limited veterinarian services on premises. The Applicant
23 has now indicated a desire to expand those veterinary
24 services to full-time at the store. And the question is
25 what further action is required from you. As I discussed

1 PET SMART - NEWBURGH PLAZA
2 at the work session, you approved the limited veterinary
3 services as services that were customarily incidental to
4 the retail use. What's proposed now is an increase in
5 degree. And I believe that you could consider approving
6 an amended site plan on the same theory that they are
7 incidental to the retail use. My recommendation, if
8 you're inclined to do that, is that we obtain, and I know
9 has already been prepared, a narrative description of the
10 increased activities and that we attach that to the
11 amended resolution if you act upon it, declaring that
12 those are the outside limit of the activities that can be
13 conducted on site so that from an enforcement point of
14 view, if the use expands beyond that, the Town could
15 enforce the restriction. But that would require
16 re-noticing it. Not for a hearing, putting it on your
17 agenda and getting that narrative before you for you to
18 review.

19 CHAIRMAN EWASUTYN: Okay. Then I would move for a
20 motion to set the 17th of May, an agenda item for Pet
21 Smart.

22 And Mike, you'll contact the attorney and have him

23 provide us with the necessary resubmissions?

24 MR. DONNELLY: Yes.

25 CHAIRMAN EWASUTYN: And we'll take this as a formal

1 PET SMART - NEWBURGH PLAZA
2 agenda item, not as a Board business item. And that
3 would be an amended site plan. Move for that motion.

4 MR. GALLI: So moved.

5 MR. MENNERICH: Second.

6 CHAIRMAN EWASUTYN: I have a motion by Frank Galli.
7 I have a second by Ken Mennerich. Any discussion on the
8 motion?

9 MR. O'DONNELL: Yes. Me again.

10 The Applicant's going to provide us with a written
11 description of what this veterinarian is going to
12 perform.

13 MR. DONNELLY: Yes.

14 MR. O'DONNELL: Will they also share with us,
15 because they'll do the research, as to what other pet
16 shops around provide that service? Or does everybody
17 else have a veterinarian that does that kind of work and
18 doesn't sell dog food or cat food? I have a feeling
19 here, and I don't know whether it's right or wrong. I
20 think there ought to be a distinction between
21 veterinarian shops and pet shops, and that's where I'm

22 at. So I mean I'm not convinced that when they come that
23 I'm going to support it. But I have to see what it is.
24 And I think they need to do more work. It's not going to
25 come in here and be a slam dunk for me.

1 PET SMART - NEWBURGH PLAZA

2 MR. DONNELLY: You want to see industry specific
3 information as to how frequently those things exist in
4 modern pet stores. Fair enough.

5 MR. O'DONNELL: I mean especially if some little kid
6 has a dog, gets sick, and he brings him there, the guy
7 gives him a pill, he sends him home, brings it back the
8 next day and dog's dying and the guy can't do anything
9 because he doesn't have the capability of doing it.

10 MR. DONNELLY: I'll ask them to get that stuff
11 together.

12 CHAIRMAN EWASUTYN: Again, discussion. It's
13 interesting that you bring up. When we were just talking
14 about it during our work session Mike Donnelly gave the
15 example when gasoline stations and service stations
16 provide a service that there's a change. And I thought
17 back when Ken Mennerich and I were on the Board and when
18 the Mobile station came in. There was all these
19 conversions in those days from what was a service station
20 to convenience stores. It was the same transformation.

21 MR. DONNELLY: But one of the things that hasn't

22 happened is you don't see a doctor resident in a
23 pharmaceutical store where people go to get their drugs.

24 CHAIRMAN EWASUTYN: Thank you.

25 MR. MENNERICH: Not yet.

1 PET SMART - NEWBURGH PLAZA

2 MR. O'DONNELL: Well, I don't think you'll that see
3 that. So in view of the fact that that hasn't happened
4 yet --

5 MS. JACOBSEN: Eye doctors are in Wal-Mart.

6 CHAIRMAN EWASUTYN: Wal-Mart had to push.

7 MR. O'DONNELL: Yes. But I'm talking about
8 physicians going into the drug store where they treat
9 you. Maybe it will happen some day, I don't know. But
10 anyhow, I just wanted to let you know.

11 MR. DONNELLY: John, I'm not familiar with what we
12 require. For an amended application they need to submit
13 an application form and fees? Or how do I instruct them
14 on that issue?

15 MS. JACOBSEN: There is escrow money left, a
16 considerable amount, from Newburgh Plaza coming in.

17 MR. DONNELLY: Is a letter with a description and
18 the narrative with the industry data enough for our
19 purposes here or do we need more?

20 MR. GALLI: Is it Newburgh Plaza that's doing it or
21 Pet Smart doing it?

22 MS. JACOBSEN: It's part of the Newburgh Plaza.

23 CHAIRMAN EWASUTYN: So it would be an amended site
24 plan for the Newburgh Plaza.

25 MS. JACOBSEN: For the plaza, yes. Because we have

1 PET SMART - NEWBURGH PLAZA

2 nothing as Pet --

3 CHAIRMAN EWASUTYN: I think what Norma is saying, we
4 could work off of that escrow.

5 MS. JACOBSEN: Yes.

6 CHAIRMAN EWASUTYN: What you and I have to do,
7 Norma, or from what happens tonight, I would like for you
8 to just put together the agendas just for what we
9 discussed tonight for those dates for public hearings.
10 And then I'll build upon them at a later point.

11 MS. JACOBSEN: Yes, I will. I'll have them Monday
12 for you, because we're not in tomorrow.

13 CHAIRMAN EWASUTYN: Yes, I know. Or Tuesday.

14 MS. JACOBSEN: And I just wanted to ask you one
15 thing. I know Bryant is going to do it, but Bryant, do
16 you want to start doing the list or do you want me?

17 Because the normal thing, the day after we have a meeting
18 I get everybody's lists. Or is Bryant going to start it?

19 CHAIRMAN EWASUTYN: Why don't you try getting a
20 list. That way, when Norma is in town and you could have
21 Norma proof what you did for accuracy.

22 MR. COCKS: I was going to say you guys aren't

23 working tomorrow, right?

24 MS. JACOBSEN: No. Monday.

25 MR. COCKS: So how about Monday? I'll come over and

1 PET SMART - NEWBURGH PLAZA

2 we'll do them. We'll make sure of that.

3 CHAIRMAN EWASUTYN: Yes. Why don't you work it that

4 way, get hand to hand.

5 MS. JACOBSEN: Fine. Is it a problem to come first

6 thing in the morning?

7 MR. COCKS: Not at all.

8 MS. JACOBSEN: Okay. The day goes crazy. You never

9 know what's going to happen next.

10 MR. COCKS: I won't even go to Goshen. I'll come

11 straight up there. Saves me on some driving.

12 MR. O'DONNELL: Does this mean that we have to refer

13 to Bryant now as Norma?

14 MR. COCKS: I could only be so lucky.

15 CHAIRMAN EWASUTYN: I move for a motion that we

16 close the Planning Board meeting of April 5.

17 MR. O'DONNELL: So moved.

18 MR. GALLI: Second.

19 CHAIRMAN EWASUTYN: I have a motion by Ed O'Donnell.

20 I have a second by Frank Galli. I would ask for a roll

21 call vote starting with Frank Galli.

- 22 MR. GALLI: Aye.
- 23 MR. MENNERICH: Aye.
- 24 MR. O'DONNELL: Aye.
- 25 CHAIRMAN EWASUTYN: Myself. So carried.

1 PET SMART - NEWBURGH PLAZA

2 At this point, I don't know what to say, Norma.

3 It's been --

4 MR. O'DONNELL: Let me do it. How about everybody

5 have give a hand to Norma.

6 (Applause.)

7 MS. JACOBSEN: Now I'm going to come and sit in the

8 audience.

9 MR. O'DONNELL: Yes, don't open your mouth.

10 (Time noted: 8:50 p.m.)

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Date Transcribed: April 21, 2007

