

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

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

----- X

In the Matter of

ROGAN SUBDIVISION
(2011-33)

47 Lockwood Lane
Section 8; Block 1; Lot 87.1
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: February 16, 2012
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE

----- X

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

1
2 MR. PROFACI: Good evening. Welcome to
3 the Town of Newburgh Planning Board meeting of
4 February 16, 2012. I'd like to call the meeting
5 to order with a roll call starting with Frank
6 Galli.

7 MR. GALLI: Present.

8 MR. MENNERICH: Present.

9 CHAIRMAN EWASUTYN: Present.

10 MR. PROFACI: Here.

11 MR. WARD: Present.

12 MR. PROFACI: The Town of Newburgh
13 Planning Board receives input from several
14 professional consultants, including on SEQRA
15 determinations. I ask them to introduce
16 themselves now.

17 MR. DONNELLY: Michael Donnelly,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

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

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

25 MR. COCKS: Bryant Cocks, Planning

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

Consultant.

MR. PROFACI: I ask John Ward to lead us in the Pledge of Allegiance.

MR. WARD: Please stand.

(Pledge of Allegiance.)

MR. WARD: If you have any cell phones, please put them on vibrate or off. Thank you.

MR. PROFACI: Our first item this evening is a public hearing, Rogan Subdivision, 2011-33, located at 47 Lockwood Lane, Section 8; Block 1; Lot 87.1. It's in the AR Zone. It's a public hearing on a two-lot subdivision and it's represented by Arden Consulting Engineers.

Before we commence the public hearing, I ask Mike Donnelly to explain the purpose of a public hearing.

MR. DONNELLY: Before subdivisions are reviewed, and in some cases site plans, the Planning Board is required to hold a public hearing. The purpose of the public hearing is for the Planning Board to hear from the public who may have information or a perspective on the project that's different than what the Planning Board has seen or what the consultants or the

1
2 applicant's representatives have brought to the
3 attention of the Planning Board. After the
4 applicant makes his presentation, the Chairman
5 will ask those members of the public who wish to
6 address the Board to speak. We'd ask you, if
7 anyone does speak, to please come forward, give
8 us your name, spell it for our Stenographer, tell
9 us where you live in relation to the project, and
10 direct your comments and questions to the
11 Planning Board. If you have questions that can
12 be easily answered, the Chairman will either ask
13 the applicant's professional or one of the Town's
14 consultants to answer those questions.

15 MR. PROFACI: Thank you, Mike.

16 I'll ask Ken Mennerich to read the
17 notice of hearing.

18 MR. MENNERICH: "Town of Newburgh
19 Planning Board. Notice of hearing, Town of
20 Newburgh Planning Board. Please take notice that
21 the Planning Board of the Town of Newburgh,
22 Orange County, New York will hold a public
23 hearing pursuant to Section 276 of the Town Law
24 on the application of Rogan Subdivision, project
25 2011-33, for a two-lot subdivision on premises 47

1
2 Lockwood Lane in the Town of Newburgh, designated
3 on Town tax map as Section 8; Block 1; Lot 87.1.
4 Said hearing will be held on the 16th day of
5 February 2012 at the Town Hall Meeting Room, 1496
6 Route 300, Newburgh, New York at 7 p.m. at which
7 time all interested persons will be given an
8 opportunity to be heard. By order of the Town of
9 Newburgh Planning Board. John P. Ewasutyn,
10 Chairman, Planning Board Town of Newburgh. Dated
11 January 24, 2012."

12 MR. PROFACI: I ask Frank Galli to
13 announce the status of the mailings.

14 MR. GALLI: The notice of hearing was
15 published in The Mid-Hudson Times on February 1st
16 and The Sentinel on January 27th. The applicant
17 mailed out eight notices, eight were returned
18 signed. The notices and publications are all in
19 order.

20 MR. PROFACI: You can begin.

21 MR. MORGANTE: Good evening. My name
22 is Michael Morgante, I am the project engineer
23 with Arden Consulting representing the applicant,
24 Margaret Rogan, tonight for this two-lot
25 subdivision.

1
2 The project is located off of Lockwood
3 Lane in the Town of Newburgh, which is near the
4 intersection of Lattintown Road and Lockwood
5 Lane, and it's also near the Ulster County and
6 the Orange County border line.

7 The project -- the site as it exists is
8 currently an existing one-story dwelling on the
9 site with a small pond in the front, and there's
10 a stonewall in the back that almost will serve as
11 the property line for the proposed subdivision as
12 you can see on this side of the drawing. There's
13 an existing driveway to the west that we are
14 proposing to extend to minimize environmental
15 disturbances as opposed to running a separate
16 driveway along the flag lot portion of the
17 proposed lot for a much longer distance and also
18 near a seasonal stream.

19 There will be a single-family dwelling
20 proposed in the new lot located to the northern
21 side of the property. That will be served by an
22 individual septic system, subsurface septic
23 system as an individual well.

24 We're able to comply with all the
25 Zoning Code in accordance with Town of Newburgh.

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

That's pretty much it. It's a simple project. That's about a good summary of the project.

CHAIRMAN EWASUTYN: Michael, thank you.

At this point we'd like to turn to the public. If there's anyone here this evening who has any questions or comments, would you please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Okay. Are you here for the public hearing on Rogan?

UNIDENTIFIED SPEAKER: No.

CHAIRMAN EWASUTYN: Thank you.

Let the record show that we had no one here this evening.

Ma'am, are you here for the public hearing on Rogan?

UNIDENTIFIED SPEAKER: No. I think I'm in the wrong room.

CHAIRMAN EWASUTYN: Thank you.

At this point I'll turn to our Planning Board Members to see if they have any comments. Frank Galli?

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

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No comments.

MR. PROFACI: No comments.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: I'll turn to our
Consultants. Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing
outstanding.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: The only comments we have
is a common driveway access and maintenance
agreement is required, and we're looking for some
additional -- one additional deep test pit that
was performed, just to have the information put
on the plans. The applicant's representative has
those comments and I know he can address them.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: My only outstanding comment
was the need to show the 10,000 square foot
buildable area requirement.

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

We did receive the Orange County Planning Department approval today.

MR. MORGANTE: Those comments are very minor in nature. The only reason they weren't addressed for this public hearing is just to save some trees. I'll address those comments very simply when we submit final plans, if we can make those conditions part of the approval.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion now to close the public hearing on the two-lot subdivision for the lands of Rogan.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

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

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this point we'll refer to Mike Donnelly, Planning Board Attorney, to give us conditions of approval in the final resolution.

MR. DONNELLY: This is a resolution of final subdivision approval. The first condition is a sign-off letter from Bryant Cocks on the satisfaction of the items listed in his memo of February 10th. We'll need a sign-off letter from Pat Hines on the deep test pit data that was just mentioned. There's no financial security required, however there will be a parkland fee required for the one new lot. That is a payment in the amount of \$2,000.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant final subdivision approval for the two lots of Rogan.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by

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

ROGAN SUBDIVISION

11

Joe Profaci. I have a second by John Ward. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. MORGANTE: Thank you, gentlemen. Have a good evening.

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

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

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

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

DATED: March 10, 2012

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

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

----- X

In the Matter of

CALLAS SUBDIVISION
(2012-03)

Route 300
Section 3; Block 1; Lot 144
AR Zone

----- X

CONCEPTUAL
TWO-LOT SUBDIVISION

Date: February 16, 2012
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JEROME FINE

----- X

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

1
2 MR. PROFACI: The next item on our
3 agenda is the Callas Subdivision. It is on Route
4 300, Section 3; Block 1; Lot 144, located in the
5 AR Zone. It's a conceptual two-lot subdivision
6 and it's represented by Fine & Associates.

7 CHAIRMAN EWASUTYN: For the record
8 would you give your name, please.

9 MR. FINE: My name is Jerome Fine,
10 F-I-N-E.

11 CHAIRMAN EWASUTYN: Jerry, please.

12 MR. FINE: This is a -- this lot has an
13 existing two-family house on it but it's
14 sufficiently large to meet all the code
15 requirements divided up into a new lot. So it's
16 really a two-lot subdivision.

17 We've done all the -- the soils have
18 been done and the metes and bounds have been
19 done. We are complying with the zones.

20 We had some comments but nothing earth
21 shattering. It's stuff we can readily address.

22 CHAIRMAN EWASUTYN: All right. Then at
23 this point we'll speak to Jerry Canfield, Code
24 Compliance, if he has any questions or comments.

25 MR. CANFIELD: I have no comments or

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

questions at this time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: I have a lot of comments. I know Bryant is going to duplicate some, so I'll skip over those.

We have comments on the septic system. We noted that the house proposed is 4,800 square feet. The septic system is currently designed for a three-bedroom house. That's a large three-bedroom house.

MR. FINE: That will be addressed.

CHAIRMAN EWASUTYN: What will be addressed?

MR. FINE: We'll put the house smaller to match the three bedroom.

MR. HINES: This is going to be a three-bedroom design. There are notes that say four bedroom in some spots. That needs cleaning up.

There's a note stating it's going to be a pump system although it looks like it will be able to be gravity flow.

MR. FINE: That was an earlier -- that

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

was a typo. It will be gravity.

MR. HINES: Our notes have to do with the septic system. I know Bryant has some zoning issues that are going to affect the parcel.

CHAIRMAN EWASUTYN: Okay. So those technical items, you'll make the necessary changes.

Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. The first revision is the bulk table should be broken up into two separate charts, one column having the two-family home requirements, one having the single-family home requirements.

The lot area required for the two-family home is 100,000 square feet, which is fine, and the rear setback should be 40 feet, which is also met. Right now with the current configuration, the lot width for the two-family home is not met. The requirement is 200 feet, 186.1 is shown. So if that can't be changed, a variance would be required. You have to shift one lot line a little bit --

MR. FINE: That's one of the typos. We don't have to go for a variance. We'll fix that.

1
2 MR. COCKS: Okay. The 10,000 square
3 foot buildable area requirement needs to be
4 demonstrated on the plans, just in like a shaded
5 area above the house location. The location
6 should be revised. It's kind of hard to see
7 where the parcel in question is. It's too large
8 of a scale.

9 The surveyor's seal and signature is
10 required.

11 Sight distances should be shown at the
12 driveway locations.

13 Could you just explain to me, the
14 additional driveway that comes off the two-family
15 home lot --

16 MR. FINE: Well, it's a double
17 driveway. It's a double driveway for two lots
18 but my client owns both lots.

19 MR. COCKS: Okay.

20 MR. FINE: Maybe Mike could help out.
21 An easement usually is where party A crosses the
22 lands of party B. In this case party A is the
23 home. I think we can address it but I think it
24 would be better addressed when he sells one of
25 the lots off and an easement becomes required.

1
2 MR. DONNELLY: We would require you to
3 file it -- to record a declaration for now.
4 You're technically correct, anything would merge,
5 but the declaration would probably withstand any
6 merging.

7 MR. FINE: Sure.

8 MR. COCKS: Is that for a single-family
9 house or a two-family house?

10 MR. FINE: The one on the left is a
11 two-family house and the new one is a one-family
12 house.

13 MR. COCKS: I'm saying the other Callas
14 lot with the third driveway that comes up, that's
15 a single-family home?

16 MR. FINE: I think it's a double but I
17 want to check it.

18 MR. CANFIELD: To the west is a two-
19 family.

20 MR. FINE: It looks like a double from
21 the outside.

22 MR. DONNELLY: There may then be an
23 issue. There's a restriction in the code, and
24 we're going to have to look up the language, that
25 either says you can't have -- you would need Town

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

Board approval to have three lots on a common drive. We're not sure if it's three lots or three units. We're going to have to look at that.

MR. FINE: We only have two.

MR. DONNELLY: Well, I think we have a third here now. Right?

MR. FINE: That's a separate driveway.

MR. DONNELLY: It's a separate driveway. Okay.

MR. HINES: The duplex is served by a shared driveway, is what we're showing there --

MR. FINE: The duplex is --

MR. HINES: -- and an adjoining house, which makes for three units total on that driveway.

MR. DONNELLY: If the language is units, you need Town Board approval. If it's lots, you're okay. We have to check the code.

MR. FINE: Okay.

MR. COCKS: My only other two comments are just regarding DOT approval for the new driveway location.

The plans will need to be sent to the Orange County Planning Department for their

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

review.

Also, just a revision of the EAF to identify the information on the threatened and endangered species.

MR. FINE: We have walked it with representatives of the DOT and they are satisfied. We have to do some paperwork but there were no problems.

I do have one comment. We're at the beginning of the process and one of the comments -- I'm 82, I'm the senior engineer. One of the comments was that the surveyor didn't stamp and seal the drawings. We did ours, you know. But I just have to raise a question that we're at the very beginning of the process, and in my experience, I've been doing this over fifty years, to require a stamp and a seal at this early stage of the process, we know things are going to change, et cetera, I think it would be more appropriate to wait awhile before you actually ask him to -- it's not a big deal but before you actually require him to stamp it.

CHAIRMAN EWASUTYN: I'm not sure, I might be speaking out of turn. I think it states

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

that in the application. Correct?

MR. COCKS: It does. A stamped and sealed survey sheet is needed. It's not a big deal. I just wanted to get everything out front so you would have the comment up front.

MR. HINES: We normally make the comment as a place keeper. It's towards the end. I understand you don't want multiple sets of revised drawings out there stamped. Make sure at the end that that does get processed through.

MR. FINE: I think it's appropriate, you know.

CHAIRMAN EWASUTYN: Do you want us to come back for the next meeting?

MR. FINE: I have to check.

CHAIRMAN EWASUTYN: Comments from Board Members.

Thank you, Jerry. It's well taken. People have said that before.

MR. GALLI: No additional.

MR. MENNERICH: I have no questions.

MR. PROFACI: No questions.

MR. WARD: Nothing. Thank you.

CHAIRMAN EWASUTYN: I'll move for a

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

motion to grant conceptual approval for the two-lot subdivision for Callas.

Michael, will we be declaring our intent for lead agency on this?

MR. DONNELLY: You can do that, certainly.

CHAIRMAN EWASUTYN: And also declare our intent for lead agency.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Jerry, would you be kind enough to get copies of the plans? Speak to Bryant Cocks, Bryant will let you know how many sets of plans he needs to circulate.

MR. FINE: Thank you very much.

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

(Time noted: 7:16 p.m.)

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

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

DATED: March 10, 2012

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

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

----- X
In the Matter of

SECURE PROPERTY MANAGEMENT
(2006-19)

Lakeside Road
Section 28; Block 1; Lot 18.2
R-1 Zone

----- X

THREE-LOT SUBDIVISION

Date: February 16, 2012
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: VINCENT DOCE

----- X

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is Secure Property Management,
4 2006-19, located on Lakeside Road, north of Jenny
5 Lane, Section 28; Block 1; Lot 18.2, located in
6 the R-1 Zone. It is a three-lot subdivision
7 being represented by Vincent Doce.

8 MR. DOCE: We were before the Board a
9 couple years back and received a preliminary
10 approval on a six-lot subdivision as configured
11 on this map that is colored. Each circumscribed
12 parcel in color is a separate lot. There's one,
13 two, three, four, five -- six lots. They
14 received all the agency approvals and it was
15 ready to be submitted back to the Board for a
16 final approval, however there was a severe
17 economic decline throughout the area, throughout
18 the country, and this sort of subdivision became
19 less attractive to purchasers, and also became
20 very expensive to build and did not warrant the
21 building of this road due to the prices that the
22 market had fallen to. Instead of going through a
23 six-lot subdivision, building a culvert here to
24 access the rear three lots and to grade the lots
25 here between two wetlands, it became obvious that

1
2 it would be better done for the six-lot
3 subdivision to be turned into a three-lot
4 subdivision by essentially combining lots, one
5 lot there, second lot and the third lot. When we
6 did that we ended up with a subdivision that was
7 very much like this. But we modified it just
8 slightly. Instead of having one lot like that by
9 combining the two lots on the previous map, we
10 shifted the line back because there was a
11 stonewall there and we wanted to -- we wanted to
12 preserve the stonewall. Since it was going to be
13 a large lot subdivision, large acreage, we were
14 trying to preserve as many stonewalls along
15 property lines as we could. Essentially it is
16 still the same six lots combined into three but
17 the line I was just pointing out there went from
18 here to here. This line in here shifted down
19 there, so both of these lots are now along a
20 stonewall, the rear property lines.

21 Everything else on the subdivision
22 stayed very much the same. One difference is
23 because of the location of the third lot, and
24 since there is only three lots in this ten-acre
25 parcel, this lot has been designed as having well

1
2 and septic. The other two lots still have water
3 and sewer, Town water and sewer. Everything else
4 is very much like it was before.

5 We've outlined the two wetlands that
6 you can see here. Now instead of three lots
7 being accessed across a wetland, it will be just
8 one drive accessing this pink lot.

9 Now, all lots have frontage on Lakeside
10 Road, and we could have three -- theoretically we
11 could have three driveways coming out to Lakeside
12 Road. Obviously these two lots here, the pink
13 lot and the blue lot, should share a driveway
14 because to have two driveways next to each other
15 wouldn't be the best thing. So we're proposing
16 to share that driveway, a common drive. The
17 third lot, we have the drive shown out to
18 Lakeside Road but we have placed a note on there
19 that if the Town requests, if the Board requests
20 that, we'd be glad to put the third lot with a
21 drive so that three lots would access over the
22 common drive, private drive, and we'd have to get
23 Town Board approval. We're not requesting that.
24 We're saying that if the Board thinks it's
25 better, we'd be glad to do that. On the previous

1
2 map we put on there an altered drive if required
3 by the Town, and I think Bryant pointed out the
4 Town would not require it, we'd change the
5 wording to request it. So that's essentially it.

6 It's six lots being combined into three
7 lots essentially along the same property lines
8 except we've shifted one there to occupy a
9 stonewall, shifted another here to occupy a
10 stonewall.

11 CHAIRMAN EWASUTYN: Thank you.

12 Comments from Board Members. Frank
13 Galli?

14 MR. GALLI: The rear lot, the one
15 that's going to be on septic, is it because of
16 the cost getting into the sewer?

17 MR. DOCE: Well, yeah. One is the cost
18 of bringing it into the sewer. I think -- since
19 it's so far away and it's only one house, I don't
20 think the Town is in favor of having a sewer line
21 running way back to the house.

22 MR. GALLI: I'm just concerned because
23 I know Orange Lake is across the street. Right?

24 MR. DOCE: Yes. Down here. And it's
25 on the other side. This drops down. It comes up

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

and drops down.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Are there any sight distance issues that would change whether there's one or two driveway entrances off of --

MR. DOCE: No. The sight distances are essentially the same. They're so close together. Darren actually did the layout. This sight distance here is at its maximum point, and it's a good sight distance. This still has adequate sight distance down but it's not the optimum.

MR. DARREN DOCE: We have 300 to the south. The optimal sight distance is where the shared driveway would be, then you would have 720 and 800.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Jerry, in having two separate driveways is there a requirement as to having a road name for either driveway?

MR. CANFIELD: That's a good point. I was confused as to what the actual proposal is. The way it works for addressing is if all three residents are served by the one driveway, whether

1
2 you call it a private road or a common driveway,
3 that would have to have a road name, okay. I
4 think I heard Vince say a couple different
5 proposals of what you're going to end up with
6 there.

7 MR. DOCE: Yeah. Essentially what
8 we're saying is these two lots, the rear two
9 lots, the pink lot and the blue lot, should have
10 the same drive. It would be foolish to have two
11 drives within 20 feet of each other. We're
12 saying on the third lot we can provide access.
13 Since we have all that frontage along Lakeside
14 Road, we can have its own driveway coming in,
15 however, if the Town prefers, we'll combine that
16 and have three lots on the common driveway, but
17 we'd have to go to the Town Board for that.

18 CHAIRMAN EWASUTYN: Would you think,
19 because of the ease of identifying that for
20 emergency response and for providing maybe
21 greater sight distance, visibility, that it might
22 be more favorable just to have the one driveway
23 service three lots?

24 MR. DOCE: I feel strongly that way.
25 And I also feel that when you get driveways

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

within 20 feet of each other, it gets a little confusing at times. That's why we're quite willing to do it.

CHAIRMAN EWASUTYN: Would the Board be in favor of making that recommendation?

MR. GALLI: I would rather have one main and three houses.

MR. MENNERICH: I think it makes sense from a planning viewpoint, too, to consolidate the driveway.

MR. WARD: And maintaining snow and stuff.

CHAIRMAN EWASUTYN: Darren, Vince, would that be acceptable?

MR. DOCE: Sure.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: You just said what I was thinking.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Comments from Consultants. Jerry Canfield?

MR. CANFIELD: I have nothing additional.

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

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: I just have -- the rear lot that's being served by septic, the soil testing information needs to be on the plans. It's a shallow absorption trench system shown on the details. We're suggesting that that be shown on the first sheet also as a shallow absorption trench system so the buyers know what they're getting.

We just discussed the three-house waiver with the Board.

I'm just suggesting to show the limits of fill in the Federal wetlands to make sure it's under the tenth of an acre. It looks like it's going to be. That shouldn't be a problem.

The other is on the previous subdivision there was outside user approval needed for connection to the sewer. That will continue for the two lots that are connecting to the sewer.

That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: This project will need to

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

demonstrate the residential lot area requirement.

All seals and signatures, including the wetland delineation, must be included for final approval.

This project didn't have Orange County Health Department approval for the six-lot subdivision. It won't be required because of the reduction of lots.

A common driveway easement and maintenance agreement.

Just a note on the plans indicating the preservation of the stonewalls that was discussed.

MR. GALLI: And also, John, we have to have a public hearing on this.

CHAIRMAN EWASUTYN: Thank you. I'll turn to Mike Donnelly, Planning Board Attorney, to advise us on the requirement, if so, for a public hearing.

MR. DONNELLY: Although you did have a public hearing on the original application, the way the State law reads is if you get a preliminary approval and then you come back and there's a change from the preliminary approval,

1
2 the law requires a second public hearing be held.
3 So unfortunately we'll have to do it again.

4 MR. DOCE: Doesn't that really apply to
5 it if there is equal or greater impact?

6 MR. DONNELLY: No. I wish it did,
7 Vince. It simply says unless it is in
8 substantial conformance with the approved
9 preliminary plat.

10 MR. DOCE: Did you say it should be
11 that way?

12 MR. HINES: That is the case with the
13 SEQRA determination. Obviously this is a smaller
14 scale project, so I believe that remains. We can
15 do a SEQRA consistency or reaffirm the negative
16 dec.

17 MR. DONNELLY: Reaffirm.

18 CHAIRMAN EWASUTYN: Okay. I'll move
19 for a motion to reconfirm the negative
20 declaration for Secure Property Management, which
21 will now be a three-lot subdivision, and to
22 schedule the 15th of March for a public hearing.

23 MR. MENNERICH: So moved.

24 MR. WARD: Second.

25 CHAIRMAN EWASUTYN: I have a motion by

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

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

Darren, you'll work with Bryant Cocks
as far as the requirements for a public hearing
on the Tuesday before the actual 15th. If we can
have the certified receipts. Also, at your
convenience, call Fran and let her know, I'll
need an additional \$150 for the public hearing
fee. Okay?

MR. DARREN DOCE: Okay.

MR. DOCE: Thank you, everyone.

(Time noted: 7:30 p.m.)

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

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

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

DATED: March 10, 2012

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

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

----- X
In the Matter of

CARLOS DOMINGUES DUPLEX
(2012-04)

New Road
Section 39; Block 1; Lot 14.0
R-2 Zone

----- X

CONCEPTUAL SITE PLAN

Date: February 16, 2012
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is the Carlos Domingues Duplex,
4 located on New Road, Section 39; Block 1; Lot 14.
5 It's a conceptual site plan located on Section
6 39; Block 1; Lot 14 in the R-2 Zone, represented
7 by Jim Raab.

8 MR. RAAB: Good evening. This is an
9 existing lot that exists on New Road just beyond
10 the power lines that cross over New Road. It was
11 probably part of a larger parcel at one time.
12 It's an L-shaped property, roughly about an acre-
13 and-a-half in size.

14 What Carlos is proposing is a duplex,
15 very similar -- in fact, it's the same duplex
16 with minor changes as what he built across from
17 Tom's Lane on Route 300.

18 We did get the comments from the
19 consultants and we pretty much made the
20 adjustments to that.

21 The one thing we need to do is get some
22 direction as far as what you're looking for. Are
23 we looking for an easement for this pipe? I'm
24 meeting with Darrell Benedict next week to find
25 out whether this is his or who it belongs to

1
2 because it crosses the property line. We're
3 willing to give an easement on this side but the
4 adjacent owners would have to be contacted about
5 giving something up on the other side. Like I
6 said, we can make the 35 feet. We'll add a
7 lateral, shut some things down and we can make
8 that work.

9 The only other question I have is
10 Bryant brought up a point about buildable area.
11 We're wondering how this applies to an individual
12 lot. That's our only question.

13 MR. COCKS: It's not being subdivided,
14 so it would meet it. There's plenty of room. I
15 don't think there would be a problem. It isn't
16 being subdivided, so I guess it wouldn't be
17 required.

18 MR. RAAB: Again I want to apologize to
19 the Board. The plan was to give you half scale
20 drawings. The scale was supposed to reflect that
21 on the first page. It didn't. The large scale
22 drawings were 20 scale, the smaller ones were
23 supposed to be 40 scale. Again, I apologize. It
24 was just an intent to save some paper and I won't
25 let that happen again.

1
2 CHAIRMAN EWASUTYN: Let's start with
3 Jerry Canfield, Code Compliance.

4 MR. CANFIELD: Jim, for the benefit of
5 the Board, because of the scale of these
6 drawings, I brought the plans that were submitted
7 to the building department for the building
8 permit and they seemed to be somewhat different,
9 especially with respect to the 18-inch pipe that
10 I think you referred to. This plan shows it
11 solely on this lot.

12 MR. RAAB: Yeah. Well the topo that we
13 got for the site plan didn't come in until after
14 that, okay. We had thought we could get by with
15 the topo that Carlos already had but it wasn't
16 sufficient enough for a site plan for the
17 Planning Board. We had the topo redone. The new
18 surveyor placed a pipe like this. Based on the
19 information he has, the survey information he
20 found, that's where that pipe lies.

21 MR. CANFIELD: There's also, I think
22 Pat will comment on it as well, some differences
23 in the septic and also some of the retaining
24 walls.

25 MR. RAAB: Right.

1
2 MR. CANFIELD: There's a difference in
3 the two plans. Also, Pat and I were just
4 discussing the plan that was submitted to the
5 Planning Board, the base plan is dated the same,
6 12/23/11, but the smaller version is from 1/31/12
7 and it says, "Per Town comments."

8 MR. RAAB: That had to do -- we knew
9 this was going to come up somehow because Charlie
10 questioned that. Ray put that on the comments
11 because of a comment that Joe Matina made.
12 Although it was a Town comment, it wasn't any of
13 your comments. It was a comment made by your
14 department.

15 MR. CANFIELD: By the building
16 department?

17 MR. RAAB: By the building department.

18 MR. CANFIELD: What was the comment?

19 MR. RAAB: It had something to do --
20 I'm not quite sure what it was but -- I can't
21 really remember what it was. I wish I did, I
22 could tell you. It was a minor comment.
23 Something he said needed to be adjusted. I think
24 it was about this, the note we put underneath the
25 bulk about -- because Joe said we didn't need to

1
2 go to the ZBA because it was an existing lot, lot
3 width.

4 MR. CANFIELD: I think there's a
5 question Joe had originally with the zone. This
6 plan that I have is the wrong zone. It's an R-2
7 and the plan stated R-1. The zoning issue, I
8 think Bryant will comment on also, there's an
9 exemption for existing lots of record, and that's
10 what Joe Matina was referring to.

11 MR. RAAB: That's what he was referring
12 to.

13 MR. CANFIELD: That's all I have, John.

14 CHAIRMAN EWASUTYN: Pat Hines, Drainage
15 Consultant?

16 MR. HINES: Our first comment is it was
17 difficult to work with the reduced scale plans,
18 obviously, when we're trying to scale and measure
19 things.

20 I guess what I'm asking is is this the
21 actual plan now? This is based on a survey and
22 the first one wasn't?

23 MR. RAAB: Yes. The one that went in
24 with the building plan for the building permit,
25 okay -- see, we originally submitted to the

1
2 building department because we thought -- I
3 believe they submitted thinking they didn't need
4 a site plan approval, and then when they realized
5 they needed a site plan approval, then we went
6 ahead and did the application for site plan.
7 That's where the confusion is. We cleaned up a
8 bunch of stuff in here but we still need -- as
9 you can see, we still need to do a little bit
10 more cleaning up with this plan.

11 MR. CANFIELD: Because it's a two
12 family is the reason why it needs a site plan.

13 MR. RAAB: I understood that. For some
14 odd reason they submitted it to you first. I
15 think that was because we thought we needed to go
16 to the ZBA. Okay. We were trying to get them
17 both on the same track at the same time.

18 MR. HINES: Who is the surveyor of
19 record now?

20 MR. RAAB: Jonathan Melon. The
21 boundary -- the topo is Jonathan Melon, the
22 boundary is, I believe, Rich Verace. I'm not --

23 MR. HINES: It looks like the boundary
24 is referencing a 1955 survey.

25 MR. RAAB: Yes.

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

MR. GALLI: 1955?

MR. RAAB: Yeah. I believe it was TW West Lake. That's what Carlos gave us, so --

MR. HINES: I'm concerned.

MR. RAAB: If the Board requires, we'll have the survey updated.

CHAIRMAN EWASUTYN: What's your concern?

MR. HINES: There's discrepancies in the two maps we received, this survey and this survey don't match, and now we're going to base the property lines and setbacks and such on a 1955 survey.

MR. RAAB: No. We'll update the survey. We'll update the survey, Pat. We're not asking the Board to accept a 1955 survey.

MR. HINES: Okay. And just because when the pipes are moving and such, and the septic is moving between the plans, it raised concerns to me at the work session.

MR. RAAB: It raised questions with us because we had encroachments that we didn't have before. That's something -- we're going to have to finalize a boundary survey, and that will go

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

on this plan.

MR. HINES: Okay.

MR. CANFIELD: Would it be out of the question to just ask for accurate submittals and perhaps resubmit so we're all working off the same sheet?

CHAIRMAN EWASUTYN: I'll turn to the Board Members and get their opinion.

Frank Galli?

MR. GALLI: Yeah. I'm getting kind of old, I can't read this small anymore.

MR. MENNERICH: It sounds like that needs to be done.

MR. PROFACI: Yes.

MR. RAAB: It's understood. I understand. Let's just chalk it up to an experiment that didn't work.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board, based upon the advice of and recommendation of Jerry Canfield -- Jerry, would you make it a statement for the record?

MR. CANFIELD: Sure. We ask that the applicant resubmit more accurate and a complete current survey depicting what the proposal will

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

be.

MR. RAAB: Absolutely. I have no problem with that.

CHAIRMAN EWASUTYN: Bryant, do you want to finish your review while Mr. Raab is here, or Pat Hines?

MR. HINES: I noted that there's some grading shown on the septic system. It looks like -- for some reason there's a cut shown.

MR. RAAB: That's really towards the edges. I'm not going to go into that because that may change.

MR. HINES: I hope it changes.

MR. RAAB: Based on the way we're realigning the system further back on the property, I think that we'll probably avoid that if we can.

MR. HINES: The septic system is going to change again?

MR. RAAB: It's going to shift back a little, yeah. Not a lot but a little bit.

MR. HINES: And then there's a four-bedroom septic design shown and some notes that reference six bedroom.

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

MR. RAAB: Yes. It's only a four-bedroom house.

MR. HINES: We need to clarify that. That's all.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Most of my comments were previously discussed. Just adjacent landowners should be labeled.

As mentioned before, there's an existing nonconforming lot width on the parcel, but it's not being subdivided so no variance would be required.

CHAIRMAN EWASUTYN: All right. I'm going to make a motion from the Board that Bryant Cocks, Planning Consultant, work with Pat Hines and Jerry Canfield to draft a comment letter based upon the discussion that we had tonight for the Domingues site plan which addresses the necessary information that's needed for a resubmission and acceptance of that resubmission.

MR. RAAB: That will be fine. That will be fine.

MR. WARD: So moved.

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

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. RAAB: Thank you very much.

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

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

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

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

DATED: March 10, 2012

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

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

----- X
In the Matter of

ROUTE 300 CENTER
(2012-05)

1413 Route 300
Section 60; Block 3; Lots 40 & 41.22
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: February 16, 2012
Time: 7:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: TIMOTHY ONDERKO,
JOHN CAPPELLO & LISA DAVIS

----- X

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is a conceptual site plan for
4 Route 300 Center, 2012-05, 1413 Route 300,
5 Section 60; Block 3; Lots 40 and 41.22, located
6 in the IB Zone, being represented by Timothy
7 Onderko

8 MR. WARD: I think he stepped out. He
9 might be in the hall.

10 MR. CAPPELLO: Good evening, everyone.
11 My name is John Cappello, I'm an Attorney with
12 Jacobowitz & Gubits and I'm here with Jim Onderko
13 from Langan Engineering, the project engineer,
14 and Lisa Davis from Lisa Davis Associates, the
15 Planning Consultant, for a project on a
16 three-acre parcel adjacent to the Newburgh Mall,
17 on the west side of Union Avenue just north of
18 the mall. There's an old trucking facility
19 located -- like a trucking distribution facility
20 where they used to maintain their trucks, and
21 also gas their trucks at one point. You'll see
22 why I mention that. That will come into play
23 later.

24 What we're proposing to do, and I'll
25 have Lisa and Tim give it to you in more detail,

1 but really is to locate a gas station with ten
2 pumps -- ten pump islands and a little kiosk.
3 The gas station will be a Stop & Shop gas
4 station, so folks who shop at the Stop & Shop up
5 the road accumulate points with their cards, they
6 can go redeem them and gas up here at the Stop &
7 Shop. Many grocery stores are doing that now on
8 their own property, but given the limitations of
9 the existing Stop & Shop property, we thought
10 this would be a good location for it.
11

12 We're also showing a 12,600 square foot
13 tire service facility and a potential proposed
14 bank credit union building here.

15 So really what we're here for is to
16 present this in concept, and also to be referred
17 over to the ZBA because a couple properties down
18 is the Mobil station on the corner there, and I
19 think -- I believe you still have the law that
20 for some reason has a 1,000 foot area restriction
21 between gas stations. So we would need to go to
22 the ZBA for a variance from that.

23 We wanted to come here and at least get
24 your comments -- present the plan and get your
25 comments on the plan so when we do go to the ZBA,

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

at least we can have some initial feedback from your Board.

With that, I will give it over to whoever wants to go first. Tim.

MR. ONDERKO: Sure.

CHAIRMAN EWASUTYN: Just for the record, Tim, give your first and last name.

MR. ONDERKO: Sure. Tim Onderko, O-N-D-E-R-K-O, with Langan Engineering and Environmental Services.

I'll start at the beginning here with the survey, which I believe is in your packet. Union Avenue/Route is 300 here. The box in the middle is the existing tractor terminal building.

We currently have two curb cuts, one kind of adjacent to the property line closest to the mall, around 25 feet wide, and another curb cut closer to Wendy's or Perkins. What's next? That's the Valvoline next door. This curb cut is on the order of around 50 feet.

Nearly the entirety of the site is developed property line to property line, asphalt curbing from Union Ave to some point about three-quarters of the way back, and then the back

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

quarter of the site is a gravel parking field.

The proposed case, we looked to close off the two existing curb cuts, go to one curb cut aligned with the Dunkin Donuts, Auto Zone across the street so we have better sight distances and better sight of the adjacent or the intersection across from us, and take that 95 percent impervious or gravel coverage and take that number up to around 30 percent pervious, where today it's about 5 percent, so we get a significant amount of green space back, and use kind of an internal circulating drive here to guide users to the Stop & Shop fueling facility in the front, the tire service center behind that, and then the credit union or bank building on the north side of the drive.

I'll kind of walk you through the uses quickly. The gas station is actually five pumps with ten positions. The pumps are double sided. You would have ten vehicles cue at the pump. Our vision at this point is that you would enter the site, drive into the far side of the station and then fill in the pumps from the back and leave through either of these driveways. The driveway

1
2 closest to Union Ave is an out only to allow
3 users to get into the exit lanes and not create a
4 conflicting crossing movement there. The gas
5 station is served by a 115 square foot kiosk.
6 The kiosk is -- the front half is the attendant
7 area with the controls for the pumps and the back
8 half is the restroom. It's a self-contained
9 unit. It's not a convenient store. They do sell
10 washer fluid, oil and gum and some ancillary
11 things. There's no room for a user to actually
12 get into the booth, it's just for the attendant.
13 The back use is a tire service center. They have
14 six bays facing the internal circulating drive
15 that would be used for tire service. The bank at
16 this point is probably the one use that we're
17 still playing with the footprint, but we've got a
18 place over here for a normal width of a bank.
19 That could change based on the actual tenant but
20 we've created a layout here that accommodates a
21 drive-through. We have the drive-through use at
22 the back of the site to keep those movements out
23 from the every day user of the center for either
24 the tire or the gas station.

25 As I mentioned before, landscaping in

1
2 any area we could. At this point we're showing
3 around 97 parking spaces for the three uses plus
4 another 10 if you counted the positions at the
5 pump as counting as a parking space.

6 Utilities would be served from existing
7 infrastructure on Route 300, and everything would
8 be new connections, drainage would be new,
9 landscaping, lighting.

10 I would be more than happy to answer
11 any questions. Or, Lisa, if you want to chime in
12 on anything on the Stop & Shop program.

13 MS. DAVIS: If anyone has any questions
14 on how the program operates, I'd be happy to
15 answer.

16 CHAIRMAN EWASUTYN: Why don't you talk
17 to us about the operation, please. Give your
18 name and your company.

19 MS. DAVIS: Sure. Lisa Davis, Lisa
20 Davis Associates from Lexington, Massachusetts.

21 Stop & Shop got into the business of
22 operating gas stations about fifteen years ago.
23 Right now they're operating about seventy of
24 them. They initially started putting them within
25 the parking lots of their stores. In locations

1
2 where the parking lots did not lend themselves,
3 they started to look at off-site locations and
4 have been constructing a number of them.

5 In case your are not familiar with how
6 it works, when you go to a Stop & Shop
7 supermarket, for every \$100 that you spend you
8 get \$0.10 off gas at their gas station as well as
9 some participating Shell stations.

10 The real kind of driving force behind
11 the fueling facility program is to get customers
12 to spend more money at the supermarket. The
13 supermarket business has changed a lot over the
14 years. It used to be you went to one store, you
15 did all the food shopping. Today most people
16 split their food shopping between warehouse clubs
17 and grocery stores and convenient stores and
18 whatever. So really what this program is is
19 designed as a loyalty program to the Stop & Shop
20 customer, the more you spend at Stop & Shop the
21 greater the discount at your gas.

22 So that is really the driving force
23 behind the gas station program. I can't really
24 comment much on the other uses other than what
25 Tim has said.

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

This one is a -- there is a deal -- I don't know if I would go so far, but there is at least interest from an actual user and this is a little bit more conceptual at this point.

I would be happy to answer any questions.

CHAIRMAN EWASUTYN: Thank you, Lisa.

Comments from Board Members. Frank Galli?

MR. GALLI: The gas station, is it seven days a week?

MS. DAVIS: Yes. It's seven days a week but it doesn't have the same hours of the store. Typically -- I'm not sure if this is a twenty-four hour store. We've gone away from twenty-four hour stores. Typically the gas stations are open at about 6 in the morning and they close between 10 and 11 at night. Sundays it's compressed, they usually close around 9:00 and they open at 7 or 8 in the morning.

MR. GALLI: The tire place, is that a seven-day-a-week operation?

MS. DAVIS: I guess so.

Just to take a step back on the Stop &

1
2 Shop, it is covered by a canopy. We have some
3 elevations to show what the canopy looks like.
4 We're not going to go into it now but it is
5 really a state-of-the-art facility. It has all
6 the most sophisticated environmental safety
7 features that are out there.

8 CHAIRMAN EWASUTYN: Frank, any more
9 questions?

10 MR. GALLI: No. Not at this stage.

11 CHAIRMAN EWASUTYN: Ken Mennerich?

12 MR. MENNERICH: The main concern I had
13 was relative to the traffic. You said this is
14 across from the entrance to Dunkin Donuts and
15 that mall plaza there. I guess I'm concerned
16 about the left turns in for traffic heading north
17 on 300 and the left turns for people leaving the
18 site and wanting to go north.

19 MR. ONDERKO: At this point we haven't
20 completed a traffic study but have had our
21 traffic engineers take a look at the uses.
22 Certainly the left turn out of both Dunkin Donuts
23 today and out of the site would be kind of the
24 driving force of the operation of the
25 intersection. Currently Dunkin Donuts has an

1
2 exclusive left-hand turn lane heading southbound
3 on 300. The lane south of our driveway is
4 currently kind of a double left. We would
5 propose talking to DOT to make this an exclusive
6 left so that we'd have the same exclusive turn
7 lane that Dunkin Donuts has. So that would
8 hopefully satisfy some of the concern and address
9 the left-turning movement in. But the turning
10 movement out would operate the same as the Dunkin
11 Donuts today. It would be patience at 5:00 on a
12 Friday.

13 MR. MENNERICH: The left turn out of
14 Dunkin Donuts heading south on 300, it's a real
15 suicide run when you want to try to make that.
16 The DOT would be the organization that will --

17 MR. ONDERKO: The change to the turn
18 lane would certainly be the first part of our
19 conversation, and then any restrictions on
20 turning movements would be a conversation with
21 them as well. The sight distances aren't an
22 issue. It's a matter of finding that gap.

23 Thankfully one thing about our use is
24 the tire service center is a very low generator
25 of trips. Banks and gas stations are not a

1 destination that you leave your house to add a
2 new car to the network. You're usually on the
3 road going somewhere, to work, home from work, to
4 the store, when you stop at the bank and get gas.
5 Thankfully for the network on Route 300, we don't
6 anticipate this being an addition of trips, just
7 how are we going to handle the trips that are
8 already out there. It's certainly something that
9 we'll be investigating.
10

11 MR. MENNERICH: Did you consider a
12 possible connection, like from Stop & Shop you
13 can go to the back of the site and get into the
14 Newburgh Mall, a connection from the Newburgh
15 Mall into your site where the gas pumps are?

16 MR. ONDERKO: That's a good point.
17 There's actually an easement for this property to
18 get you out to Meadow Hill. There's a fifty-foot
19 easement that heads out the back of the site.
20 This is our site, the mall is here. There's a
21 fifty-foot easement that heads out to the mall
22 access road and turns up to Meadow Hill.
23 Unfortunately for us at this point, this entire
24 area has grown to be wetlands where at one time
25 it was a small isolated patch. We've had the

1 wetlands delineated. We're working on having
2 them surveyed. We're certainly going to continue
3 to evaluate the possibility. Right now do I
4 think that we could get a connection in the
5 existing easement? No. But the dialogue of some
6 other way to the mall access road is certainly
7 something we're going to entertain. That takes
8 that left turn movement we're concerned about and
9 lessens it to some point. Good point. It is
10 something that exists. Actually on the survey
11 you can kind of see the hatch on the back for the
12 location of that easement.

14 MR. MENNERICH: Thank you.

15 CHAIRMAN EWASUTYN: When the plans are
16 more defined -- the Planning Board is represented
17 by Creighton, Manning Engineers. They review and
18 make recommendations to the Planning Board. At a
19 later time we'll coordinate that review.

20 MR. ONDERKO: Thank you.

21 CHAIRMAN EWASUTYN: Joe Profaci?

22 MR. PROFACI: Has any thought been
23 given to a traffic signal at that intersection?

24 MR. ONDERKO: At this point, no. I
25 know that in The Marketplace study, which we've

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

seen, this was actually one of the intersections that they studied. I believe they gave both the -- everything but the left-hand movement through here operates at a level of service C. The left-hand turn obviously doesn't operate that well. What they have said in their build condition, they recommended -- they didn't say you need a signal, they recommended that it be studied further or reviewed at a later date. Their traffic would certainly add to the volumes on Route 300. But again, it will be a conversation that we have with the State about the -- whether it meets the warrants to require one and if they think it's an appropriate location for it.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have two questions. One was the access road going to the back. If you have wetlands there, how about where the mall is, on that side, to have an exit there? That would take a super lot of traffic out of the flow. And you're coming from Stop & Shop. I always take the back way. I don't go 300 because of the

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

situation. So you go across from Stop & Shop, you're there.

MR. ONDERKO: Yeah. It's absolutely something we would entertain. Unfortunately that easement is not in place today. Right now we've been investigating the existing easement that gives them the right --

MR. WARD: You have a problem with the wetlands. That's an idea the other way.

MR. ONDERKO: Absolutely.

MR. WARD: That's what I'm saying.

The other question I had, between the bank and the tire, the line in between, the divider, what is that?

MR. ONDERKO: This is a -- at this point we're proposing a rumble strip, about an inch to an inch-and-a-half raised concrete island that gives you a visual cue of the separation between the center circulating lane and the use here. Because these are garage bays with cars backing in and out, to have an island here, it kind of restricts the movement a little bit more than you would with something that's able to be passed over by a car. It still defines the lane.

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

At this point we're proposing it. It's certainly something we can discuss further.

MR. WARD: I'm concerned if it's a bank or anything with pedestrians walking, you need something to block from them backing up, God forbid, you know. I feel something should be there.

MR. ONDERKO: Okay.

MR. GALLI: John, I just have another.

CHAIRMAN EWASUTYN: Please.

MR. GALLI: Just a comment. When you move forward with this, if it's a proposed center, I suggest working with them on your parking. I don't know if you're going to have enough. I know you meet the requirements. I think you're going to end up with overflow parking into the bank area. You're going to have people walking across the drive because a service station that size with the tire store is probably going to see an average of thirty to thirty-five cars during the week, at any one given point, and probably fifty to fifty-five cars on the weekend.

MR. ONDERKO: Okay. This layout was dictated by them but we can certainly actually do

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

a little bit more work on what their peak requirement is. The thirty spaces are --

MR. GALLI: Thirty-four.

MR. ONDERKO: Ten plus fourteen plus six over there. Yeah. So twenty-eight spaces.

MR. GALLI: Like John says, when they're backing out of the garage, I would just be concerned with that.

MR. ONDERKO: Something to separate them, --

MR. GALLI: Mm'hm'.

MR. ONDERKO: -- more so than that strip.

MR. GALLI: Yup.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I believe Mr. Cappello had discussed about the potential for a zoning variance. We asked, and we discussed it at the work session, that you look at Section 185-28 of our Municipal Code. That deals with service stations, and that's where it is spelled out the 1,000 feet separation requirement.

There's an additional requirement that

1
2 we're not certain if this complies with. We
3 would ask that you would display compliance.
4 It's a 200-foot separation between the actual
5 fuel dispensing pump and a public assembly
6 structure, and that is defined as anything with
7 an occupant load of fifty or more for eating and
8 drinking and what have you. There is a Dunkin
9 Donuts across the street. I don't think they
10 qualify with the fifty-person occupant load.
11 There's also Wendy's, Perkins and I believe Taco
12 Bell. So you just may want to examine that, and,
13 if you could, in the next submittal, display that
14 there is compliance there. If not, that's
15 something that may be subject to a variance as
16 well.

17 The other item -- I did not submit any
18 written comments, but the other item is that the
19 Town of Newburgh has a more restrictive sprinkler
20 requirement than the New York State Fire
21 Prevention and Building Code, and how it would
22 apply to this is the bank building, which is
23 6,600, 6,700 square foot, and the tire center
24 both would require sprinkler systems to be put
25 in.

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

MR. ONDERKO: Okay.

MR. CANFIELD: That's all I have at this time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have a couple comments on the preliminary plan. We'll be looking at the site. As you said, it's currently 95 percent impervious. We'll be looking at it as a redevelopment site. That will give you a little more flexibility for the stormwater.

The gasoline service area will be treated as a hot spot when you do that analysis.

A DOT permit will be required.

The Town has the demolition permit and requirement and notes that will be added to the plans.

I don't know if you have my comments. I think they went to the wrong Langan office.

MR. ONDERKO: They're in New Jersey?

MR. HINES: I think they were here last time.

We need a hydraulic loading calculation from the site, existing and proposed, because we

1
2 need approval from the City of Newburgh, a flow
3 acceptance letter. If you can take a look at
4 either historic water data from the existing site
5 or hydraulic loading rates for the truck facility
6 versus what's proposed now to determine just how
7 much flow we need to request, or it may not need,
8 based on that analysis, an approval for that.

9 Our next comment is that obviously this
10 is conceptual and we'll be looking for more
11 detail.

12 The issue with backing, is it possible
13 to have the tire center a through bay system
14 which eliminates backing on the site?

15 MR. ONDERKO: That's a good question.

16 MR. HINES: Just a suggestion. There
17 was a concern of backing out there.

18 I was just wondering, while looking at
19 the plan, why the bank is so far back. The Town
20 has design guidelines that say no parking in the
21 front. I don't know if it was to leave the gas
22 station exposed. If the bank was moved up, the
23 parking could be moved back. That's something to
24 look at.

25 MR. ONDERKO: Sure. I can comment on

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

that.

CHAIRMAN EWASUTYN: Comment on it.

MR. ONDERKO: Sure. The position was set, one, as we move north with the State right-of-way, kind of moving our setback further in. So I really -- I don't have the lines here but I might be able to move the building thirty or forty feet. I was worried about the alignment of the gas station entrance and exit without creating multiple Ts as you moved on to circulate. That's certainly something we can take a look at.

CHAIRMAN EWASUTYN: Tim, I have an extra copy.

MR. ONDERKO: Oh, great. Thank you.

CHAIRMAN EWASUTYN: Pat, anything else?

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My concern with the building layout is especially with that rumble strip in the middle. The yellow line ends right there and then, you know, the rumble strip is not really lined up with that. If there's two-way

1 traffic coming from the bank, say they come down
2 and want to go over, I don't know how much room
3 there is. The rumble strip is kind of offset
4 from the yellow line. So two-way traffic with
5 someone backing up in there with no lines telling
6 people where to go is just a little confusing.
7

8 Also with the drive-through lanes, you
9 kind of pass by them, have to whip around that
10 little grass area. It just seems like, you know,
11 it must be very well striped and signed that
12 people are going to think they can just kind of
13 make a right and not really be sure which side
14 the ATM is on or which side of the building the
15 window is going to be on. Also that is open on
16 top of there. You have two arrows for the drive-
17 through lanes, but people can cut across there to
18 come down. It feels awkward and I just feel like
19 the traffic movements would be a little strange
20 in there.

21 Other than that, just the signage with
22 the stop bar up there, just make sure that
23 there's some signage saying you can't enter the
24 gas station from there, because there will be
25 people trying to slip in and go straight down if

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

they think they can do that.

You said that the wetland is already
flagged?

MR. ONDERKO: Yes.

MR. COCKS: Are you showing it here?

MR. ONDERKO: Yes.

MR. COCKS: I know you're showing the
100 foot buffer. That only applies to DEC
wetlands. That can be removed.

The handicap ramp for the tire center,
I know it meets the requirements but it seems
kind of far away.

MR. ONDERKO: Spin it to the side.

MR. COCKS: Spin it to the side.

This is conceptual, but a landscaping
and lighting plan are going to be needed. With
the lighting plan, just look at the height of the
lights. The design guidelines say sixteen feet
for parking lots is recommended. I know with the
canopy they're going to be a little above, but
just make sure you take a look at that.

In the EAF, just elaborate on the
threatened and endangered species section. You
have to look at the DEC environmental resource

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

map. That's about it.

This will have to go to the Orange County Planning Department, the DOT and the DEC.

CHAIRMAN EWASUTYN: In your EAF you mention the fire department. I think you may give that another look. I don't believe it is the Goodwill Fire Department.

MR. GALLI: It's Winona Lake. Orange Lake Fire District.

MR. ONDERKO: I asked one of the fire chiefs.

MR. HINES: It wasn't me.

CHAIRMAN EWASUTYN: There's a question of whether or not -- you don't have to apply for it now, whether or not at some point in the future you'll need a variance for signage.

MR. CAPPELLO: Right. We were talking about that out in the hallway.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I have one question. I'm sitting here looking at it. Now it's going to be a gas station. How are they getting a truck in to fill up the tanks with the way it is with the curbs?

1
2 MR. ONDERKO: Sure. We've got a
3 movement. The truck would enter, make this
4 movement. The valves are on the passenger side
5 of the truck, so they can unload to the tank here
6 and pull out to the stop bar and leave. So this
7 has all been -- the whole gas station layout is
8 contingent on making the truck movement work.
9 They would make that a counterclockwise movement
10 around.

11 MR. WARD: Thank you.

12 CHAIRMAN EWASUTYN: At this point
13 you're looking for a referral to the Zoning Board
14 of Appeals?

15 MR. CAPPELLO: Yes.

16 CHAIRMAN EWASUTYN: And Mike, the
17 standing issue at this point in reference to the
18 200-foot separation, what would you recommend to
19 the Board?

20 MR. DONNELLY: My suggestion would be
21 I'd write a referral letter specifically tying
22 into the 1,000 foot separation, mention the
23 possibilities, subject to verification in the
24 field, of the need for the 200 feet from place of
25 public assembly. I'll also suggest to the Board

1
2 they handle SEQRA on an uncoordinated basis
3 because we're not ready to issue a declaration of
4 significance here.

5 MR. HINES: Just for the 200 feet, it's
6 200 feet from the gasoline dispensing, not the
7 property lines.

8 MR. CANFIELD: Right. From the actual
9 dispensing devices to the structure.

10 MR. ONDERKO: Okay.

11 CHAIRMAN EWASUTYN: I'll move for a
12 motion from the Board to grant conceptual
13 approval for the Route 300 Center, to have our
14 Attorney, Mike Donnelly, prepare a letter to the
15 ZBA for determination on the matters that were
16 discussed, to circulate to the Orange County
17 Planning Department and declare our intent for
18 lead agency.

19 MR. PROFACI: So moved.

20 MR. WARD: Second.

21 CHAIRMAN EWASUTYN: I have motion by
22 Joe Profaci. I have a second by John Ward. Any
23 discussion of the motion?

24 MR. MENNERICH: Is the intent for lead
25 agency to --

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

MR. DONNELLY: Actually, if we're going to be uncoordinated we probably shouldn't do it at this point.

CHAIRMAN EWASUTYN: I'll rescind that motion at this point.

MR. PROFACI: I will remake it.

CHAIRMAN EWASUTYN: We'll remake the motion to grant conceptual approval, to have our Attorney, Mike Donnelly, prepare a letter to the ZBA for the necessary variances, and to circulate to the Orange County Planning Department. I'll rescind the motion. The motion was made by Joe Profaci, seconded by John Ward. Any further discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: There being no further discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

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

If you could get maps to Bryant Cocks and we'll circulate to the Orange County Planning Department.

MR. ONDERKO: Sure.

CHAIRMAN EWASUTYN: Between now and the next meeting, if you could define the hours of operation just for the record.

MS. DAVIS: Sure.

MR. CAPPELLO: While we're approaching the ZBA, would it be beneficial if we started responding to some of these questions and continue the Planning Board review?

MR. DONNELLY: I don't see why not.

CHAIRMAN EWASUTYN: That's fine.

MR. CAPPELLO: Okay.

(Time noted: 8:11 p.m.)

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

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

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

DATED: March 10, 2012

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

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

----- X

In the Matter of

ALL GRANITE & MARBLE CORP.
(2011-14)

Brookside Farm Road
Section 97; Block 1; Lot 20.2
IB Zone

----- X

SITE PLAN

Date: February 16, 2012
Time: 8:11 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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

1
2 MR. PROFACI: The next item on
3 tonight's agenda is All Granite & Marble Corp.,
4 2011-14. It is a site plan on Brookside Farm
5 Road, Section 97; Block 1; Lot 20.2, located in
6 the IB Zone, being represented by Andrew
7 Fetherston.

8 MR. FETHERSTON: Good evening. What's
9 your pleasure, Mr. Chairman? Would you like me
10 to go over any facet of the project or hear from
11 the owner?

12 CHAIRMAN EWASUTYN: I think at this
13 point just a summary. Since you had last been
14 here we received, thank you, from your office
15 information from Zibby Zachariah from the DOT, an
16 update on the City flow acceptance letter.

17 MR. FETHERSTON: Yes.

18 CHAIRMAN EWASUTYN: I believe you met
19 with the Town Board in reference to the outside
20 sewer agreement.

21 MR. FETHERSTON: That's correct.

22 CHAIRMAN EWASUTYN: You revised your
23 plans, or your architectural to reflect the
24 necessary manufacturer's notes. So let's try and
25 act -- we have approved -- if I understand it

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

correctly, we did approve the ARB.

MR. FETHERSTON: Yes.

CHAIRMAN EWASUTYN: You just need to add the information. So let's go back to that information so that we can move forward on successfully approving the site plan.

MR. FETHERSTON: Some of the more major changes -- there were rather subtle changes but the larger of those were we made the application for a flood plain permit, and what we did was we did a balancing act. We were grading in that area. We added a wall, too, so that we're not -- we're not proposing any more fill than we are cutting. So there's a net zero impact to the wetland. We're not taking away any storage capacity. That was one of the things we had done over there, submitted to Jerry's office.

We took some cues from the Consultants and the Board, specifically in this area where it was very beneficial, we removed quite a great deal of grading that was going to go on over here to construct those small number of spaces and reduce probably fifty feet of wall which would have been required to allow those spaces.

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

To be honest with you, Mr. Chairman,
those are about the biggest changes on the site.

CHAIRMAN EWASUTYN: I'll turn to our
Board Members for their comments. Frank Galli?

MR. GALLI: How are you making out with
Pepsi with the water main?

MR. FETHERSTON: That we're under --
working that out. That's one of the last things
that has to be worked out is the water. We're
coming here because of proximity. It's just so
close. There's another hydrant up here. If we
had to we could go up here. It's not the City
but it's just the distance for the service. I
don't believe that is the City.

MR. GALLI: I think it's the City of
Newburgh's hydrant.

MR. HINES: There's some strange water
main issues up there. Your best bet is to work
it out with Pepsi.

MR. FETHERSTON: We're going to sit
with Pepsi. I was thinking maybe even sitting
with -- in Jim's office, Jim Osborne's office,
perhaps, you know, just because there was
knowledge of the system.

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

MR. GALLI: City of Newburgh is triple the rate.

MR. FETHERSTON: Okay. That's something we're working out.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: I'll turn to Jerry Canfield, Code Compliance.

MR. CANFIELD: I have nothing outstanding.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: They've addressed the majority of our previous comments. As Mr. Fetherston mentioned, the land-banked parking areas were not graded at this time. If they're needed, they will be. That eliminated some grading and a retaining wall.

We reviewed the revised stormwater pollution prevention plan. We provided you with

1
2 revised narratives and documentation that allows
3 it to not have water quantity control on the site
4 but only water quality control based on the size
5 of the watershed up-gradient of the facility.

6 The sewer flow acceptance letter has
7 been received.

8 We just note that the water issue is
9 outstanding. It doesn't change the plans. It's
10 something they need to work out with the owner
11 across the street and the Town.

12 CHAIRMAN EWASUTYN: Bryant Cocks,
13 Planning Consultant?

14 MR. COCKS: Along with the other
15 outside agency approvals, the Orange County
16 Planning Department issued a Local determination
17 on January 11th.

18 The only other change that I saw on the
19 plans was the inclusion of a free-standing sign
20 near the parking lot entrance. Do you have a
21 detail of that just to show the Planning Board?

22 MR. FETHERSTON: Do you have a detail
23 on that sign with you?

24 MR. COCKS: It was included in the site
25 plan. ARB has already been finished. It does

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

meet the intent of the design guidelines and it is a low sign.

CHAIRMAN EWASUTYN: If you would make it a point of getting a copy off to Bryant Cocks so Bryant Cocks can provide a sign off on that.

MR. FETHERSTON: I sure will.

MR. COCKS: I have it and it looked fine to me. I just wanted to see if the Planning Board wanted to see it.

CHAIRMAN EWASUTYN: Mike Donnelly will make that part of the final resolution.

MR. FETHERSTON: I think it's just the logo marble.com.

MR. HINES: There's a free-standing sign proposed now.

CHAIRMAN EWASUTYN: I know, but he's saying the same lettering that is shown on the --

MR. HINES: ARB.

MR. FETHERSTON: I have a black and white on the site plan. Do you want to see that?

MR. COCKS: I saw it.

CHAIRMAN EWASUTYN: For the Board just put it up. It'll be easier.

MR. GALLI: Marble.com?

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

MR. FETHERSTON: Correct.

CHAIRMAN EWASUTYN: Thank you.

MR. PROFACI: Very nice.

MR. WARD: Thank you.

MR. COCKS: That was it.

CHAIRMAN EWASUTYN: At this point I'll ask our Attorney, Mike Donnelly, to give us conditions of approval in the resolution for the All Granite & Marble Corp.

MR. DONNELLY: You had earlier granted ARB on December 15, 2011. You had granted a waiver from the design guideline requirement that there be no parking in the front on July 21, 2011.

The resolution now is for site plan approval. The conditions are as follows: You'll need a sign-off letter from Pat Hines on the water connection issue. The approval will be subject to the DOT approval. They've given a concept approval but if there's any change in that, then you would have to come back to the Planning Board. The Town of Newburgh Highway Superintendent similarly has to approval the driveway utilization before construction begins.

1
2 You'll have to give a pre-construction notice to
3 the Army Corp. You're going to need a demolition
4 permit, a flood plain development permit. You've
5 obtained your City flow acceptance letter. You
6 have also received your out-of-district user
7 agreement with the Town. This approval is
8 subject to the terms of that approval as well.
9 We will note within the resolution that you were
10 granted a variance on October 27, 2011 and tie
11 into any conditions of that variance approval.
12 We'll have the standard condition regarding the
13 land-banked parking that you show on the site.
14 You're going to need to meet the shopping center
15 parking area maintenance standards of the code.
16 We'll have the standard language on Architectural
17 Review Board approval. You will need to post a
18 landscape security and inspection fee, a
19 stormwater security and inspection fee, and also
20 enter into a stormwater control facility
21 maintenance agreement as required by Section
22 157-11(K) of the Code of the Town of Newburgh.
23 You may need a water main extension security
24 depending upon what the water solution is. You
25 do not need sewer main extension. We'll have our

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

ALL GRANITE & MARBLE CORP.

88

standard condition regarding outdoor fixtures and amenities which prohibits the construction of anything not shown on the site plan itself.

CHAIRMAN EWASUTYN: Thank you. Any additional questions or comments on the resolution presented by our Attorney, Mike Donnelly?

Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one question.

Mike, I don't think there's a demo permit.

MR. DONNELLY: No. Okay. I'll take that one out.

CHAIRMAN EWASUTYN: Thank you. Anything else, Jerry?

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: No. Those conditions are fine.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have nothing further.

CHAIRMAN EWASUTYN: John Ward, Planning

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

Board Member?

MR. WARD: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Just a question about the water supply. The water supply goes down and comes in Pepsi Way. It must come down 52 someplace, didn't it?

MR. GALLI: I think it comes off of 52 and their main entrance and they feed that way through loop road.

MR. HINES: I believe so, yes.

MR. GALLI: And it comes -- they run a line out to the hydrant on Brookside there. It naturally comes in down.

CHAIRMAN EWASUTYN: I think what Ken is leading into is isn't that City water.

MR. GALLI: There's two lines.

MR. MENNERICH: The Town line must run down 52.

MR. HINES: To that point, to Pepsi Drive.

MR. MENNERICH: Which is towards the

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

City of Newburgh compared to the site.

MR. HINES: It comes through -- is it Dickson?

MR. GALLI: Dix Avenue.

MR. MENNERICH: Oh, and comes through the back. Okay. Thank you for that clarification.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final approval to All Granite & Marble Corp. subject to the conditions in the resolution presented by our Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

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

ALL GRANITE & MARBLE CORP.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

(Time noted: 8:23 p.m.)

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

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

DATED: March 10, 2012

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

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

----- X
In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for an Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: February 16, 2012
Time: 8:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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

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

MR. PROFACI: First is Trinity Square Site Plan, 2006-53. The applicant is requesting an extension of preliminary site plan approval which will run from March 16, 2012 to September 16, 2012.

CHAIRMAN EWASUTYN: I'll make a motion to approve the extension for Trinity Square Site Plan.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes.

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

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

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

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

DATED: March 10, 2012

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

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

----- X
In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR PROGRAM
(2011-15)

Request for Placement on Consultants' Work Session
of February 28, 2012

----- X

BOARD BUSINESS

Date: February 16, 2012
Time: 8:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
JOHN A. WARD

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

----- X

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

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

NYC DEP

96

MR. PROFACI: Second is the New York City DEP Delaware Aqueduct Repair Program, 2011-15. The applicant is requesting to be placed on the consultants' work session agenda for February 28, 2012 at 1:30 p.m.

CHAIRMAN EWASUTYN: I'll move for that motion, to establish the 28th of February for a consultants' work session.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

I'll move for motion to close the Planning Board meeting of the 16th of February.

MR. GALLI: So moved.

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

NYC DEP

97

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Frank Galli. I have a second by Joe Profaci.
Roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

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

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

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

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

DATED: March 10, 2012