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

----- X

In the Matter of

AT&T UPGRADE AT BANNERMAN VIEW DRIVE
(2013-01)

Bannerman View Drive
Section 22; Block 4; Lot 2.0
R-3 Zone

----- X

PUBLIC HEARING
SITE PLAN & SEUP

Date: February 21, 2013
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY MORANDO

----- X

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

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MR. BROWNE: Welcome to the Town of Newburgh Planning Board meeting of February 21, 2013.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Here.

MR. PROFACI: Here.

MR. WARD: Present

MR. BROWNE: The Planning Board has professional experts that provide reviews on input before us, including SEQRA determinations as well as code and planning details. I'd ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. MUSSO: Mike Musso with HDR,
Wireless Consultant.

MR. BROWNE: Thank you.

At this time I'll turn the meeting over
to Joe Profaci.

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

(Pledge of Allegiance.)

MR. PROFACI: If you have cell phones,
please turn them off. Thank you.

MR. BROWNE: The first order of
business we have this evening is a public hearing
for a site plan and special use permit for AT&T.
It's an upgrade at the Bannerman View Drive
location.

Before we start that, I would ask Mike
Donnelly to give a brief explanation about what
the public hearing is for, its purpose.

MR. DONNELLY: Tonight's public hearing
is on an amendment to a special use permit and a

1 site plan. The Planning Board holds public
2 hearings in order to obtain information from the
3 public that might be helpful before it makes a
4 decision on a matter. If anyone wishes to speak
5 at the public hearing, after the applicant makes
6 his presentation the Chairman will ask that you
7 raise your hand, he will recognize you. Address
8 your comments to the Board. Any questions to the
9 Board, they can be answered either by the
10 applicant's representative or by the Town
11 Planning Board Consultants.
12

13 MR. BROWNE: Thank you, Mike.

14 At this time I would ask Ken Mennerich
15 to read the notice of hearing followed by Frank
16 Galli to give the status of the notices.

17 MR. MENNERICH: "Notice of hearing,
18 Town of Newburgh Planning Board. Please take
19 notice that the Planning Board of the Town of
20 Newburgh, Orange County, New York will hold a
21 public hearing pursuant to the Municipal Code of
22 the Town of Newburgh, Chapter 185-57 Section K
23 and Chapter 168-16 Section A, on the application
24 of AT&T upgrade at 21 Bannerman View Drive,
25 project 2013-01, for a site plan and special

1 permit for the installation of three new panel
2 antennas and six small radio head units and
3 junction boxes to the tower on premises 21
4 Bannerman View Drive in the Town of Newburgh,
5 designated on Town tax map as Section 22; Block
6 4; Lot 2, R-3 Zone. Said hearing will be held on
7 the 21st day of February 2013 at the Town Hall
8 Meeting Room, 1496 Route 300, Newburgh, New York
9 at 7 p.m. at which time all interested persons
10 will be given an opportunity to be heard. By
11 order of the Town of Newburgh Planning Board.
12 John P. Ewasutyn, Chairman, Planning Board Town
13 of Newburgh. Dated February 1, 2013."

14
15 MR. GALLI: The notice of hearing was
16 published in The Mid-Hudson Times and in The
17 Sentinel. The applicant mailed out 42 letters,
18 13 of them were returned. The notices and
19 letters are all in order.

20 CHAIRMAN EWASUTYN: Thank you.

21 Would you give your presentation?

22 MR. MORANDO: Good evening. My name is
23 Anthony Morando and I'm with the law firm of
24 Cuddy & Feder and I'm here on behalf of AT&T.

25 Before I give the presentation I'll

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summarize where we are since the last time I was here at the last Planning Board meeting. Since then we received Mr. Musso's final report, the memo, and I'll let him speak to that. In summary, it didn't create any significant issues at this point.

We also received County comments, which again didn't raise any issues with this application.

We've also -- as the Planning Board indicated, we also submitted the affidavit of mailing to this Board evidencing that the public notice has been complete. I also have additional green cards that I would like to submit to you now.

The proposal, in sum -- since this is a public hearing I will give a brief presentation. The proposal essentially is to upgrade the existing AT&T facility located on the 88 foot lattice tower located off Bannerman View Drive. The purpose of this, like the other applications, is to further the deployment of what AT&T calls LTE technology, which essentially improves and enhances existing voice and data services to the

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community.

The existing facility has nine current antennas mounted at 62 feet, approximately, on the tower with an associated shelter at the base within the compound that's there now.

As part of the proposal we'll be adding three antennas to the existing nine, making a total of twelve, as well as six what we call RH units. They're small boxes behind the antennas.

The new antennas are similar in size, mounted at the same height. AT&T's facility is located below two other carriers that currently operate on the tower. The antennas will be painted to match the existing facility as well as the other equipment that will be located on the tower. Modifications are consistent with what's there now and what has been approved in the past.

There will be no site work at grade with respect to this upgrade, and no increase in the size of the tower, obviously.

At this point I would defer to the Board or Mr. Musso for any comments.

CHAIRMAN EWASUTYN: Anthony, thank you.
Mike.

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MR. MUSSO: Members of the Board,
thanks for having me back tonight.

Just to add on, this is another
upgrade. I think it's about the third so far
that you've seen or that we've seen in the past
six months.

An existing lattice tower, as
mentioned. No increase to the height. No
increase to the ground-based equipment area as
well, which I think is important. The changes
will include going from nine panel antennas to
one more per sector for a total of twelve. With
that change also is a new structural mounting,
the same exact height, at 62 feet on the 88 foot
tower. It's a little bit stronger antenna
bracing and antenna mount. There will be four
antennas per sector instead of the three that are
there now.

What's being added is again what we're
seeing in Newburgh and around the region, new
fourth generation LTE service. This is a new
frequency that AT&T is operating on, and that's
what the new panel antennas are for, the three
new antennas.

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As part of that, behind and slightly below the antennas on the same mount are what are known as radio head units. They facilitate data sharing among the antennas in each array, and they are also part of the LTE. So not only for voice but also for things like internet, e-mail, text message and other things that are going on on wireless networks right now.

So aesthetically things will not change there to any significance. There's no lighting proposed or required with this upgrade. Really they're staying at the same height level where they've been operating.

You may remember about three years ago AT&T did another upgrade at the site going from six antennas to nine antennas, and now back about three years later, which is consistent with what we're seeing going forth with the fourth generation of changes.

We looked at the radiofrequency emissions calculations as we always do. They were provided. They do account for T-Mobile which is on the very top of that tower. It's been operating there for a while. Sprint/Nextel

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is at the next height down, and then AT&T. The calculations were cumulative and conservative, and, as expected, they're well within the general public maximum permissible exposure level. They're about 7 percent as a worst case throughout the entire area around the facility.

I noted that there's no changes to the equipment compound. It's a fenced and secured area. AT&T has an equipment shelter that's dedicated for them. There are some minor changes going on within that shelter to accommodate the new technology and the new antennas. No changes to the access to the site or to the landscaping, and really no more -- no more increase in frequency of site visits, if that's at all a consideration.

We did look at the structural analysis. When we reviewed the upgrade back in 2010, we did more of an in-depth structural review at that time. Based on the changes now, the antennas weigh about 35 pounds, and the fact that there was a certification from a New York State professional engineer, we feel what's been submitted without more detailed review is

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adequate.

The antenna mountings along with the lattice tower do have enough capacity to accommodate the additional antennas that are being proposed.

I do want to mention that that structural analysis for this site also made a conservative assumption of a 100-foot lattice tower. As mentioned, there's an 88-foot tower. That's where it tops out at now. That's not being proposed but for whatever reason the tower company wanted to look at that. I don't know if that's prediction of things to come here by another carrier but nothing on the table for that right now. So the structural analysis was indeed conservative because it did put on a height extension, or assumed a hypothetical height extension.

Our recommendations, which I'm sure Mike Donnelly has, are consistent with what we have been making on these upgrades, looking at elements of conforming with colors and textures. That's one of the aesthetic recommendations in the resolution, and also maintaining the

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appropriate security around the ground-based area, fencing and signage, and then also the note about any changes to that should go to the proper and appropriate channels within the Town.

So again, in summary, it's consistent with the upgrades that this Board has seen and reviewed over the past couple years really, and we don't see any significant issues in terms of health and safety or in terms of the aesthetics with the proposed plan.

CHAIRMAN EWASUTYN: Thank you.

At this point I'd like to open up the meeting to the public for any questions or comments.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there was no one in the audience this evening who attended for the purpose of speaking on the application before us, the AT&T Upgrade at Bannerman View Drive.

At this point I'll turn to Jerry Canfield, Code Compliance, for any questions or comments he may have. Jerry?

MR. CANFIELD: On this application it

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should be noted that the applicant's engineer did submit the annual NIER certification that's required.

CHAIRMAN EWASUTYN: NIER stands for?

MR. CANFIELD: I knew you were going to ask. Nonionizing electromagnetic radiation.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My only comment is we did refer this to the Orange County Planning Department. They did grant a Local determination. We have no further comments.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for the AT&T Upgrade at Bannerman Island for a site plan and special use permit.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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THE COURT: I have a motion by Joe Profaci. 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike, I think Mike Musso broad brushed the conditions for approval. If you would give them to us in detail, please.

MR. DONNELLY: The resolution is our standard for wireless telecommunication facilities. It's an amended site plan, a reissuance of the special permit and ARB approval.

In addition to our standard ARB condition which will also incorporate a requirement that the replacement equipment and

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mounting equipment, cables, et cetera shall match in color that which exists, I've incorporated the recommendations from Mike Musso's memo. So the second condition is the applicant shall, at all times, maintain its operation in accordance with the Town's wireless ordinance and with other relevant provisions of the Town Code. Three, antennas, coaxial cables, security fencing around the ground-based equipment and FCC warning signage should be routinely inspected and maintained at the site by the applicant; and four, our standard condition which states that nothing may be built on the site that hasn't been shown on the approved site plan.

CHAIRMAN EWASUTYN: Thank you.

Having heard the conditions of approval, I would move for that motion.

MR. COCKS: John, excuse me. I don't think we ever did a neg dec.

CHAIRMAN EWASUTYN: We didn't receive it from the County. I knew there was something tied into that. Very good. Thank you. We couldn't act. You're right.

I'll move for a motion to declare a

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AT&T UPGRADE AT BANNERMAN VIEW DRIVE

16

negative declaration for the AT&T Upgrade at
Bannerman View.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. Okay.

And we have before us a motion for
final approval for the AT&T Upgrade at Bannerman
View Island. I'll move to further that motion by
accepting a positive vote on that.

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.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you, Bryant. I knew there was something.

MR. MORANDO: Thank you.

Mike, you're work closely with Cuddy & Feder as far as the new application for Orchard Drive?

MR. MUSSO: Yes. We have a draft, or preliminary in today. We'll look at that and get them any clarification or any additional info he needs and they'll submit the final as they have been doing.

CHAIRMAN EWASUTYN: Would you suggest at this point that Bryant Cocks send a memo out to the assessor's office as far as getting a notice of hearing prepared?

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MR. MUSSO: I think that would be appropriate. It's a very similar type of proposal. It's a technology upgrade in the same way.

CHAIRMAN EWASUTYN: Okay. Anthony, if you would contact Bryant as far as when he thinks that could be available and we can begin coordinating that.

MR. MORANDO: Yes.

CHAIRMAN EWASUTYN: Thanks ever so much.

(Time noted: 7:13 p.m.)

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

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

DATED: March 8, 2013

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

----- X
In the Matter of

BOTRAC PROPERTIES SUBDIVISION
(2013-03)

Orchard Drive
Section 1; Block 1; Lots 133.1 & 134
AR Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION
& LOT LINE CHANGE

Date: February 21, 2013
Time: 7:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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

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2 MR. BROWNE: The next item of
3 business we have is Botrac Properties
4 Subdivision, project 2013-03 on Orchard Drive.
5 This is a conceptual two-lot subdivision and
6 lot line change being presented Lawrence
7 Marshall.

8 CHAIRMAN EWASUTYN: Larry, welcome
9 back.

10 MR. MARSHALL: It's been awhile. What
11 we have proposed is a two-lot subdivision and lot
12 line change on the westerly side of Orchard Drive
13 in the AR zoning district.

14 Basically what's being proposed is the
15 creation of one additional building lot. We're
16 transferring approximately 20,000 square feet, I
17 don't have the exact number on that, but 20,000
18 square feet to existing lot 1 over to the
19 previously approved lot 2, and then subdividing
20 that land into two parcels for the creation of
21 one additional building lot.

22 The houses will be served by private
23 well and septic system. All the testing has been
24 completed on the site, deep tests and percolation
25 tests.

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The driveway locations, one is in the previous location that was approved for lot 2. the other new curb cut being proposed exceeds -- far exceeds the minimum AASHTO recommended sight distance for a driveway entrance.

CHAIRMAN EWASUTYN: Okay. At this point we'll refer to our consultants for their recommendations and comments.

Jerry Canfield?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We just need a sign off from the highway superintendent regarding the new driveway location.

There's a conflict in the percolation tests. There's an 8 minute percolation test performed and it says 7 in the design chart. I think it fits in that range, it just needs to be cleaned up.

MR. MARSHALL: Okay.

MR. HINES: And then just the previous subdivision we had here, we heard from many of the neighbors, and I just want to be able -- at

1 the public hearing, for you to be able to address
2 the issues regarding potential runoff from these
3 additional houses. We heard from both rear lot
4 neighbors and one down gradient neighbor at the
5 previous one. If you could be prepared to
6 address that issue at the public hearing, I think
7 it will make the public hearing go a little
8 smoother.
9

10 MR. MARSHALL: Sure.

11 MR. HINES: That's all we have.

12 CHAIRMAN EWASUTYN: Bryant Cocks,
13 Planning Consultant?

14 MR. COCKS: Yes. I had no issues with
15 the subdivision. All the new lots will meet the
16 current bulk regulations and no variances will be
17 necessary.

18 We will need to forward this to the
19 Town of Plattekill and the Orange County Planning
20 Department because of its proximity to the Ulster
21 County border. And also we need to send this to
22 the Town of Newburgh Highway Department for their
23 review.

24 Larry, if you could just send me a
25 revised narrative letter showing the amount of

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land to be transferred. For some reason it came up as triple O.

Other than that, if the Planning Board feels this project is approvable, the next available date for a public hearing would be March 21st.

CHAIRMAN EWASUTYN: Thank you, Bryant.
Comments from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

MR. PROFACI: No comments.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant a conceptual approval and schedule the 21st of March for a public hearing for the two-lot subdivision and lot line change for Botrac Properties.

MR. GALLI: So moved.

MR. PROFACI: Second.

MR. DONNELLY: John, you do have to issue a negative declaration before you can hold the public hearing.

CHAIRMAN EWASUTYN: I have a motion to grant conceptual approval and set the 21st for a public hearing. I have a motion by Frank Galli.

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I have a second by Joe Profaci. I had discussion by Mike Donnelly. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point; Mike, you're suggesting?

MR. DONNELLY: For a subdivision the Town law requires that a negative declaration be issued before you hold the public hearing.

CHAIRMAN EWASUTYN: Okay. And are we at a point in time where we can declare a negative declaration?

MR. HINES: I have no issue with that.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I don't either. With the motion did you also have the Orange County Planning Department referral in there, with the

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motion you guys made?

CHAIRMAN EWASUTYN: Yes. That would be a natural anyway.

MR. COCKS: I just didn't hear it.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration for the two-lot subdivision and lot line change for Botrac Properties.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Larry, the Tuesday before the meeting, can you deliver to the Planning Board office the receipts from the certified mailing, and work with Bryant Cocks, if necessary, with the maps to

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circulate to the Orange County Planning Department, the County Highway Department and the Town of Plattekill?

MR. MARSHALL: Okay.

CHAIRMAN EWASUTYN: Thanks.

MR. MARSHALL: Thank you.

(Time noted: 7:19 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 8, 2013

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

----- X
In the Matter of

ELAPUS LTD SUBDIVISION
(2013-02)

Bright Star Drive
Section 9; Block 3; Lot 70.5
R-3 Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: February 21, 2013
Time: 7:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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MR. BROWNE: The next item we have is Elapus Limited Subdivision, project number 2013-02. This is a conceptual two-lot subdivision being presented by Darren Doce.

MR. DOCE: We're proposing a two-lot subdivision of a 4 1/2 acre parcel located at the southerly end of Bright Star Drive. It's a private road off of Oak Street.

Lot 1 will be approximately 2 1/2 acres. Lot 2 will be 2 acres.

Lot 1, there's an existing single-family dwelling on lot 1. There will be a proposed single-family dwelling on lot 2.

They'll have an individual well and septic system. The testing has been done and it's been designed.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield, Code Compliance?

MR. CANFIELD: Darren, there's a couple piles of gravel on this lot --

MR. DOCE: Okay.

MR. CANFIELD: -- stockpiled there. Do you know what they're there for?

MR. DOCE: No, I don't. Other than --

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MR. HINES: Enough said.

MR. CANFIELD: Enough said. I guess we'll just follow where it ends up.

Just a heads up. The last time we had a subdivision on this road there was some public input with respect to some grading issues and stuff, so you may want to be prepared to address that.

MR. DOCE: Okay.

MR. CANFIELD: That's all I have.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We just noted that the septic system design is for a three-bedroom house. We just wanted the house labeled as three-bedroom maximum or --

MR. DOCE: Gus is actually going to build this for himself, so it might actually be a two-bedroom house. I just wanted to show a three just in case.

MR. HINES: Okay. It's going to be Gus's house.

Then also the detail for the Elgin system. It's showing a cut or a shallow

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absorption trench system in the detail and it doesn't show that on the plans. I think you have the details transposed. It's shown fill on the details

MR. DOCE: I'm actually proposing a cut and fill. We found a layer of semi-unusable soil, like a two-foot layer, which wasn't perking within 60 minutes, and beneath that, at 3 -- 30 inches to 3 feet, we got a perkable layer. We were going to take out the two foot.

MR. HINES: I didn't see that anywhere in the plans then.

MR. DOCE: I thought I showed a cut and fill section.

MR. HINES: It shows a fill -- in the detail it shows a fill. That is not something -- that would have to go to the Health Department. That's not a conventional system.

MR. CANFIELD: It would be an alternate system.

MR. DOCE: It's not an alternate system. It's listed. It's a deep trench with an option to remove the -- in the red book it's not an alternate system.

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MR. HINES: We'll take a look at that. What I saw was that there was a cut and fill system detail. I'll take a further look at it but I don't believe that's something we can approve because of the depth. I'll take a look. I didn't see -- I mean the soil tests were done at 24 inches.

MR. DOCE: Yeah, but the cut and fill system or deep trench system is listed in the same section as shallow trench system, not in the alternative section of the design manual. So I don't believe it's something that has to go to the Board of Health.

MR. HINES: I'll take a further look at it between now and the public hearing. I do note that the perk tests were done at 24 inches, not at the deeper depth they would have to be for that system.

MR. DOCE: Okay. Yeah. That's probably an error on my part. I did perk it at 24, 12, and then I went to 30. At 30 I got a perk.

MR. HINES: Okay. I'll take a look at that. If I have any questions, we'll talk about

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it between now and then.

MR. DOCE: Okay.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: I have no comments on this
subdivision.

Both lots will meet all zoning and bulk
requirements. No variances will be necessary.

It's a private roadway, so the highway
department won't need an approval.

This isn't within 500 feet of any
County or State road, so no referral to the
County Planning Department is necessary either.

As with the last project, March 21st
would be the next available date for the public
hearing.

CHAIRMAN EWASUTYN: Comments from Board
Members?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. MENNERICH: No.

MR. PROFACI: No additional comments.

CHAIRMAN EWASUTYN: So this motion will
also, besides granting conceptual approval,

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schedule a public hearing. We'll also be declaring a negative declaration.

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Thank you, Mike.

The difference being in this case we won't be referring to the Orange County Planning Department.

I'll move for a motion to grant conceptual approval, to declare a negative declaration and to set the 21st of March 2013 for the public hearing for the Elapus Ltd two- lot subdivision.

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?

MR. MENNERICH: The only thing, I guess the issue is with the septic system. Pat, do you feel something can be worked out?

MR. HINES: Yes. That would be a technical detail. We'll take a look at that. It's only a matter of whether it can be locally approved or Health Department. Shooting from the

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hip, I don't know. I'll look at it further.

CHAIRMAN EWASUTYN: Thank you. We had a motion by Frank Galli. Correct?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Second by Joe Profaci. We had discussion by Ken Mennerich. Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you. Again, the Tuesday before the meeting, would you make sure we get a copy of the receipts?

MR. DOCE: I'll have it for you.

(Time noted: 7:27 p.m.)

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

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

DATED: March 8, 2013

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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 Conditional Preliminary
Site Plan Approval

----- X

BOARD BUSINESS

Date: February 21, 2013
Time: 7:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
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TRINITY SQUARE

MR. BROWNE: Under Board Business we have two items. The first is Trinity Square Site Plan, project number 2006-53. The applicant is requesting an extension of the conditional preliminary site plan approval which will run from March 16, 2013 to September 16, 2013.

CHAIRMAN EWASUTYN: Darren, this is your letter; correct?

MR. DOCE: Correct.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I would move for a motion to grant conditional preliminary site plan extension for Trinity Square to September 16, 2013.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci and a second by Ken Mennerich. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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TRINITY SQUARE

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 7:28 p.m.)

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DATED: March 8, 2013

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

----- X
In the Matter of

LANDS OF ZAZON
(2004-29)

Request for an Extension of Conditional Final
Site Plan Approval

----- X

BOARD BUSINESS

Date: February 21, 2013
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
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MR. BROWNE: The next item is Lands of Zazon, project number 2004-29. The applicant is requesting an extension of conditional final site plan approval which will run from March 19, 2013 to September 19, 2013.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: I'll move for that motion, to grant an extension of the conditional final site plan approval.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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I'll move for a motion to close the
Planning Board meeting of the 21st of February.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Joe Profaci and a second by Frank Galli. I'll
ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

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

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