

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

AT&T UPGRADE AT ORCHARD DRIVE
(2013-04)

929 Orchard Drive
Section 1; Block 1; Lot 37
AR Zone

----- X

SITE PLAN, SEUP & ARB

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

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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. BROWNE: I'd like to welcome you to the Town of Newburgh Planning Board meeting of March 7, 2013.

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

MR. WARD: Present.

MR. FOGARTY: Here.

CHAIRMAN EWASUTYN: Present.

MR. MENNERICH: Present.

MR. BROWNE: Present.

The Planning Board has professional experts to provide reviews and input on the business before us, including SEQRA determinations as well as code and planning details. I would 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.

MR. HINES: Pat Hines with McGoey,

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

Hauser & Edsall Consulting Engineers.

MR. COCKS: Bryant Cocks, Planning
Consultant.

MR. BROWNE: Thank you. At this time
I'll turn the meeting over to John Ward.

MR. WARD: Please stand for the Pledge.
(Pledge of Allegiance.)

MR. BROWNE: Our first item of business
is AT&T Upgrade at Orchard Drive, project number
2013-04. This is a site plan and a special use
permit and ARB, being presented by John Furst.

CHAIRMAN EWASUTYN: John called. He
won't be here because of the weather.

I'd move for a motion from the Board to
set the meeting of March 21st for a public
hearing for the AT&T upgrade at Orchard Drive.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a
roll call vote starting with Cliff Browne.

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&T UPGRADE AT ORCHARD DRIVE

4

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So
carried.

(Time noted: 7:03 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 18, 2013

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

VALON AND VATAN RESTAURANT
(2012-26)

34 North Plank Road
Section 84; Block 2; Lot 1.1
B Zone

----- X

SITE PLAN

Date: March 7, 2013
Time: 7:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- 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. BROWNE: Our next item of business is Valon and Vatan Restaurant, project number 2012-26. This is a site plan being presented by Charles Brown.

MR. BROWN: Thank you. We were before the Board a month-and-a-half ago, two months ago. Since then we've been to the Zoning Board. We secured the variances. As part of that process we had a public hearing, and a lot of the comments at the public hearing were pertaining to Stone Street, the width of Stone Street, the condition of Stone Street, as well as the drainage and parking from the adjoining restaurant where people park along the street.

We met the highway super out there, and based upon our field meeting we've agreed to widen it to 24 feet across the front of our property, curb it along our side there, bring the curbs into ours, attach to the curb along North Plank, put a trench drain across our driveway and that will discharge into the existing swale along Stone Street back to the building.

In addition to that, we haven't done a full review of Pat's comments and addressed all

1
2 of the planner's comments. We were going to
3 secure the variances. We have shown the
4 alternate plans to the sewer. In the event the
5 Town sewer line never gets installed in Stone
6 Street, we still have access to that main. We are
7 in the sewer district, so that resolves that.

8 As far as the easement for the
9 additional parking that we have on the Joann's
10 Fabric property, we have been talking it over
11 with the attorney that represents the new owners
12 of that property and they're willing, it's my
13 understanding, to sit down with us and I guess
14 restructure that easement so that the language is
15 a little cleaner and more up to date.

16 CHAIRMAN EWASUTYN: Okay. Comments
17 from our consultants. Jerry Canfield?

18 MR. CANFIELD: I don't have anything
19 additional. We have not received the road
20 widening and stuff like that.

21 MR. RAAB: You did.

22 MR. CANFIELD: Pat hasn't I don't
23 think.

24 MR. BROWN: We will be doing a formal
25 submission addressing all the comments as we

1
2 typically do and document them bullet point by
3 bullet point. We're not really here tonight for
4 the property review, just pretty much to bring
5 the Board and the Consultants up to date on where
6 we stand after our visit to the Zoning Board.

7 MR. CANFIELD: As far as the site goes,
8 I don't have any comments. As far as the
9 building goes, Jim is right, he indicated they
10 have submitted plans, and they have. The loads
11 and -- I remember at the concept plan we reminded
12 them and brought to their attention the extensive
13 amount of work that would need to be performed on
14 this building. The building plans that they have
15 submitted, they've addressed 99 percent of it up
16 to this point. They have displayed that they can
17 meet the floor loads that are required.

18 We had an issue with ceiling heights.
19 I think I reported to this Board and the Zoning
20 Board it was to be 9 feet. I erred. It is to be
21 7'6". With the 2010 building code that's all
22 that is required.

23 MR. BROWN: We have 8.

24 MR. CANFIELD: If they can achieve that
25 with their plan. There are some altercations 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

the roof line with a dormer to the rear. All is within the overall required and allowable height.

The building will be fully sprinklered. They have displayed that and -- pretty much they've displayed compliance in just about all the building aspects that we had brought out.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We'll take a look at the revised plans when they're submitted. Some of the comments that we had before were addressed under Mr. Brown's letter.

One concern was whether or not the Town's sewer project progresses. That was a major hurdle because they couldn't move forward without that. If there's an alternative that allows that to happen, we'll review that, and we'll take a look at those revised drainage plans

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no additional comments.

I was going to ask if you'd like the referral to the Orange County Planning Department

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

VALON AND VATAN RESTAURANT

10

with the new plans?

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: I'll move for a motion to circulate the Valon and Vatan Restaurant to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Tom Fogarty. I'll ask for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thanks.

MR. BROWN: Thank you.

(Time noted: 7:05 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 18, 2013

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

POTTER'S RIDGE
(2012-15)

6 and 11 Potter's Ridge Road
Section 26; Block 6; Lots 20 & 23
R-2 Zone

----- X

EXTENSION OF
TWO-LOT RESIDENTIAL SUBDIVISION
AND LOT LINE CHANGE

Date: March 7, 2013
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- 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. BROWNE: Our next item of business is Potter's Ridge, project number 2012-15. This is a two-lot residential subdivision and lot line change being represented by Charles Brown.

MR. BROWN: If you remember, the approval was contingent on tying in the adjoining lot into the Town water. We haven't been able to do that yet because of the season and what not, so we're requesting an extension of that approval at this time.

CHAIRMAN EWASUTYN: According to your letter, you wanted a ninety-day extension. That would carry forth -- okay.

I'll move for a motion to grant a ninety-day extension for Potter's Ridge subdivision and lot line change.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by --

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: -- Ken Mennerich. I'll ask for a roll call vote starting with Cliff Browne.

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Jim, I think I did give Jerry a copy of
the plans but he was out sick.

(Time noted: 7:07 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 18, 2013

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

COUNTRY ESTATES
(2012-25)

Orange County Health Department Referral

----- X

BOARD BUSINESS

Date: March 7, 2013
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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

CHAIRMAN EWASUTYN: Mike Donnelly is going to discuss with us -- I guess we'll make it part of the record.

You have a copy of the memo from Ross Winglovitz which we'll be discussing tonight, the referral to the Health Department for Country Estates, project number 2012-25.

When they were first before us, within a month or so ago, it was thought that the project was -- the subdivision was in a zoning district that required several area variances. It was later determined that it's in an R-3 district.

So Mike, do you want to take it from there?

MR. DONNELLY: Sure. When they came in last there was a map note that restricted development of, I think it's two lots. I'm not sure.

MR. HINES: Actually three but two of them are subject to this now.

MR. DONNELLY: Okay. And the applicant had identified the properties in the R-1 Zone, and we all just went along with that on 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

assumption. For that reason we sent it to the Zoning Board for certain variances. Now it's apparently in the R-3 Zone, the variances aren't needed, and the question is what is the procedure to follow. Since the map note was one dictated apparently by the Health Department, before you can take action to amend your subdivision to allow the development, I think it makes sense to have the applicant go to the Health Department and see whether or not the Health Department is willing to remove that restriction, which may have been a combination of the technology of septic systems as well as the drainage flowing through the area. And, you know, they either will or will not release the restriction. If they do, the applicant will need to return here to get amended subdivision approval from you.

It seems to me, I know I'm volunteering Pat, but the letter might be better coming from you if that's the direction the Planning Board wants to give.

MR. HINES: We can do that.

CHAIRMAN EWASUTYN: Okay. So for the record, would you give us the verbiage 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 and we'll approve that?

MR. HINES: Just refer it to the Health Department for review of the septic -- proposed septic system and removal of the not for building purposes at this time map note.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion then to grant Ross Winglovitz the opportunity to meet with the Orange County Department of Health for the septic location.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Tom Fogarty. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:10 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 18, 2013

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

GARDNER RIDGE

Recognition of Vested Rights

----- X

BOARD BUSINESS

Date: March 7, 2013
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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

CHAIRMAN EWASUTYN: Mike is going to bring us along on Gardner Ridge. That seems to be coming back into light somewhat.

MR. DONNELLY: I will in a second. Attached to Ross's memo is another memo having to do with Driscoll and Polo. Is that better off at the next meeting?

CHAIRMAN EWASUTYN: We'll discuss it next time.

MR. DONNELLY: Gardner Ridge, and I gave you the materials on it because I got involved kind of through the side door. Jerry knows more about it than I. It was a project approved in 2005, extended I think through 2007 or so. When that duration of that site plan approval was about to expire, the applicant asked, and you granted, the opportunity to return to preliminary site plan approval which has no duration. The project sat in that status for quite some time. Now the applicant, I assume, wants to move forward.

But anyway, they had written a letter to Jerry, copied to me, in which they attempted to set forth a basis for a claim of vested

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

rights, that certain construction work was done on the site, I'm not even sure if it was on the site but in furtherance of site development, and they wish to have the Town recognize that they have vested rights. The letter was copied to me I thought simply as a courtesy. I looked at it quickly and put it in the file. I got a call from Richard Mahon, the attorney who wrote the letter, in the end of February asking if there had been any ruling on his request for recognition of vested rights, and I said Rich, you're calling the wrong person, it isn't my call. When I looked at the letter I realized it wasn't sent to Mark Taylor. I wrote a letter to Mark Taylor and told Rich he should follow up with Jerry or Mark.

For you to have the full picture, I've given you a copy of Mr. Mahon's letter, my letter to Mark Taylor, the enclosures and what I sent to Mark. I'm sure Jerry and Mark can take it from there. Realistically this is the same procedural posture that Exiter was in. Exiter had to first apply to the building department for determination, in the first instance, as 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

whether or not the building department would recognize a claim of vested rights. If that claim is not recognized, their option is then to appeal to the Zoning Board of Appeals. And if the Zoning Board of Appeals doesn't make them happy, they can then bring an Article 78 proceeding challenging the determination of the Zoning Board of Appeals.

It really has very little to do with the Planning Board, unless and until there is some claim of vested rights, and at that point it's still less to do, except ultimately to give a final approval at some future date if the applicant was ready to move forward.

It's all in the letter I left for each of you.

CHAIRMAN EWASUTYN: Questions from the Board?

MR. MENNERICH: I guess just in general, not this specific one but on the preliminary approval, you can just go on indefinitely? So ten, twenty years down the road --

MR. DONNELLY: Well, no. I had given

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

you a letter about it sometime back. State law has no durational provisions on site plans. It does have durational provisions on final subdivisions. Your code sort of tracks the State law on subdivisions, the preliminary part. A site plan has a duration of two years, renewable for one additional year for a total of three. You also have a preliminary site plan period that has no durational provision, however that doesn't mean you couldn't, at some point in time, say to an applicant you have not been before us for six months, two years, whatever you think. Unless you return to us to advise us of the status of your application, we will consider it withdrawn and the preliminary approval rescinded. So by default it does not have a durational provision. I think you would have the authority to make the applicant show that he was still diligently pursuing it.

The danger with perpetual renewals of preliminary approvals, on both the subdivision and the site plan side, is what could happen like a change in the zone. Now you're going -- now an applicant is going to want to argue 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

obviously the Town didn't think it applied to me because they renewed my preliminary approval. So in some ways it's better, and that's what State law says, for preliminary subdivisions which gives you, in and of itself, no vesting, that you can let it sit. There's an expectation in the Town law provisions governing subdivision that the applicant is to return within six months, but it's not an expiration like it is for final approvals. We could rewrite the code to give duration to preliminary approvals.

I think in a letter some time back I suggested that periodically we kind of cull all of the outstanding preliminary or -- preliminary site plan and preliminary subdivision approvals and make a judgment as to whether or not we think it's time to call them back in and ask them what they want to do. Obviously you want to throw out some of that dead wood, so it doesn't sit out there, and clean up your files. I don't know there's any advantage of keeping it on a six-month leash and having all those people continue to come back, particularly in a period of the economy like right now.

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. BROWNE: You said the Board does have an option that we could at some point say that's been out there long enough, we're going to --

MR. DONNELLY: I think so.

MR. BROWNE: -- we're going to pull it?

MR. DONNELLY: We had actually done some of these in the past. We prepared a sample letter where we had older preliminary approvals. I forget how it read. Something like you haven't been before the Board in, you know, fill in the time period, the applicant -- the Planning Board would like to hear the status of your application. If you don't apply to return to the agenda within sixty days, we'll consider your application withdrawn.

MR. BROWNE: Is that something that's considered a right of the Planning Board?

MR. DONNELLY: Sure. I think so. Yeah. Somebody -- you don't have to honor a preliminary approval that was granted forty-two years ago when the zoning code was different, when the stormwater regulations were different. At some point I think it makes sense to pull some

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

of those in. Yes, I think you have the authority to do that.

CHAIRMAN EWASUTYN: Let's talk about that. Something has preliminary approval and the stormwater regs change, what's the time clock?

MR. HINES: When the stormwater regs changed last there was an initial drop dead date in them, and there was such an outcry from developers and people who had projects on the books for many years that they pulled that back. It would have really eliminated some projects based on the new regulations, and there was a lot of political outcry. So they said that if the project had closed out their environmental review and had an approval, it didn't say preliminary or final, by the time the regulations were adopted, they were allowed to continue. So you could conceivably have projects, and we still do have projects, with the 2008 version of the stormwater regulations.

MR. DONNELLY: Let me take a better example. I was involved in some litigation years back where a project was arguably approved in the late 1960s, and flash forward into the 1990s, now

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

there's litigation, actually in the bankruptcy court is where it was, as to whether or not the approval was valid. Some of the difficult issues were the village's road specifications had changed. The roadways couldn't be built. The separations between water and sewer lines that were required by the Health Department were different now than they were in the 1960s, therefore what was shown on the plans couldn't be approved. You run into all of these problems if these approvals are suddenly claimed to be valid. So I think periodically, and I don't know what the duration is, I think it makes sense, and I think you have the legal authority, to write the applicants and say you haven't been here in four years, we assume your application is withdrawn. Unless you get back on the agenda and tell us otherwise, we're going to rescind the resolution and close our file. I don't think that's unfair.

MR. BROWNE: Have we done that, John?

MR. HINES: We have.

CHAIRMAN EWASUTYN: We must have because Pat remembers it.

MR. HINES: It actually spurred some

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

applicants to come in and say we're going to get going again.

CHAIRMAN EWASUTYN: We'll go through the files, and I think it makes sense. There's one I can think of off of 32, right on the border. He got caught in the zone change, and it would be the second phase of that subdivision. I can't think of his name offhand. Pella Estates.

MR. CANFIELD: Joe Pellegrino.

MR. HINES: For the back.

CHAIRMAN EWASUTYN: That's one that I think had preliminary approval, and it's been years since we've heard from him.

MR. HINES: He had some wetland issues that arose. The wetland maps were changed on him.

CHAIRMAN EWASUTYN: For a variety of reasons. If for one in particular, we have maybe not enough or some escrow money in that account, and sooner or later the State wants to know how we're handling these monies that have been around for a long, long time. Yup. Okay.

MR. DONNELLY: And that's another reason --

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: Yeah.

MR. DONNELLY: -- for pulling them in
and saying we're going to consider this withdrawn
and return your money.

CHAIRMAN EWASUTYN: Okay. Good.

(Time noted: 7:18 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 18, 2013

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

PARK LANE

Status Update

----- X

BOARD BUSINESS

Date: March 7, 2013
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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

CHAIRMAN EWASUTYN: We have three public hearings for the meeting of the 21st.

We may be getting in a three-lot subdivision. We had some inquiries about whether they have all their monies together or not. We don't know.

Jerry, Newburgh -- Stewart Avenue, that project is just about ready to be signed off?

MR. CANFIELD: Park Lane, yeah. I spoke with Chuck tonight -- late this afternoon. Where we are at with it, we're just waiting for them to post bonds, which I believe they submitted some stuff to Mark Taylor. He's reviewing that right now.

What Chuck did indicate, though, is that they're looking at a series of minor changes I would think, but I want to see their actual drawings. He was indicating that they may be changing the layout of some of the units. I don't believe it affects the actual square footage of the units, the dwelling units or the count. He also said that they would be perhaps changing slightly the roof line and then also

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

some of the stone on the front. They may be increasing some of the area with more stone.

He said also that, surprisingly, they have a contractor that's willing to do real stone as opposed to cultured stone for a very similar price.

MR. HINES: Wow.

MR. CANFIELD: That's what we said. In any event, I asked them to submit -- they're supposed to drop off tomorrow some drawings so we can take a look at it and just evaluate what their changes are. At that point I'll be in touch with John as to what's the magnitude of it, if it's something that we feel should come back before the Board.

Once they post their securities they can get started, and they're anticipating, you know, like yesterday.

(Time noted: 7:20 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 18, 2013

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

NEWBURGH TOYOTA
Status Update

----- X

BOARD BUSINESS

Date: March 7, 2013
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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

CHAIRMAN EWASUTYN: Would you know, how close is Newburgh Toyota? Driving by it looks like the building itself is -- are they getting close? I know they can't pave today, but --

MR. CANFIELD: They're moving right along. To put a percentage on it, I couldn't give you that, of completion. They're well, well on their way.

CHAIRMAN EWASUTYN: Bryant and I were talking about it.

We'll figure how we'll put all of the minutes together. I think we'll do it under Town Board business.

(Time noted: 7:21 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 18, 2013

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

VITAMIN SHOPPE
Status Update

----- X

BOARD BUSINESS

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

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
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

CHAIRMAN EWASUTYN: Is the Vitamin Shoppe going into, do you know? The vitamin building.

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: It is. Okay. There's a for lease sign.

MR. HINES: That's the little spot --

MR. CANFIELD: That's the center spot that was created. There's about a 1,200, 1,300 square foot --

MR. HINES: Between the phone store and Vitamin Shoppe --

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the Planning Board meeting of the 7th of March.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich, a second by Tom Fogarty. I'll ask for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: 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

VITAMIN SHOPPE

40

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 7:22 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 18, 2013