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

----- X

In the Matter of

SUBDIVISION FOR WILLIAM NOBLE
(2012-27)

409 Quaker Street
Section 11; Block 1; Lot 143.0
AR Zone

----- X

PUBLIC HEARING
THREE-LOT RESIDENTIAL SUBDIVISION

Date: May 2, 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: STEVEN BURNS

----- X

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

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WILLIAM NOBLE

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MR. BROWNE: Good evening. Welcome to the Town of Newburgh Planning Board meeting of May 2, 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: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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WILLIAM NOBLE

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

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

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

MR. WARD: Will you please stand to do
the silence for Jim Raab.

(Moment of Silence.)

MR. WARD: Please turn off your phones.

MR. BROWNE: The first order of
business we have this evening is a public
hearing. It's a three-lot residential
subdivision. This is a subdivision for William
Noble, project number 2012-27, being presented by
Steven Burns of Barger and Miller.

Before we start that I'm going to ask
Mike Donnelly to give us an overview of what a
public hearing is and also to discuss with us
briefly the circumstances with this particular
public hearing and some recommendations for the
Board.

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MR. DONNELLY: Quickly, the purpose of the public hearing is for the members of the public to bring issues to the attention of the Planning Board. I don't see too many here tonight so I won't elaborate beyond that.

A recently passed law in the Town has added additional steps to scheduling public hearings, and unfortunately those steps are not easy to follow, particularly when they're not well worn. One of the requirements is that the public hearing notice be posted on the property a requisite number of days before the hearing. All of the other requirements of the code have been met. The mailings were taken care of properly, both the adjoiner notice as well as the public hearing notice, the publication was in order. Inadvertently the adjoiner notice, rather than the public hearing notice, was posted on site and that doesn't comply with the law.

My recommendation to the Board, to make sure that we don't have a jurisdictional problem, is to hold the public hearing tonight, announce that you're going to continue the public hearing to whatever date you choose, ask the applicant or

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WILLIAM NOBLE

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the applicant's representative to take a copy of the public hearing notice and in pen at the bottom put "Continued to" and whatever date you choose, post that on the site, take a picture of it, deliver it to the Town Hall and then we can conclude the public hearing on that night and take action then.

MR. BROWNE: Thank you, Mike.

CHAIRMAN EWASUTYN: For the record, I'll ask the Board to continue the public hearing until the 16th of May.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. Thank you.

MR. BROWNE: With that I would ask Ken

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WILLIAM NOBLE

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Mennerich to read the notice of hearing, and since Mike has already mentioned the other items were already in order, I think that will constitute that portion.

CHAIRMAN EWASUTYN: Steve, if you would give your presentation please. Oh, I'm sorry.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of William Noble Subdivision, project 2012-27, for a three-lot subdivision and lot line change. The applicant proposes a three-lot subdivision with one existing home on a 24.14 acre parcel at 409 Quaker Street, located in the AR Zoning District. Two new lots will be accessed from a common driveway with one of the new lots housing an existing cell tower. There is no work proposed for the cell tower at this time. On premises 409 Quaker Street in the Town of Newburgh, designated on Town tax map as Section 11, Block 1, Lot 143.0. Said hearing will be held on the 2nd day

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WILLIAM NOBLE

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of May 2013 at the Town Hall Meeting Room, 1496
Route 300, Newburgh, New York at 7 p.m. at which
time all interested persons will be given an
opportunity to be heard. By order of the Town of
Newburgh Planning Board. John P. Ewasutyn,
Chairman, Planning Board Town of Newburgh. Dated
April 9, 2013."

CHAIRMAN EWASUTYN: Thank you. Okay,
Steve.

MR. BURNS: Good evening, everyone. My
name is Steve Burns, I'm a representative of
Barger and Miller and I represent William Noble,
the landowner.

The subdivision is, as Ken just said,
the subdivision of a 24.14 acre parcel. It's
also a lot line realignment. 1.38 acres will go
to the property to the north, Barbedo and Rios,
and two new lots will be formed. The largest lot
is the lot with the existing house. The two rear
lots are the new lots with proposed houses
serviced by wells and septics. Lot number 3 will
house the existing cell tower. There's also an
easement that goes over the three -- over the
three lots that provides for access and the

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WILLIAM NOBLE

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equipment to get back to the cell phone tower.

CHAIRMAN EWASUTYN: At this point we'll open the public hearing to the public. Is there anyone here this evening that has any questions or comments on the three-lot subdivision for the Lands of Noble?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this point we'll turn to our consultants for their comments. Bryant Cocks, Planning Consultant?

MR. COCKS: My only outstanding comment is the need to demonstrate the 10,000 square foot buildable area requirement, Section 185-48.58. Both lots have the required amount of area, it just needs to be shown on the plan as either a shaded area or just a separate box from the building envelop.

Other than that, I have no additional comments.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have some comments on the septic systems that were provided. There are standard notes the Town requires be put on the

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WILLIAM NOBLE

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plans. We can provide them to your office.

The septic field for lot 2 identifies a syphon chamber. It's less than 500 linear feet of required, so that can go away.

The trench detail has a 60 inch minimum between impervious or bedrock. It needs to be 24.

We're just requesting a note any change in grade of the area of septic fields will require reapproval. There's activity going on out there. We want to make sure it doesn't impact the fields. That's it.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I have no comments.

MR. MENNERICH: Nothing.

MR. BROWNE: Nothing additional.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: So you'll go out and repost the property?

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WILLIAM NOBLE

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MR. BURNS: Yes, I will.

CHAIRMAN EWASUTYN: Mike, should there be an affidavit associated with that?

MR. DONNELLY: I don't think there's an affidavit of posting. There's a requirement of a photograph.

MR. BURNS: There is.

MR. DONNELLY: There should be an affidavit as well.

MR. MENNERICH: Should they change this? Bryant, the reason I was stumbling over reading this is there's been a typo in there where --

MR. COCKS: I'll double check it.

CHAIRMAN EWASUTYN: Bryant Cocks will e-mail you the notice.

MR. BURNS: Okay. A new notice; right?

CHAIRMAN EWASUTYN: Right.

MR. BURNS: I'll get those out there either -- probably Monday at the latest.

CHAIRMAN EWASUTYN: That's fine.
That's fine.

MR. BURNS: Okay. Thank you.

(Time noted: 7:08 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: May 21, 2013

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

----- X

In the Matter of

JPJR HOLDINGS, LLC
(2011-19)

Rockwood Drive, Route 32 & Chestnut Drive
Section 75; Block 1; Lot 36.2
R-3/B Zone

----- X

CONCEPTUAL ELEVEN-LOT SUBDIVISION

Date: May 2, 2013
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
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: JOHN BODENDORF

----- X

MICHELLE L. CONERO
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(845)895-3018

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MR. BROWNE: Our next item of business is JPJR Holdings, LLC, project number 2011-19. This is a conceptual eleven-lot subdivision at Rockwood Drive, Route 32, Chestnut Drive, being presented by Michael Bodendorf.

MR. BODENDORF: John.

Good evening. I'm John Bodendorf of Hudson Land Design here on behalf of the applicant.

The project is a proposed eleven-lot residential subdivision. The property has frontage on Rockwood Drive, Chestnut Lane and Route 32.

If you recall, the last time we were before this Board with this project back in the fall of 2011, the portion of the property that is closest to Route 32 was located in the B Zoning District. Since that time we pursued and secured a zoning change for that portion, so the entire property is now zoned R-3, and that's why we're back here, to pursue the subdivision process.

We've also, since that time, advanced the plans to a point where I believe it's ready for some public input through the public hearing

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process.

I did receive comments from your Planning Consultant and I do have a couple of things I want to clarify, but I'll wait for their reports.

That's essentially where we're at.

CHAIRMAN EWASUTYN: All right. At this point I'm going to turn to our consultants. Jerry Canfield?

MR. CANFIELD: I have nothing additional than the other comments from the other consultants. We did discuss, because it's eleven lots, it's over the ten-lot threshold which makes it subject to the ARB requirement which is up to the Board's discretion.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We were awaiting submission of the stormwater management plan.

We do have some comments. The project proposes a single stormwater management basin at the intersection of Rockwood and Chestnut. It's on one of the residential lots and not proposed right now to be on the drainage district owned

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and maintained lot which is -- it's a requirement of the Town for those. So you need to contact Jim Osborne's office to make sure that the Town will accept that. They have in the past under certain circumstances.

MR. BODENDORF: Yes. I've initiated -- I had a meeting with Jim recently to discuss that and he did mention that that would most likely be the route that they would want to take with it.

MR. HINES: A drainage district?

MR. BODENDORF: Yes.

MR. HINES: Is that lot able to carve that piece of land off?

MR. BODENDORF: Yes. And I guess before I address that specifically, one of the other things he mentioned, we're showing on a lot of these lots, fifty-foot flag poles I guess, and he mentioned that we could go down to twenty-five on those if we wanted to. I couldn't find that in the code anywhere but I just wanted to confirm that that is okay, because then we can open up some of the smaller lots and provide a little more area down on that lot for the stormwater.

MR. HINES: We have allowed that in the

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past under Town Law 280-A. That is sufficient access to a lot.

MR. BODENDORF: Okay. We don't necessarily have to do it for them all. I just wanted to know if that was an option.

MR. HINES: We'll need common driveway access and maintenance notes acceptable to Mike Donnelly's office.

There's an area not on the map you have before you but on the existing conditions plan that shows area underwater on lots 7, 8 and the adjoining parcel.

MR. BODENDORF: Yes.

MR. HINES: I'm just wonder -- we'll be looking to review that during the drainage analysis.

MR. BODENDORF: Yes.

MR. HINES: I'm just concerned about the impacts to the adjoining property, filling that in and where that water is going to go.

MR. BODENDORF: Right. I think with -- when you see our SWPPP and our drainage report, you'll understand the concept there. But yes, we understand we have to address that.

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MR. HINES: We just noted that the water and sewer notes we requested are on there.

Our last comment has to do with what we discussed already, the ownership of the detention pond, but also it looks like you're tying into the drainage system for, I think it's the furniture store.

MR. BODENDORF: Ethan Allen. Yes.

MR. HINES: Is that their drainage system or is that municipally owned? It looks like it's well into their lot.

MR. BODENDORF: It's their system. They owned the -- I guess they owned this property prior to my client acquiring it. I don't know if when this was -- this piece was cut out, if it was a Town request or a DOT request but that basin they put in there was put right on the property line with the thought that at some point they would need to service this piece. We've had conversations with them to let them know that we intend to tie into it and they said -- they verbally said okay, we understand. We're probably going to have to get some kind of written agreement from them.

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MR. HINES: Yes. Okay. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: My first comment is just for the bulk table to be shown, the full setback dimensions and not just the minimum required.

Also, the minimum buildable area requirement should be shown on the bulk table and demonstrated on either the grading plan or, if that's too busy, on the regular subdivision plan.

MR. BODENDORF: Yeah, we have it on there. It's probably just hard to decipher with the setback lines. We'll do something different, shade it or something like that.

MR. COCKS: Okay. I was asking for foundation staking notes just because there's a couple of houses that are right on the setback line. We just want to ensure there's not a violation while they're being constructed.

A common driveway access and maintenance agreement for all the lots that have common driveways.

As you mentioned, the landscape plan

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and the tree protection plan.

There's also the requirement for street trees, which is one every forty feet. I know there's going to be grading in front. I thought you might be able to save them but it looks like you probably have to install a couple up front.

MR. BODENDORF: Yeah.

MR. COCKS: Since this is a major subdivision, we will need to declare our intent for lead agency to get it out to the Orange County Health Department, Planning Department and the Town of Newburgh Fire, Ambulance, Highway and Water Departments, and also the City of Newburgh for sewage flow approval.

We will have to send out the adjoiner notice, so I'll request a mailing list from the assessor and provide you with the adjoining notice before the public hearing goes out. That's part of that new law that we just discussed.

MR. BODENDORF: So that's the first step before a public hearing can actually be scheduled?

MR. COCKS: Yes.

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MR. DONNELLY: Actually, the first step is lead agency notice of intent.

CHAIRMAN EWASUTYN: And declaring conceptual approval.

MR. COCKS: I think he meant for the public hearing notice. This is the first part of this public hearing notice. You have to send the adjainer notice out first so everyone is aware of the project.

MR. BODENDORF: Sure.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: With the ARB review, I think we should have it because it's a residential and you're building right in another residential area. We'll make sure it's all conforming to the neighborhood itself.

MR. BODENDORF: Yeah. I don't disagree with you. The idea is to build homes here that are going to fit the character of the existing neighborhood.

MR. WARD: I'm sure at the public hearing people want to see it, too.

MR. BODENDORF: Sure.

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CHAIRMAN EWASUTYN: Okay. Tom Fogarty?

MR. FOGARTY: This is in an R-3 Zone.

Can you just briefly talk about the type of homes that you're going to be developing, how big they are?

MR. BODENDORF: They're going -- there are certainly no plans to build McMansions here. This is in an established neighborhood. They want to do something similar that's not going to stick out like a sore thumb. It will most likely be your three-bedroom type home. As far as the square footage goes, I can't tell you that for certain but I would imagine in the 2,000 to 2,500 square foot range. Somewhere around there.

MR. FOGARTY: Good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Continuing on the ARB, in the past I think we've had like the applicant will show us several different styles that will be possibly used and then Jerry's office usually takes the responsibility to make sure that they're mixed up, not all the same thing.

MR. BODENDORF: I don't see that as an issue.

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Just regarding the ARB, are there like written requirements how we should address that or is it just come in with samples and typical elevations and that kind of thing?

CHAIRMAN EWASUTYN: I think in a general context what we're looking for and what Ken was saying is to avoid a cookie cutter pattern. So if you come in with two or three examples of what you're looking to build, and when it comes time eventually for the issuing of building permits, the building department does the checks and balances to see that it's being build in a harmonious way.

MR. DONNELLY: There are no particular guidelines or architectural requirements.

MR. BODENDORF: When should we expect to have that information available for review? At the time of the public hearing or --

MR. DONNELLY: Yes.

MR. BODENDORF: Okay.

CHAIRMAN EWASUTYN: Cliff?

MR. BROWNE: Nothing.

MR. GALLI: Just on all your sheets except for sheet 1, sheets 2 through 8 under

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owner's consent, the filing of the plan in the office of the clerk of Dutchess County. You have to change that to Orange County. You did it on sheet 1.

MR. BODENDORF: Oops. Thank you for picking that up.

CHAIRMAN EWASUTYN: So I'll move for a motion to grant conceptual approval, to call for lead agency and the circulation to the Orange County Planning Department, Bryant?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: If you'll get copies of the plans to Bryant Cocks, he'll circulate to the Orange County Planning Department.

MR. WARD: So moved.

MR. BODENDORF: How many copies do you need?

MR. COCKS: Just one.

CHAIRMAN EWASUTYN: I have a motion by John Ward.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: A second by Tom Fogarty. I'll ask for a roll call vote starting

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with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

MR. BODENDORF: Can I ask one other
question before we --

CHAIRMAN EWASUTYN: We never answered
that question. You want to meet with Pat Hines?

MR. BODENDORF: Yeah. In Mr. Cocks'
letter he mentions I guess that's typically done
at a scheduled workshop meeting. Is there any
way we can do it ahead of that, because it really
-- really what we want to discuss in that meeting
is not so much our design. What we have here we
know will work for our site. There are really
some off-site issues. If you're familiar with
this area, there's no drainage in that original
part of the subdivision and there's a lot of
stormwater that comes down toward Rockwood Drive.

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We have some ideas on how to alleviate some of that.

CHAIRMAN EWASUTYN: Can I make a suggestion then? Pat, do you want to make arrangements with you and Jim Osborne possibly to meet?

MR. HINES: We can do that. Just contact my office and we'll meet.

CHAIRMAN EWASUTYN: I'll move for a motion that the Planning Board grant approval for Pat Hines and Jim Osborne to meet to review the drainage items associated with the project.

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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

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MR. BODENDORF: Great. Thank you very
much.

(Time noted: 7:20 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: May 21, 2013

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

----- X

In the Matter of

HICKORY HILL SUBDIVISION
(2011-17)

Hickory Hill Road
Section 47; Block 1; Lot 64.22
R-1 Zone

----- X

FIVE-LOT SUBDIVISION

Date: May 2, 2013
Time: 7:20 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
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
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MR. BROWNE: Our next item of business is Hickory Hill Subdivision, project number 2011-17. This is a six-lot subdivision being presented by Charles Brown.

MR. BROWN: It's actually only a five-lot subdivision, four lots plus the balance.

Since we were last here before the Board, we've provided the septic, we submitted the SWPPP, adjusted the lots and completed the grading and everything else to bring the plan up to conformance with the subdivision requirements.

We're here for review and hopefully to move forward with the project.

CHAIRMAN EWASUTYN: All right. We'll start with Bryant Cocks, Planning Consultant.

MR. COCKS: Sure. Lot 2 in the bulk table, the lot depth is shown at 148 feet. The lot meets it now, I just don't think it was changed in the bulk table. If you can just revise that.

MR. BROWN: Right.

MR. COCKS: The 10,000 square foot buildable area requirement should be shown on the grading plan, or if it's too busy you can put it

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on the regular subdivision plan.

MR. BROWN: We'll put it on the overall sheet. It is too busy on the grading plan.

MR. COCKS: The Planning Department did issue a Local determination on January 24th. They had a couple comments, one was concerning the separation distance of the septic expansion area and the wetlands being less than 100 feet, but it looks like on the new plans it's shown above that 100 foot requirement so I think that's been met.

MR. BROWN: I checked that. We are actually a little bit closer to the 100 feet to this tab of wetland that comes up. By the way, Mike Nowicki was out there and confirmed the wetland boundaries. That will be on the next submission.

The little tab there, we could fill in enough of that and still be under the tenth of an acre and maintain the 100-foot setback, so we'll do that.

MR. HINES: If it's not surface water, if it's just Federal wetland --

MR. BROWN: There's no standing water

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there.

MR. HINES: You may be okay. Just take a look at that.

MR. BROWN: You know, I just looked again as we talked the other day, the new whatever it's called, the Green book for the Health Department regs, they're actually vague. They say wetland as delineated by New York State or any other authority. Now, it wasn't delineated by an authority but it is a fairly recognized wetland based upon what Mike Nowicki tells me. Again, just to avoid any controversy with it we'll show it in that tab there. There is no standing water.

MR. COCKS: We will need an approval letter from the highway superintendent for the one driveway location.

We'll also need building approval from the Town Board for that private drive.

We did discuss the public hearing requirements on the phone. The first available date wouldn't be May 16th, it would probably be June 6th.

MR. BROWN: I was going to tell you

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there's no way I can -- with what I'm dealing
with --

MR. COCKS: June 6th would be the next
day.

MR. BROWN: I appreciate that.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: The ownership and operation
and maintenance of the detention pond is an
issue. With a small subdivision like this with a
private road, we would recommend that be tied
into the private road access or maintenance
agreement.

MR. BROWN: We'll do that the way we
typically do.

MR. HINES: We're just suggesting a
small micro pool for water quality. I explained
to the Board at work session that this is
triggered by the Town of Newburgh's regulations,
not the DEC's regulations. Because of the
construction of the private roadway it requires
water quantity and quality control. With that
addition, the stormwater management plan would be
acceptable.

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MR. BROWN: Okay.

MR. HINES: There's a clean-up item.

On the 203 foot separation between the RECAP lot septic and the well for lot 2, that is downgradient. It meets it, it's 203.

MR. BROWN: I put that as 100 because it actually intercepts anything that comes from that septic.

MR. HINES: You'll need it. It's downgradient. If someone questions it --

MR. BROWN: I'll change that.

MR. HINES: Label the separation of the proposed well on lot 1.

The septic system, that's also downgradient. It looks like it meets it.

MR. BROWN: It's about 220 feet.

MR. HINES: The private road detail, it reads a little strange when you look at it. It's a double surface oil and chip on top of the required asphalt.

MR. BROWN: Okay.

MR. HINES: It has that and says type 3 double surface treatment. It's the type 3 asphalt and then a double surface treatment after

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that.

MR. BROWN: Okay.

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Just one additional item, Charlie. On the road we'll need a road name submitted.

MR. BROWN: I'll meet with -- again, you still take three names and work it that way?

MR. CANFIELD: It needs to be submitted to the Town Clerk and they'll send it to the Town Board.

MR. BROWN: First, second, third choice.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

MR. FOGARTY: Pat, how far does the lot line have to be from the wetland? Is there a guideline?

MR. HINES: The lot line doesn't. We're talking about the septic system needs to be 100 feet from the wetland. The wetlands and lot lines don't have anything to do with each other. You can run them right through.

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MR. FOGARTY: Are you concerned about, what was it, lot number 4? Is that the one that was --

MR. HINES: Lot 2 was the separation issue. It meets it, it's just Mr. Brown said it's 100 foot separation because there's a swale intercepting the drainage, but it's downgradient.

MR. BROWN: I think he's talking about the wetland separation.

MR. FOGARTY: Yeah, the wetland separation.

MR. BROWN: Lot 4. We've done work in Ulster County quite a bit with the Health Department and they review every septic for every lot. Their interpretation -- again, I'm not saying that you should follow their pattern. Their interpretation is if there's standing water in the Federal wetland, then they want the 100 feet. If it's just wet because of the slopes. If it's federal wetland and it doesn't have standing water, they'll let you go pretty much right up to it.

MR. HINES: The reason is the Federal wetlands can meet the wetland requirements.

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There's three requirements, wetland soils, map soils, wetland plants, a certain list of species, and then wetland hydrology. The wetland hydrology only needs to be saturated within 18 inches of the surface for two weeks out of the growing season. You could conceivably walk across that wetland and not get wet because the wetland hydrology is supported by groundwater within 18 inches of the surface. Sometimes what's delineated as Federal wetlands often doesn't look or have the characteristic of what -- you're not -- there's not surface water there, which is why often times I tell the engineers to take a look at it, is it really wet. We're talking about a couple feet here.

MR. BROWN: If it's a State wetland it's definitely 100 feet.

MR. HINES: Yeah.

MR. BROWN: Everything has to be 100 foot.

MR. FOGARTY: Is the septic for that house going to be close to that wetland?

MR. HINES: It's close to the 100-foot separation. In other words, there's 100-foot

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separation shown and it's close to that. It's the expansion area I believe, not the septic area.

MR. BROWN: Correct. We are allowed to fill in a tenth of an acre of Federal wetlands without any extensive permitting. We can just show that on this plan and meet that 100 feet, if that's a concern of yours. That's what I mentioned to Pat earlier.

CHAIRMAN EWASUTYN: That wasn't your concern. It's the proximity?

MR. FOGARTY: It's the proximity. Right.

MR. HINES: Again, it's 100 feet away.

MR. FOGARTY: As long as you say it meets it, that's fine.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: Nothing.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to declare a negative declaration and to schedule the 6th of June for a public hearing.

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HICKORY HILL SUBDIVISION

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried. Thank you.

MR. BROWN: Thank you very much. Have a good night.

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

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

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DATED: May 21, 2013

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

----- X
In the Matter of

ELM FARM SUBDIVISION
(2000-09)

Request for a Six-Month Extension of
Preliminary Approval

----- X

BOARD BUSINESS

Date: May 2, 2013
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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MR. BROWNE: We have one item of Board Business this evening, Elm Farm Subdivision, project number 2000-09. The applicant is requesting a six-month extension of preliminary approval which would run from May 1, 2013 to November 1, 2013.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. FOGARTY: So moved.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. Do I have a second?

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point I would like to move for a motion to close the Planning Board meeting of

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the 2nd of May.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:32 p.m.)

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

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DATED: May 21, 2013