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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

SUBDIVISION FOR ANTHONY TARSIO  
(2004-77)  
  
Dewey Drive  
Section 101; Block 6; Numerous Lots  
R-2 Zone  
----- X

AMENDED SUBDIVISION

Date: May 7, 2015  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHRISTOPHER CERONE

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

MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of May 7, 2015.

At this time I'll ask for a roll call starting with Ken Mennerich.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. DOMINICK: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matter of importance, including the State Environmental Quality Review Act, otherwise known as SEQRA, issues.

I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,

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SUBDIVISION FOR ANTHONY TARSIO

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Hauser & Edsall Consulting Engineers.

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

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones  
or on vibrate. Thank you.

MR. PROFACI: The first item on  
tonight's agenda is the subdivision for Anthony  
Tarsio. It's project 2004-77. It's an amended  
subdivision located at Dewey Drive, Section 101,  
Block 6, numerous lots, it's in the R-2 Zone and  
it's being represented by Mercurio, Norton,  
Tarolli & Marshall.

MR. CERONE: I'm here from Local 17.

CHAIRMAN EWASUTYN: Can you introduce  
yourself?

MR. CERONE: Chris Cerone.

CHAIRMAN EWASUTYN: Chris, do you want to  
give us a broad overview of what you're hoping to  
accomplish?

MR. CERONE: What we're seeking is an  
amendment to the landscaping plan for the

subdivision. Local 17 purchased the property from the lands of Tarsio, the Tarsio family, and we are changing some things.

We're removing street trees. We are asking that the street trees be removed along Dewey as they're within the Town right-of-way. We had spoken to the town highway superintendent. He didn't desire them there as well.

There was a proposed chain link fence along Dewey. We made an agreement with the church to have that removed.

The retention pond plantings have also been removed. In lieu of that we recommended or are suggesting foundation plantings along each house and trees that could be maintained by the homeowner instead of being within the Town's right-of-way and having the Town have to maintain them.

Also, if you're familiar with this area, there's a lot of rock all through here. Because of that we had to put the utilities along Dewey and around here. So the trees that were proposed would actually be in the utility easement, which we don't want either.

1                   The retention pond is complete. The  
2  
3                   proposed fence that was there has been replaced  
4                   by vinyl chain link. It's maintenance free. It  
5                   was originally proposed as split rail wood. We  
6                   went with chain link so it would be maintenance  
7                   free and stand up to anything. That's all  
8                   completed.

9                   Grass has been planted. It's stable.  
10                  Basically that is what we're requesting  
11                  at this time for your consideration.

12                 CHAIRMAN EWASUTYN: Thank you, Chris.  
13                         Comments or questions from Board  
14                         Members?

15                         (No response.)

16                 CHAIRMAN EWASUTYN: Pat Hines, Jerry  
17                         Canfield?

18                 MR. HINES: We don't have any  
19                         outstanding comments. Our first comment just  
20                         repeats what Mr. Cerone had just said. There's  
21                         going to be proposed two trees of the street tree  
22                         size, the two-and-a-half inch caliber, and six  
23                         shrubs put on each lot in lieu of the one per  
24                         forty foot required throughout the subdivision.

25                         This subdivision has quite a history.

1 It was started and stopped, there was some  
2 financial difficulties with it. I know the union  
3 hall had a potential buyer looking at it, and the  
4 number of street trees actually was an issue with  
5 the purchase of the site. Because of the long  
6 amount -- long roadway that came in off of Old  
7 Little Britain Road, it required a substantial  
8 number of trees. The flagpole to the parent  
9 parcel back there was only fifty feet wide. Your  
10 regulations require the street trees be outside  
11 the right-of-way. So really between the grading,  
12 the rock and the right-of-way, there was no place  
13 to put those trees.  
14

15 The other issue -- the stormwater  
16 detention pond was constructed. It originally  
17 had the split rail fence with the black vinyl  
18 coated fence on the split rail. It was built of  
19 conventional vinyl coated chain link. It looks  
20 okay in the field. It's been there for probably  
21 eight years now. It's grown. It looks like it  
22 fits in. It doesn't look bad at all. It's in.  
23 The people buying the houses will be aware of  
24 what it looks like now. It not something where  
25 they're going to buy their house and expect

1 something different there. It's there to be  
2 seen.  
3

4 As we discussed at work session, the  
5 project is really here before you for a local  
6 approval to the file, the amended resolution,  
7 taking out the requirement for the street trees,  
8 the fence along the access drive and the fence at  
9 the detention pond.

10 There's no need to re-file the  
11 subdivision map. It doesn't change any of the  
12 lot layout or subdivision plans or designs. It  
13 will just follow through with the approvals. It  
14 will help Jerry's office when they do final  
15 checks and issue COs and such, that there will be  
16 a map in the file depicting the changes.

17 That's all we have.

18 CHAIRMAN EWASUTYN: Jerry, do you have  
19 anything to add?

20 MR. CANFIELD: Nothing. I have no  
21 issue with it.

22 As Pat discussed, we had met at a work  
23 session regarding this. We can handle it as an  
24 administrative change that my department can  
25 oversee upon issuance of C of Os.

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I have no issue with it.

CHAIRMAN EWASUTYN: Mike, do you have language for a local amended resolution that you'll give us?

MR. DONNELLY: We can do that, or you can resolve to make it a field change. Do you want to -- in the past we've just authorized it as a field change based upon the minutes.

MR. HINES: I want to have a document.

MR. CANFIELD: Could we reword the resolution?

MR. DONNELLY: Sure. I can take the resolution. We have a new plan set. I'll reference the new plan set.

MR. HINES: It's not a whole plan set, it's just one sheet that shows the changes.

MR. DONNELLY: So the resolution can carry forth all of the conditions of the last resolution and allow the changes shown on the plan.

MR. HINES: I think it will create a paper trail, in case three years from now -- the project has a long history already. Hopefully it will move forward now.



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SUBDIVISION FOR ANTHONY TARSIO

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MR. CERONE: I hope I'm not involved in  
it three years from now.

CHAIRMAN EWASUTYN: I'll move for a  
motion to accept the local amended resolution to  
be prepared by our Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
John Ward. I have a second by -- Joe Profaci was  
it?

MR. PROFACI: Mm'hm'.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. The motion is  
carried.

Thank you, sir.

MR. CERONE: Thank you, guys. I  
appreciate it very much.

(Time noted: 7:06 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 22, 2015

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

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In the Matter of

DUNKIN DONUTS  
(2014-02)

301 New York State Route 32  
Section 14; Block 1; Lot 43  
IB Zone

- - - - - X

SITE PLAN

Date: May 7, 2015  
Time: 7:06 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA

- - - - - X

MICHELLE L. CONERO  
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DUNKIN DONUTS

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MR. PROFACI: The next item on tonight's agenda is Dunkin Donuts, project 2014-02. It is a site plan located at 301 New York State Route 32, Section 14, Block 1, Lot 43. It's in the IB Zone and it's being represented by Joseph Minuta.

MR. MINUTA: Good evening, Members of the Board. Joseph Minuta, Minuta Architecture. Thank you for seeing us this evening.

We're here tonight in hopes to seek final approval for the site plan. We had reviewed the comments of the last meeting and addressed them to the best of our ability. We believe they're complete. I'm not sure what you're asking for this evening as far as if you would like me to explain the project in full or are we to the level of understanding?

CHAIRMAN EWASUTYN: Let me ask the Board Members if they have any questions. Ken Mennerich? Do you want to think it through?

MR. MENNERICH: I don't have any questions at this point.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I don't have any

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DUNKIN DONUTS

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questions.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Not at this time.

CHAIRMAN EWASUTYN: Ken Wersted, our Traffic Consultant, he can't be here this evening but he wanted it to be stated on the record that he looked at the supplement that they supplied him with for the traffic studies based upon the locations that the owner has and he was satisfied with that information.

The only other thing he said in reference is the thirteen parking spaces, he hopes that there's enough parking spaces to accommodate the potential volume that may be at the site since it doesn't have a drive-through or a lane. So I'll make that part of the record.

Pat Hines, Jerry Canfield?

MR. HINES: The applicant, pursuant to our previous comments, has provided an engineered report on the subsurface sanitary disposal system. It appears they found the original

design information. That engineering report proves out that the existing system is adequate for the proposed hydraulic loading.

A DOT permit is outstanding. We haven't heard from DOT I don't believe yet. We do need an indication from them that that access drive is acceptable for this use.

The breaks in the landscape wall from the court to allow pedestrian traffic and the breaks requested by the jurisdictional fire department have been provided.

A timber guide rail was added based on the concern for the parking on, I believe it was the west side of the site. That's been added.

Two procedural matters. We did not receive the set of plans to send to County Planning that were requested at the last meeting, so we need a set of plans to do the County Planning referral.

Then the Board needs to determine whether it's going to hold a public hearing on the project or not.

MR. DONNELLY: You voted to waive that in March.

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DUNKIN DONUTS

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MR. HINES: So unfortunately, because of the County Planning circulation, I don't think we can take action tonight. County Planning and the DOT are the two outstanding items that we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: One question. Joe, the plans that went to the Zoning Board and these plans tonight are slightly different. There's a revision. I noticed that the building height, although it's not an impact, but it has increased a couple feet. Do you have a reason for that? Are you looking for larger ceiling heights or --

MR. MINUTA: We did that to accommodate the RTUs so that they're screened properly.

MR. CANFIELD: Will they be shielded?

MR. MINUTA: Well, shielded in what sense?

MR. HINES: Screened.

MR. CANFIELD: Screened.

MR. MINUTA: Yes. They'll be screened by the parapet wall. That's why we decided to raise that wall.

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DUNKIN DONUTS

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MR. CANFIELD: So it's not actually the building, it's just a parapet to --

MR. MINUTA: Just to screen the RTUs.

MR. CANFIELD: Very good. Thank you.

MR. MINUTA: Yes.

CHAIRMAN EWASUTYN: We do have to circulate?

MR. DONNELLY: We had resolved to do that last month but I guess there weren't any plans to send.

CHAIRMAN EWASUTYN: So we can't actually act on it. I think where we left off at the last meeting, your representative that was with you, it was suggested to him to supply plans to Pat Hines.

UNIDENTIFIED SPEAKER: I didn't remember that.

CHAIRMAN EWASUTYN: It was part of the minutes, the last few paragraphs or so.

MR. HINES: Normally when I receive those, that triggers me to send them out. Earlier in the week I saw -- when I was doing these comments I saw we didn't get those.

MR. MINUTA: If I may. New York State



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DUNKIN DONUTS

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DOT, do you also need plans for that?

MR. HINES: Ken Wersted is doing that I believe.

MR. MINUTA: Very well. We'll get those plans to you. Would you like me to send them direct?

CHAIRMAN EWASUTYN: Pat Hines will coordinate with the County.

MR. MINUTA: Thank you.

MR. HINES: I just need a complete application packet, the EAF, the application and the plans as they're updated.

MR. MINUTA: Yes. Absolutely. I'm happy to do that.

Pending that, and if there are no other questions, I would request conditional approval based on County Planning's approval, if that's okay.

MR. DONNELLY: We don't have jurisdiction until the County acts.

MR. HINES: It's up to the Board, but it could be scheduled as a Board Business item as soon as we receive that.

CHAIRMAN EWASUTYN: The meeting after

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the 21st, what's the date of that meeting?

MR. HINES: June 4th.

CHAIRMAN EWASUTYN: It's pretty close.  
We'll set it up for a Board Business item on the  
4th of June.

MR. MINUTA: Thank you.

CHAIRMAN EWASUTYN: By that time we  
should have a letter back from the County.

MR. DONNELLY: In terms of financial  
security, just so I have the resolution, a  
landscaping security. Any others?

MR. HINES: No. There's no other  
security. There's no stormwater. The site has  
actually a little less impervious surface, so  
that's not an issue.

MR. MENNERICH: Joe, what is your  
timeframe that you expect to hear from the DOT on  
the access?

MR. MINUTA: We expect to hear from  
them? I was not circulating to DOT.

MR. HINES: They haven't seen this yet  
other than what Ken Wersted was working with them  
with?

MR. MINUTA: Correct.

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DUNKIN DONUTS

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MR. HINES: I'm assuming Ken is working with them. He may not. We'll follow up on that.

CHAIRMAN EWASUTYN: Why don't you touch base with Ken.

MR. HINES: I'll work with Ken.

CHAIRMAN EWASUTYN: Whatever we need, we'll contact you.

MR. DONNELLY: This also requires ARB. You may want to do that while he's here.

MR. MINUTA: For the record on that, with regard to DOT, Zibby Zachariah did see this plan a year or so ago. It's changed since then. It would be adequate for her to review that again.

CHAIRMAN EWASUTYN: Do you want to do ARB this evening or do you want to set this up for a final site plan approval on the 4th and we'll do ARB?

MR. MINUTA: I'm happy to do ARB this evening.

CHAIRMAN EWASUTYN: Why don't we do it while we have you here.

MR. MINUTA: Very well. The project is a standard Dunkin Donuts prototype. The colors

and materials have been called out on the plans.

The main entrance will be toward the front facing Route 32. This would be the side facing the courthouse. This would be the side facing Route 300. This faces toward the rear of the property.

To the extent that architectural review is of significance, we're looking at fiber clapboard that's painted. It's fiber.

We also have storefront framing, insulated glass tempered. It's going to be bronzed in a nice finish.

The monolith in front, which is this piece here, this is a graduated color scheme which is in compliance with Dunkin Donuts' color scheme for this project.

Lighting fixtures. Standard lighting fixtures as specified by Dunkin. Painted metal copings with the colors specified here. Sherwin Williams colors, bittersweet and so forth with other portions of this.

There's not a lot to say about that other than it meets the prototype standard.

CHAIRMAN EWASUTYN: Questions from

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DUNKIN DONUTS

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Board Members?

MR. PROFACI: Do you have anything in  
color?

MR. MINUTA: I do not at this moment.  
I can certainly provide that.

MR. PROFACI: I'd like to see it.

MR. MENNERICH: Are they still using  
the orange and tan combination or has it changed?

MR. MINUTA: It's a graduated tan to a  
darker brown color.

CHAIRMAN EWASUTYN: Why don't we do  
this. Why don't we, on June 4th, memorialize the  
final site plan with colored renderings and we'll  
act on that also.

MR. MINUTA: Wonderful. Thank you.

CHAIRMAN EWASUTYN: We'll all be  
prepared for what we're doing.

MR. MINUTA: For the next meeting, is  
it okay just to submit the color renderings for  
that other than the whole --

CHAIRMAN EWASUTYN: Yes.

MR. PROFACI: I just want to see the  
colors in general.

MR. MINUTA: Thank you very much.

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(Time noted: 7:15 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.

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DATED: May 22, 2015

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

MAVIS/MIXED USE  
(2015-03)  
  
1413 Union Avenue  
Section 60; Block 3; Lot 40.2  
IB Zone  
----- X

SITE PLAN

Date: May 7, 2015  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ROBERT OSTERHOUDT

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

MR. PROFACI: The next item is Mavis/Mixed Use, project 2015-03. It is a site plan located at 1413 Union Avenue, Section 60, Block 3, Lot 40.2. It is located in the IB Zone, being represented by Bohler Engineering.

MR. OSTERHOUDT: Good evening. My name is Robert Osterhoudt with Bohler Engineering, representing Rhinebeck Realty and Mavis with the application before the Board.

We were last before the Board back on February 19th presenting the initial application to the Board. At that time there were a few items that required relief from the Zoning Board of Appeals. The referral was granted by the Planning Board. We applied to the Zoning Board for their March meeting, attended that meeting, presented the application for two, not three variances as the Planning Board had referred us for. What we had done is in the meantime, after we attended the Planning Board meeting and prior to submitting to the Zoning Board, we looked at the plan and evaluated the variance requests that we were going to have to apply for. One of the variances was for the 60 foot setback along Union



1 Avenue. We wound up revising the plan to push  
2 the building and the development back on the site  
3 in order to get the 60 foot setback along the  
4 front, thereby eliminating that variance.  
5

6 What we did was we applied for the two  
7 variances with the Zoning Board, one variance for  
8 the 18 foot wide rear access drive out to the  
9 mall road and the other being for the shopping  
10 center use on the three-acre parcel.

11 At the March Zoning Board meeting the  
12 Board would have taken action, however they did  
13 not have their County referral back from the 239  
14 referral, so they pushed the decision off until  
15 April. We appeared before the Board again in  
16 April and secured those two variances.

17 At this point what we intended to do  
18 was to come back in front of the Planning Board  
19 to talk about the changes that we made in order  
20 to go to the Zoning Board, the variances that we  
21 secured from the Zoning Board, and to talk about  
22 some other items with the plan that we got here  
23 so that before we make another detailed or more  
24 detailed submission to the Planning Board with  
25 creating the landscaping and all that type of

1 information, we can talk through where we are  
2 with the project and get some feedback from the  
3 Board so that we can get going on those detailed  
4 plans and be back in front of the Board in the  
5 near future.  
6

7 What I wanted to bring up before I get  
8 too far in here is my client, Michael Mannis who  
9 was at the last Planning Board meeting, was on  
10 his way to the meeting tonight. Unfortunately he  
11 got tied up in traffic. There's a very bad  
12 incident on the Newburgh-Beacon Bridge. He got  
13 caught up in that and was unfortunately not able  
14 to make it this evening. He sends his regrets.  
15 He will be here in the future as well.

16 One thing that we wanted to go over  
17 with everyone, as I mentioned we pushed the  
18 building and the development back on the site  
19 here to get the 60 foot setback on the front  
20 buildings here.

21 Another provision that we've added in  
22 to the plan here is with the parking in the front  
23 yard. We know that's discouraged in the Town.  
24 We introduced some stonewall treatments along the  
25 frontage here to help buffer the parking that we

1 are proposing in the front yard. So we wanted to  
2 talk about that with the Board and see if that  
3 was amenable to the Board, if the Board was  
4 agreeable to that provision.

5 We've also got landscape buffer items  
6 that we wanted to discuss relative to potential  
7 waivers. We do plan on addressing everything  
8 formally with a written response to comments when  
9 we get our next detailed submission in to the  
10 Board, but we wanted to talk through some of  
11 these items this evening.

12 We also wanted to talk about the rear  
13 drive here. As I mentioned, we secured the  
14 variance for the 18 foot driveway out to the mall  
15 road here, but we wanted to come in and broach a  
16 subject of revising that access drive. The  
17 thought process on that is right now we've got an  
18 18 foot wide, one-way drive that would provide  
19 egress from the site out to the mall road. Mr.  
20 Wersted, in his review letter, had commented on  
21 that driveway and asked if we could widen that  
22 out to maybe gain two-way access. We started  
23 looking at that, and there's some real merit to  
24 that comment that he brought up. We started  
25

1 looking at it. Even though the other application  
2 that was on this site prior to us applying had  
3 the same layout with the 18 foot drive, we're  
4 looking at it now thinking that, for one, there's  
5 a great benefit to the traveling public on 300 if  
6 we could get this into a two-way drive. It  
7 obviously helps the facility here with having the  
8 access off the back side because they can get  
9 people in and out rather than just out. You  
10 know, it appeals to everybody off the Meadow Hill  
11 side. It appeals for a connection from the mall  
12 traffic that might be heading out toward Meadow  
13 Hill Road. It would obviously be subject to Army  
14 Corp review because we do have the wetlands back  
15 here. The intent initially was to minimize the  
16 wetland impacts here, but as we look at Ken's  
17 comment, we look at the details of this, we're  
18 thinking that it might be something that we  
19 should do. We need to have our wetlands  
20 consultant get in touch with Army Corp and have a  
21 conversation about that to get their initial  
22 thoughts. While we were here this evening we  
23 wanted to float that by the Planning Board and  
24 get some feedback. If we were to propose a  
25

1 two-way drive there, we would be subject to the  
2 25 foot minimum drive width. We did secure a  
3 variance from the Zoning Board for the 18 foot  
4 width, albeit that was for one way. I don't know  
5 if that's an issue or a concern or if that's  
6 something that we need to revisit. I bring it up  
7 because we want to talk through this and get the  
8 feedback that we need in order to move that  
9 forward if we were going to choose that path.  
10

11 So with that, I guess those are a few  
12 of the items I'd like to talk about. If there's  
13 any questions, I can address those, and maybe we  
14 can jump in to those items on a one-on-one --  
15 one- by-one basis.

16 CHAIRMAN EWASUTYN: Let's talk about  
17 them one on one. We'll start with the front. If  
18 the Planning Board is satisfied with the proposed  
19 two-foot high stonewall, it would mitigate the  
20 visual impact of cars, then we'll grant that to  
21 be satisfactory or not. Why don't you bring that  
22 up for discussion.

23 Board Members.

24 MR. MENNERICH: My only thought is I  
25 think we usually have thirty-inch stonewalls, not

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twenty-four inch.

CHAIRMAN EWASUTYN: Other comments on that subject?

MR. PROFACI: The property, is it lower, though, than the road? I don't know whether it makes a huge difference for you guys to do a twenty-four or thirty-inch wall.

MR. OSTERHOUDT: I can talk to our client about that. You bring up a very good point. I probably should have touched on that in my presentation. There's about a three-foot grade change from the pavement elevation down to our parking lot elevation there. So that two-foot wall would certainly help to mitigate the views even though the cars would be below. I can certainly talk to our client about the thirty-inch wall. If that's the standard and that's what the Board would like to see, we can certainly broach that.

CHAIRMAN EWASUTYN: Does the Board want thirty inches? We'll work with the client, you know. We're looking for thirty. If it has to be twenty-four, it's acceptable.

MR. OSTERHOUDT: Okay. Very good.

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Thank you.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Joe, by that stonewall out by Route 300, will you have any type of tree or shrubbery, similar to what you see on Union, to soften it?

MR. OSTERHOUDT: We will be introducing a landscape plan as we get towards that next submission to the Planning Board. That next submission will be much more detailed. It will be a full landscape plan with landscape details, plantings schedules, all that information in the next submission.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Anybody else?

MR. WARD: My question, it was brought up at work session, is it possible to stripe like crosswalks to the buildings, this way they have an idea to walk across?

MR. OSTERHOUDT: So for instance like maybe here?

MR. WARD: To the restaurant, to the tire place. Just something to think about, because it's a free for all being in there.

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MR. OSTERHOUDT: That's a good point. There was another comment from Mr. Wersted in his review about the sidewalk along the frontage here. At the last Planning Board meeting I didn't really see a whole lot of interest in that. I know there's no other sidewalks out along here, but I guess that's another related point we should talk about. Is there a desire on the Board's part to have a sidewalk out along 300 here or is that, you know, an internal situation?

MR. WARD: Is the restaurant going to have a sidewalk?

MR. OSTERHOUDT: I'm sorry?

MR. WARD: The restaurant, will there be a sidewalk there?

MR. OSTERHOUDT: This brighter color is sidewalk all the way around the restaurant to accommodate access for the pedestrians.

MR. WARD: Between the mall, the parking lot with the mall and your property, what are you planning as landscaping there?

MR. OSTERHOUDT: Yes. Along here we do anticipate that we will have a drainage swale along this side. But we've got fifteen feet or



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so of space along that side where we can  
accommodate landscaping in that area as well.

Talking about the landscape buffers,  
and I know we'll get to that, but there's a  
couple of areas here where we're tighter. We can  
talk through those when we get to that.

MR. WARD: What's the gate by the front  
by the tire? Everybody is asking about that.

MR. HINES: You're showing a fence in  
the island.

MR. WARD: By 300.

MR. DOMINICK: Straight up.

MR. HINES: Parallel to the access  
drive.

MR. OSTERHOUDT: This here?

MR. HINES: That thing.

MR. OSTERHOUDT: I apologize if that  
looks like a gate. It's not a gate. What we've  
got there is on the previous submission we  
basically had a curb line running through that  
area to isolate the Mavis drive from the main  
driveway here. We felt that was really tight, so  
what we did was we tried to get a little more  
separation there. We've got a couple of feet in

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here where we've got a curb now along this entire strip, and in this section it really -- it's not as wide where we can get the landscaping in there because vehicles that are backing out of the service bays need that additional space. We have a fence proposed. So that heavy line that you see right there, there's a label that says proposed fence. We have a break in the middle for drainage purposes. So there's a curb line, there's a break and then the fenced line on top of that curb line. That's why it's looking like a gate. There's definitely not a gate there.

MR. WARD: What height are you talking on the fence?

MR. OSTERHOUDT: I'm sorry?

MR. WARD: What height are you talking on having a fence there?

MR. OSTERHOUDT: We haven't nailed that detail down. I'd say it's probably going to be a three-foot ornamental type of fence. Just enough to provide a barrier

MR. WARD: Like a screened fence?

MR. OSTERHOUDT: Probably like a black aluminum decorative style fence. We don't want

1 to have a privacy fence or solid stockade fence.  
2 It would be tacky at that location. Something to  
3 isolate it and keep it separate.  
4

5 In these two portions of the curbed  
6 island here we plan on having landscaping, which  
7 will be detailed.

8 CHAIRMAN EWASUTYN: Do you think it  
9 will be functional to have landscaping there when  
10 you think of snowplows, salt? I question how  
11 functional they are over a period of time. They  
12 never seem to holdup. In my own opinion I think  
13 you would be better off having pavers there so if  
14 and when a pedestrian walked out, wanted to cross  
15 over. Landscaping in such a narrow area over the  
16 course of time, two or three winters, you would  
17 be looking at half a plant as far as the size of  
18 the plant. It doesn't work.

19 MR. OSTERHOUDT: Our landscape  
20 architect wasn't brought in on the initial part  
21 of it. As we move forward he will be -- he might  
22 share that same concern. If the Board prefers to  
23 see pavers there, we don't have any objection to  
24 that.

25 MR. HINES: You've got to check the

1                   landscaping requirements. I know you have long  
2                   rows of parking. Those are supposed to be broken  
3                   up with landscaping, too. There's a requirement.  
4                   We don't have that level of detail yet but we'll  
5                   be looking for compliance with the landscaping  
6                   every certain number of parking spots in the  
7                   parking field.  
8

9                   MR. OSTERHOUDT: Every eight spaces I  
10                  think it is you have to have a tree.

11                  CHAIRMAN EWASUTYN: Any more questions  
12                  from the Board?

13                  MR. DOMINICK: No.

14                  CHAIRMAN EWASUTYN: Pat, do you want to  
15                  chime in now as far as the twenty-five foot road  
16                  in back and the Army Corp and --

17                  MR. HINES: I think the applicant is  
18                  going to have to work that out with the Army  
19                  Corp. I think the site will function better with  
20                  the two-way access. Any traffic you can keep off  
21                  re-entering Route 300 to go somewhere else will  
22                  certainly help. It will allow them to cut  
23                  through that intersection as well. Ken Wersted  
24                  will take a look at the traffic counts. I think  
25                  they have a justification permit to the Army

1 Corp. It may require some mitigation. Maybe  
2 your stormwater pond could be developed into a  
3 wetland mitigation area. That's something you'll  
4 have to work with them on.  
5

6 MR. OSTERHOUDT: You're right.

7 MR. HINES: It's not a real high  
8 quality wetland. They were probably formed by  
9 the grading or misgrading in the past in the back  
10 of that lot.

11 MR. OSTERHOUDT: Agreed a hundred  
12 percent. They're not high-quality wetlands. The  
13 wetlands consultant has already confirmed that  
14 for us.

15 If we are going to expand this to the  
16 two-way, we would likely be over the .1 acre  
17 threshold and would require mitigation, as Pat  
18 indicated. So our thought would be that we could  
19 potentially do some mitigation here. The  
20 stormwater area that we're showing on the plan  
21 right now is conservative. It's conservative in  
22 size that is. So I think we can probably slide  
23 that down a little bit and do some mitigation up  
24 in here and connect it to the wetland. Again, we  
25 need to talk with Army Corp.

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CHAIRMAN EWASUTYN: Mike, if they didn't widen it to twenty-five feet and they got a variance for eighteen feet --

MR. DONNELLY: I know you got the variance but I haven't seen the decision. If the rationale for the variance was it's only a one-way road therefore the full required width wasn't needed, and if you're going to make it two-way, I think you would have to go back.

MR. HINES: They won't need the variance.

MR. CANFIELD: That's why he went.

MR. OSTERHOUDT: If the Army Corp came back to us and said gee guys, we're okay with that going two-way there but can you limit it to whatever, twenty-two feet --

MR. DONNELLY: If you can't work it out and you want to make it two-way at eighteen I suppose is what I should have said, then there's an issue as to whether the Zoning Board granted you the eighteen because it was only one way, in which case two way is a different story. I haven't seen the decision.

CHAIRMAN EWASUTYN: It's on your --

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MR. DONNELLY: Do you know if they discussed that, Jerry?

MR. CANFIELD: I believe they did. I thought the decision just came out recently.

CHAIRMAN EWASUTYN: I got it about 3:00 this afternoon.

MR. CANFIELD: John, I have a question or just a comment. On future submissions on the signage detail, the lot is somewhat restrictive for these three different buildings for signage, so you're going to need to do the signage calculations. The reason for it being now rather than later is there's probably a good likelihood you're going to need a signage variance based on our signage requirements.

MR. OSTERHOUDT: We do anticipate that. We did talk with the Zoning Board about that when we were at the first meeting. That was a question, were we anticipating any other variances. I indicated that we would probably be back for signage once the signage package was advanced and we had more information that we could present.

MR. DOMINICK: Joe, one more question.

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MR. WARD: Rob.

MR. DOMINICK: Sorry. On the north side of the property, is there going to be any break in the landscape, such as steps or that, that go to the Valvoline? Similar to what Valvoline did going to Wendy's. Any type of -- to make it one large complex?

MR. HINES: Probably a fence.

MR. OSTERHOUDT: We haven't considered that at this point. It's something that I'll take back with me and take a look at. That's a really good point because there could be a nice fit for somebody who is getting their oil changed or something to come over, have a coffee or --

MR. DOMINICK: If I'm at Mavis doing tires, maybe go to Wendy's. Tie that all in as a small complex.

MR. DONNELLY: It's hard to tell from the minutes, I haven't seen the decision, but they do mention that it was a one-way driveway. They don't say specifically whether that was the rationale for granting the variance.

CHAIRMAN EWASUTYN: Pat, I don't remember, have we circulated to the Orange County



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MAVIS/MIXED USE

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Planning Department?

MR. HINES: We did. To them and the DOT.

MR. OSTERHOUDT: We did get that referral back. Thank you for sending that.

CHAIRMAN EWASUTYN: We faxed that one evening.

MR. OSTERHOUDT: We did get that early on. Thank you.

We did reach out to DOT after the last Planning Board meeting. We sent them a full package of plans. We've been following up to try to get a schedule from them on when we might get some feedback on the submission. I followed up again today but have not heard back yet. I'm not quite sure what the schedule is for their review at this point but we're hoping to have that real soon. We submitted shortly after the last Planning Board meeting, so it's been several weeks.

CHAIRMAN EWASUTYN: Any other items the Board would like to discuss this evening?

MR. OSTERHOUDT: Just one other question relative to the landscape buffer, if you

1 don't mind here. The design guidelines call for  
2 the ten-foot landscape buffer. I want to bring  
3 it to the Board's attention so I can get feedback  
4 and know whether I need to make large scale  
5 changes here or incorporate other design  
6 features. We have about six feet on the north  
7 side here between the parking and the property  
8 line. We've got commercial uses. We're planning  
9 on putting plantings in that area. As I  
10 mentioned, we've got much more over on the south  
11 side here. We get pinched here. Again, this is  
12 related to the service bays. We've got service  
13 bays on the north side and on the south side of  
14 the building here, so we need that additional  
15 space for the vehicles to back out and exit the  
16 service bays and move through the site. We get  
17 pinched. We're real close down here. We only  
18 have two to three feet of separation here. I  
19 wanted to at least talk through that with the  
20 Board to see if we need to do anything different  
21 than what we're proposing. Maybe there's some  
22 fencing or, you know, things like that that we  
23 need to introduce for screening. If there's any  
24 thoughts on that.  
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MR. HINES: I'm not aware of a buffer requirement between commercial uses.

MR. OSTERHOUDT: I thought it might apply to the side yard as well. I guess that would be the first point, does it apply to the side yard?

MR. HINES: No.

MR. DONNELLY: I think it's only when it's residential.

MR. HINES: Only when you abut a residential district. I think you're fine.

MR. OSTERHOUDT: Very good. That's easy then.

MR. MENNERICH: Getting back to the stonewall along 300, I hadn't thought about the lower elevation. Do you know what your final elevations are going to be?

MR. OSTERHOUDT: We're working through that right now. We've got a 371 elevation up here at the road. Let's see here. So we've got a 371 elevation that runs up here right through the middle of the intersection. We're looking at a finished floor elevation on this building of about 369. Obviously we have drainage away from

1 the building here. This would put this down  
2 about 368, three feet below Union Avenue. This  
3 building is about a foot lower and this drops off  
4 about another foot to foot-and-a-half in the  
5 back. The side is bleeding away from Union  
6 Avenue.  
7

8 MR. MENNERICH: It would be helpful on  
9 the landscaping plan to see where the stonewall  
10 is, how it works in with the landscaping.

11 MR. OSTERHOUDT: Absolutely. What's  
12 the Board's preference as far as the location of  
13 that stonewall along the frontage? The point of  
14 my question here is if we keep that closer to the  
15 right-of-way, closer to our property line, we can  
16 keep it up on the hill further, which it will  
17 have more benefit for screening purpose versus  
18 keeping it down towards the parking lot at a  
19 lower elevation. Is there any issue or concern  
20 if we have it maybe five feet off of the  
21 right-of-way line, you know, versus ten feet?

22 MR. HINES: That will function better.  
23 I think if you give the Board a couple cross  
24 sections through there once you have the grading  
25 and the lawn worked out. The other thing is we

1 don't want to obstruct any sight distance issues.  
2 That's going to be the balance.

3 MR. DONNELLY: The most crucial thing  
4 is to block the appearance of the grills of the  
5 cars. How ever that's achieved I think would  
6 satisfy the Board.

7 MR. OSTERHOUDT: Great. I think that  
8 cross section will be very valuable.

9 I had one more question that I wanted  
10 to get the Board's feedback on, and that was  
11 relative to one of the comments, Pat, in your  
12 letter. Number 18 in your February 19th letter.  
13 Section 185-28 J(1), service and repair  
14 requirements, (a) through (c) should be addressed  
15 by the applicant's representative. As I  
16 mentioned, we'll respond and put a formal  
17 response to comments together. One item in  
18 there, item (b) I believe it is, talks about a  
19 four-foot separation between parts of vehicles  
20 that are stored on a site for an automotive use.  
21 Now we've got standard parking stalls provided  
22 here.

23 MR. HINES: If you're using standard  
24 parking stalls you're fine. That's for storage  
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MAVIS/MIXED USE

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of vehicles for sale.

MR. OSTERHOUDT: That's the way I read that. I just wanted to make sure we were reading it the same way and not going to have an issue down the road. We're not storing vehicles. If Mavis does have a vehicle overnight at the facility, they would bring it in to the shop. They're not a service station that brings vehicles in and has them sitting for --

MR. HINES: That would be the issue, where you have vehicles sitting and they stack them too close. Your standard parking spots would function fine there.

MR. OSTERHOUDT: That's the way I read that. Thank you for confirming. All right.

I think everything else on my list we've covered here. Unless there's any other questions from the Board, I'm good.

CHAIRMAN EWASUTYN: Have a safe trip home.

MR. OSTERHOUDT: Thank you very much for your time tonight.

(Time noted: 7:41 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.

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DATED: May 22, 2015

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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD  
----- X  
In the Matter of

C.D. BANNERMAN VIEW SUBDIVISION  
(2013-17)

12 Bannerman View Drive  
Section 22; Block 4; Lot 6  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: May 7, 2015  
Time: 7:41 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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



MR. PROFACI: The next item on tonight's agenda is C.D. Bannerman View Subdivision, project 2013-17. It's a two-lot subdivision located at 12 Bannerman View Drive, Section 22, Block 4, Lot 6, in the R-3 Zone, represented by Charles Brown.

MR. BROWN: Thank you, Joe.

I'm Charles Brown, the engineer for the applicant.

This is roughly a .8 acre piece in the R-3. It is in the water district.

It was before the Board back in late 2013. We did a couple minor variances. We were referred to the Zoning Board. The Zoning Board, the first shot there, they essentially said the variance is conditional on proving we had access to the water, the Town water. That original plan showed extension of the water line, the relocation of the fire hydrant. We went through roughly a year with the County, tried to get their approval on that. We got their approval conditional on the Town of Newburgh water superintendent signing off on it. John Platt said no, just put two taps on and do not extend

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C.D. BANNERMAN VIEW

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the line and do not move the hydrant. Based upon that we went back before the Zoning Board last month and got the variances on the 24th of April.

So both houses, the two-lot subdivision, both houses will be single family serviced by Town water, individual water taps and on-site septic systems.

Bannerman View Drive is a private road.

CHAIRMAN EWASUTYN: Any questions from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Jerry Canfield, Pat Hines?

MR. CANFIELD: We have nothing additional.

MR. HINES: It would be appropriate to neg dec the project and schedule it for a public hearing. That's required.

CHAIRMAN EWASUTYN: So then we'll probably work from the meeting date of June 4th also.

I'll move for a motion to declare a negative declaration on the C.D. Bannerman View Drive subdivision and schedule June 4th for a

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C.D. BANNERMAN VIEW

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public hearing.

MR. DOMINICK: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Dave Dominick, a second by Joe Profaci. I'll  
move for a roll call vote with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

(Time noted: 7:45 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 22, 2015

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

- - - - - X  
In the Matter of

CANDLESTICK HILL ROAD  
(1999-16)

Landscape Security

- - - - - X

BOARD BUSINESS

Date: May 7, 2015  
Time: 7:45 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

- - - - - X

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

1  
2 CHAIRMAN EWASUTYN: Carlos, while  
3 you're here this evening, I believe in the  
4 mail I received your letter in reference to  
5 Candlestock Hill Road. I'm not quite sure if  
6 it's an action that the Planning Board can  
7 take.

8 Jerry Canfield, Pat Hines, do you  
9 want to chime in on this? We have a letter  
10 there that we got.

11 MR. HINES: For the trees?

12 CHAIRMAN EWASUTYN: I don't know if  
13 that's a Planning Board matter.

14 MR. HINES: I don't think it is.

15 MR. CANFIELD: I think what you're  
16 asking, I think it's a matter that needs to be  
17 handled by the Town Board. The requirement was  
18 for the street trees. The dollar amount that was  
19 posted was approved by the Town Board. So I  
20 think it's the Town Board that has to approve to  
21 release that requirement. I think your option is  
22 to offer to put the street trees in at the time  
23 of each C of O. So to speak, that would be a  
24 deferment of the landscaping requirement, which I  
25 think only the Town Board can make that decision.

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MR. DONNELLY: I believe that's true.

CHAIRMAN EWASUTYN: So in assisting Carlos, he would send a similar letter adding a little bit of verbiage to it and present it to the Town Board and look to discuss it at the Town Board meetings.

MR. HINES: They may require you to file an agreement with the Town that the work will be done per building during COs.

MR. DOMINGUES: The engineer was the one that recommended me to do that. I sent the letter to the Planning Board, see if you guys would allow for me to plant the trees.

CHAIRMAN EWASUTYN: I don't think we have the jurisdiction or the authority to do it. The Town Board is the governing body that has the authority to do that.

MR. DONNELLY: The Town Board controls the purse strings.

MR. CANFIELD: That's a Town Board function. If it would help, I'll meet with Jim Osborne tomorrow and follow up, and then we can be in touch with Mr. Domingues to better advise you which way to go. This is a letter of credit?

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MR. DOMINGUES: Yes.

MR. CANFIELD: For \$12,000?

MR. DOMINGUES: Which they charge me  
over \$1,000 a year to keep in there.

MR. CANFIELD: Okay.

MR. DOMINGUES: So I don't -- you know,  
I don't know the CO. Unless I plant the trees it  
should be sufficient I think.

MR. CANFIELD: Right.

CHAIRMAN EWASUTYN: Good. Thank you.

MR. DOMINGUES: Okay. Thank you very  
much. Good night.

(Time noted: 7:47 p.m.)



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

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DATED: May 20, 2015

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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)

Extension of Final Subdivision Approval  
from May 7, 2015 to November 7, 2015

----- X

BOARD BUSINESS

Date: May 7, 2015  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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

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MR. PROFACI: We have one item of Board Business. It's the Elm Farm Subdivision, project 2000-09.

The applicant is requesting a six-month extension of final subdivision approval from 7 May 2015 to 7 November 2015.

CHAIRMAN EWASUTYN: I'll make that motion.

MR. MENNERICH: Second.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Is there anything else we want to discuss?

MR. DONNELLY: Did John Bainlardi want to set up a consultants' work session or not yet?

CHAIRMAN EWASUTYN: He does but I

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thought we would do that on the 21st.

MR. DONNELLY: That's right, he's going to be here.

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

MR. WARD: So moved.

CHAIRMAN EWASUTYN: A motion by John Ward.

MR. PROFACI: Second.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

(Time noted: 7:50 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  
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knowledge and belief.

DATED: May 22, 2015