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

----- X

In the Matter of

TAFT COMPANY & SLEEPY HOLLOW VENTURE, LLC
(2011-11)

Gardnertown Road & Wenmar Drive
Section 75; Block 1; Lot 24.22
Section 73; Block 2; Lot 80
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 4, 2011
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1
2 MR. PROFACI: Good evening, ladies
3 and gentlemen. Welcome to the Town of
4 Newburgh Planning Board meeting of August 4,
5 2011.

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

9 MR. GALLI: Present.

10 MR. MENNERICH: Present.

11 CHAIRMAN EWASUTYN: Present.

12 MR. PROFACI: Here.

13 MR. FOGARTY: Here.

14 MR. WARD: Present.

15 MR. PROFACI: The Planning Board has
16 professional experts that provide reviews and
17 input on the business before us, including
18 SEQRA determinations as well as code and
19 planning details. I ask them to introduce
20 themselves.

21 MR. DONNELLY: Michael Donnelly,
22 Planning Board Attorney.

23 MS. CONERO: Michelle Conero,
24 Stenographer.

25 MR. CANFIELD: Jerry Canfield, Code

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Compliance Supervisor.

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

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

MR. WARD: I ask you to please stand up
to say the Pledge of Allegiance.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on
tonight's agenda is Taft Company and Sleepy
Hollow Venture, LLC located on Gardnertown Road
and Wenmar Drive, Section 75; Block 1; Lot 24.22
and Section 73; Block 2; Lot 80, located in the
R-3 Zone. It's a public hearing for a two-lot
subdivision being represented by Darren Doce.

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2 MR. MENNERICH: "Notice of hearing,
3 Town of Newburgh Planning Board. Please take
4 notice that the Planning Board of the Town of
5 Newburgh, Orange County, New York will hold a
6 public hearing pursuant to Section 276 of the
7 Town Law on the application of Taft Company and
8 Sleepy Hollow Venture, LLC for a two-lot
9 subdivision and lot line change on premises
10 Gardnertown Road and Wenmar Drive in the Town of
11 Newburgh, designated on Town tax map as Section
12 75; Block 1; Lot 24.22. Said hearing will be
13 held on the 4th day of August at the Town Hall
14 Meeting Room, 1496 Route 300, Newburgh, New York
15 at 7 p.m. at which time all interested persons
16 will be given an opportunity to be heard. By
17 order of the Town of Newburgh Planning Board.
18 John P. Ewasutyn, Chairman, Planning Board Town
19 of Newburgh. Dated July 11, 2011."

20 MR. GALLI: The notice of hearing was
21 published in The Mid-Hudson Times and The
22 Sentinel. Nineteen notices were sent out,
23 fifteen were signed and returned. All the notices
24 are all in order.

25 CHAIRMAN EWASUTYN: Thank you.

1
2 Before we introduce Darren Doce to
3 present the project that we just mentioned, I'd
4 like Mike Donnelly to speak to those here in the
5 audience on the purpose of a public hearing and
6 why we're here this evening.

7 MR. DONNELLY: There are three public
8 hearings on the agenda this evening. All three
9 are what are called subdivision applications
10 which are proposals to cut a piece of land into
11 various lots. All three of these are for
12 residential construction purposes.

13 In subdivision applications the
14 Planning Board is required to hold a public
15 hearing before it takes action, and the purpose
16 of the hearing is to hear from you, the members
17 of the public, your concerns, issues that you may
18 be aware of that conceivably the Planning Board
19 and its consultants have not noticed. Therefore,
20 what we're interested in hearing is those issues
21 and concerns, not necessarily how many of you
22 share them, although that is often the case.

23 When the applicant has finished his
24 presentation, the Chairman will ask if anyone
25 wishes to address the Board. We would ask you,

1
2 could you stand up and step forward if you're in
3 the back. Give us your name and tell us your
4 address so we know where you live in relation to
5 the project. If you would, please spell your name
6 for the Stenographer so we get it down correctly.
7 Please address your comments to the Board. If you
8 do have questions and they can be readily
9 answered, the Chairman will ask the applicant's
10 representative or a member of the Town's
11 consultant team to answer those questions.

12 CHAIRMAN EWASUTYN: Thank you.

13 Darren.

14 MR. DOCE: Darren Doce, I'm an engineer
15 with Vincent Doce Associates representing the
16 Taft Company and Sleepy Hollow Ventures.

17 Taft Company owns approximately a
18 six-and-a-half acre site extending from the
19 southerly side of Gardnertown Road to the
20 northerly line of the Woodlawn Heights
21 Subdivision.

22 What we're proposing is subdividing a
23 half-acre lot from the south side of the parcel
24 and doing a lot line change with lot 1 of the
25 Woodlawn Heights Subdivision to provide access to

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Wenmar Drive to the newly created lot.

As I said, the lot will access Wenmar Drive and connect to the existing sewer and water lines that are located in Wenmar Drive.

That basically sums up the application.

CHAIRMAN EWASUTYN: As Mike Donnelly had said earlier, is there anyone here this evening that has any questions or comments, would you please raise your hand and give your name and your address.

The gentleman in the back.

MR. GEMMA: Good evening. My name is Joe Gemma and I'm really not sure about what's going on there. This is the first I heard of it from the letter I received in the mail. I really would like to study it since I believe, and I could be wrong, that the last lot you're talking about on Wenmar --

MR. DOCE: Wenmar Drive.

MR. GEMMA: Yeah. I think my property line is right there.

MR. HINES: It is, sir.

MR. GEMMA: Pardon me?

MR. HINES: You are an abutting

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property owner.

MR. GEMMA: I just have to stop, listen and find out exactly what it is you're going to do. I'd like to think about it and discuss it with others and come back to the Board with comments.

CHAIRMAN EWASUTYN: I don't think we can allow you that opportunity. As Mike Donnelly had said earlier, the purpose of a public hearing this evening is to allow the public --

MR. GEMMA: You're asking me to make a very quick judgment here that affects my property line, and I think I have a right to study the consequences.

CHAIRMAN EWASUTYN: And I'm not here to argue the point with you. If you have any questions, there's a drainage consultant that has looked at it, there's a land planner that has looked at it as far as compliance with the regulations. We're here to answer questions but we can't hold up the process.

MR. GEMMA: I would like to know when it is that you are planning to make a final decision.

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CHAIRMAN EWASUTYN: This evening.

MR. GEMMA: That's too soon.

CHAIRMAN EWASUTYN: I'm sorry.

MR. GEMMA: You'll have to hear from my lawyer.

CHAIRMAN EWASUTYN: Thank you.

Is there anyone else in the audience that has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to our consultants. Pat Hines?

MR. HINES: Our only outstanding comments are a City of Newburgh flow letter is required, which I don't know if we have or not, --

MR. DOCE: We do have that.

MR. HINES: -- and the access and maintenance agreements for the common driveway, and that needs to include provisions for utilities.

We previously commented on the utilities, the site grading, the finished floor elevations. Those comments have been addressed by the applicant's representative.

1
2 Our only outstanding comment has to do
3 with Mike Donnelly's review of those access
4 maintenance and utility agreements.

5 CHAIRMAN EWASUTYN: Bryant Cocks,
6 Planning Consultant?

7 MR. COCKS: I have two questions. One
8 was: Darren, did you get a hold of the Orange
9 County Health Department? Just so everyone
10 knows.

11 MR. DOCE: I did submit to the Orange
12 County Health Department. They reviewed it. I
13 spoke with Keith Miller yesterday. He gave me a
14 verbal approval. I have to make one slight
15 revision and send back the plans and they'll be
16 sealed and approved by the Health Department.

17 MR. COCKS: And the same question for
18 the Town of Newburgh Highway Department?

19 MR. DOCE: I have not been able to get
20 in contact with Darrell yet.

21 MR. COCKS: I did send the plans to
22 him, so he should have them.

23 Other than that, I reviewed the plans
24 regarding all zoning and subdivision regulations.
25 No variances are necessary and I have no further

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TAFT COMPANY & SLEEPY HOLLOW

11

comments.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

MR. PROFACI: No questions.

MR. FOGARTY: Darren, just one question. What type of a buffer exists between where it says the Kunkel and the Gemma property, the lot 1 and lot 2?

MR. DOCE: It's presently -- I mean it's open field there now. There's no buffer or trees in that area.

MR. GEMMA: May I make a comment about that?

CHAIRMAN EWASUTYN: I don't know who is speaking. Whoever is speaking, you have to give your name and address for the record.

MR. GEMMA: There are a few things that I'm aware of as I've been living --

CHAIRMAN EWASUTYN: For the record would you give your name?

MR. GEMMA: Joseph Gemma, 70 Fifth

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Avenue, sir.

CHAIRMAN EWASUTYN: Thank you.

MR. GEMMA: I'm very familiar with the surrounding property as well. I've been living on Winona Avenue since 1985 and then 70 Fifth th Avenue, which was originally 60 Fourth Avenue, directly in line with 11 Winona Avenue all the way across. I'm real familiar with that piece of property. I'm also familiar with what's below that, and there's water, wetland. I know back in 1993 or 4 when they put sewage in on Fifth Avenue and another street, they brought up a lot of dirt to fill the swamp, which I believe is illegal even though it's Town granted. I don't think it should have ever been allowed.

Consequently, the streets below, I'm talking Pierpont, White, they get flooded hydraulically because that dirt was put on there. If you're going to build over there, we have a problem with hydrology, and I can prove it. There's also Dupont down the road which gets flooded out, and that's contaminated property due to over flooding from behind my lot.

Now, the comment that I wanted to make

1 was the trees that were there, the field that
2 he's talking about was not supposed to be
3 touched. I was promised by a gentleman in this
4 room and somebody from the Board. Now, all that
5 watershed is going into the swamp and it's
6 continuing to cause problems down below. I have
7 evidence, I have pictures, and I had given them
8 years ago to Wayne Booth.

9
10 CHAIRMAN EWASUTYN: Okay.

11 MR. GEMMA: I have very serious
12 concerns.

13 Is anyone from EPA?

14 If you want to meet with me or how ever
15 we're going to deal with this, you need to know
16 what I know.

17 MR. HINES: The project doesn't exceed
18 the threshold where it would require a drainage
19 analysis. A two-lot subdivision wouldn't
20 normally require that. I will note that the
21 property does drain in an easterly direction and
22 it is high and dry. There is not a water issue on
23 this property. I'm not familiar with the issues
24 that the gentleman has below.

25 MR. GEMMA: Below it.

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MR. HINES: This property isn't impacted by drainage conditions. It's got a relatively steep pitch to the east.

CHAIRMAN EWASUTYN: Thank you.

MR. GEMMA: You're welcome.

MR. GALLI: I just have a comment on that.

CHAIRMAN EWASUTYN: Go ahead.

MR. GALLI: I've lived in that neighborhood for thirty years, right around the corner. My in-laws have probably lived there sixty-five years. They have had water problems from day one, before there were any houses around. So we had water problems before they put the subdivision in, which was Wenmar. They had water problems after they put it in. It's no worse than what they were before they put it in. So there's always been water problems in that neighborhood, always.

CHAIRMAN EWASUTYN: John Ward, anything?

MR. WARD: No.

CHAIRMAN EWASUTYN: Any additional comments from the public?

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(No response.)

CHAIRMAN EWASUTYN: Okay. At this point I'll move for a motion to close the public hearing on the two-lot subdivision for Taft Company and Sleepy Hollow Venture.

MR. PROFACI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

At this time I'll move to have the Planning Board Attorney, Mike Donnelly, discuss with us conditions of approval for the two-lot

1 subdivision of Taft Company and Sleepy Hollow
2 Venture.
3

4 MR. DONNELLY: Let me first ask a
5 question to see if the approval is a preliminary
6 or a final one. The approval that you're waiting
7 for from the Health Department, is that realty
8 subdivision approval?

9 MR. DOCE: Right. It is.

10 MR. DONNELLY: Generally we don't give
11 final approval to a subdivision, regardless of
12 the number of lots, unless realty subdivision
13 approval has already been obtained as a
14 condition. You could, therefore, grant
15 preliminary approval, or perhaps if that letter
16 is imminent, simply calendar it for a future date
17 to grant final approval after that letter is
18 received. Either option is available but it would
19 save having to draft two separate resolutions.

20 CHAIRMAN EWASUTYN: Darren, what would
21 you prefer?

22 MR. DOCE: I expect the letter sometime
23 next week. I'm assuming I have to come back
24 either way.

25 MR. DONNELLY: That's correct.

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CHAIRMAN EWASUTYN: Do you want to schedule this for the 18th? Our next meeting is the 18th of August.

MR. DOCE: Okay. Yeah, that would be good.

MR. DONNELLY: Let me run through what the conditions I think need to be. We will need approval of the driveway utilization by the Town of Newburgh Highway Superintendent. We'll recite that the sewer flow acceptance letter has been received. There's also the need for an out-of-district sewer user agreement, and I know that's been agreed to in principle but the agreement needs to be signed and a fee paid, and the resolution will reflect that need. I don't think there's any need for street trees or road names in this subdivision.

MR. HINES: There's not.

MR. DONNELLY: We do need a common driveway easement and maintenance agreement. I don't think there's any private roadway agreements, just common driveway. Am I correct?

MR. DOCE: Yes.

MR. DONNELLY: The sewer and water

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easements, are they to the Town, Pat, or --

MR. HINES: Across the individual lots. They're in the driveways, within that same common --

MR. DONNELLY: Which lots are encumbered and which ones are benefited? I couldn't figure it out.

MR. HINES: It's so close to the property lines they're probably both. It would probably be across.

MR. DONNELLY: Okay. Is a landscape security and inspection fee needed, Karen?

MS. ARENT: No.

MR. DONNELLY: No stormwater. No other security, as far as I can tell, is required at all. And there will be a need to pay parkland fees for the --

CHAIRMAN EWASUTYN: I'll move for a motion from the Board --

MR. DONNELLY: -- two lots.

CHAIRMAN EWASUTYN: -- to set Taft Company and Sleepy Hollow Ventures for a meeting on the 18th of August.

MR. FOGARTY: So moved.

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MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. DOCE: Thank you.

MR. COCKS: Mike, it's only one lot.

MR. DONNELLY: Only one new lot. Thank you.

MR. COCKS: Only one paid the parkland fees the last time.

(Time noted: 7:14 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: September 6, 2011

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

----- X
In the Matter of

GROVE-VITE SUBDIVISION
(2011-12)

Curtain Lane
Section 8; Block 1; Lot 43.45
AR Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: August 4, 2011
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1
2 MR. PROFACI: The second item on
3 tonight's agenda is Grove-Vite Subdivision,
4 project number 2011-12, located on Curtain
5 Lane, Section 8; Block 1; lot 42.45 in the AR
6 Zone. It is also a public hearing for a two-
7 lot subdivision, and it's being represented
8 by Charlie Brown of Taconic Design
9 Engineering.

10 CHAIRMAN EWASUTYN: Ken Mennerich.

11 MR. MENNERICH: "Notice of hearing,
12 Town of Newburgh Planning Board. Please take
13 notice that the Planning Board of the Town of
14 Newburgh, Orange County, New York will hold a
15 public hearing pursuant to Section 276 of the
16 Town Law on the application of lands of
17 Grove-Vite Subdivision for a two-lot subdivision
18 on premises Curtain Lane, Old Post Road, in the
19 Town of Newburgh, designated on Town tax map as
20 Section 8; Block 1; Lot 43.45. Said hearing will
21 be held on the 4th day of August at the Town Hall
22 Meeting Room, 1496 Route 300, Newburgh, New York
23 at 7 p.m. at which time all interested persons
24 will be given an opportunity to be heard. By
25 order of the Town of Newburgh Planning Board.

1
2 John P. Ewasutyn, Chairman, Planning Board Town
3 of Newburgh. Dated July 11, 2011."

4 MR. GALLI: The notice of hearing was
5 published in The Mid-Hudson Times and The
6 Sentinel. Seven notices were mailed out, six
7 were returned okay. The notice of hearing is in
8 order.

9 MR. BROWN: I'm Charles Brown from
10 Taconic Design, the engineer for the applicant.
11 The subject project is a 6.36 acre parcel at the
12 end of Curtain Lane which is a private road that
13 exists and is constructed at this time. It comes
14 off Old Post Road in the northeastern part of the
15 Town.

16 The proposal is to cut this lot into
17 two lots, one being 2.3 acres the other being
18 4.2. Both lots will be serviced by individual
19 wells and septic.

20 The parcel does have a Central Hudson
21 easement 150 foot wide that grants -- bisects the
22 property in the back.

23 The septic are proposed to be on the
24 other side of that easement.

25 There's a sleeve that's already been

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installed through that easement to allow a force main to be connected from the houses to the individual septics. That would require an easement because the same -- that same sleeve would be used, the force main, for both houses.

The lots are in the AR zone.

The septics would be in ground.

There's no additional road or any other infrastructure other than what's proposed in the two lots.

CHAIRMAN EWASUTYN: Thank you, Charlie.

Questions from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to the Board Members. Frank Galli?

MR. GALLI: No additional comments on it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing additional.

MR. FOGARTY: No comment.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: I'll turn to Pat

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Hines, our Drainage Consultant.

MR. HINES: We previously commented on the grading and the need for a retaining wall. The plans were revised to remove the retaining wall from the driveway access, so there was no bonding issue with that.

We commented on the stormwater management. There is an existing stormwater drainage facility at the end of the cul-de-sac which this project is tributary to.

We did receive a letter from Central Hudson. I know when this project was before us years ago you had the access across the Central Hudson easement. The Planning Board received a letter, I think you have a copy there.

MR. BROWN: We do.

MR. HINES: I just think that needs to be addressed and put to bed with Central Hudson.

MR. BROWN: We proposed to put a note on the plans that addresses that. I have a draft of that here. Central Hudson Gas & Electric Corporation, 115 Kilowatt transmission lines, each have their own structures situated within the 150-foot right-of-way. Currently no house

1 structures -- no houses or structures can be
2 erected within the limits of the right-of-way,
3 and Central Hudson shall have clear access to the
4 transmission lines. We would put the contact
5 information for that, Veronica Berenedieras who
6 is the contact person based upon that letter.
7

8 As I said, the force main sleeve has
9 already been installed. The reason we're
10 utilizing that for the second septic is because
11 that did require blasting and Central Hudson does
12 not want blasting under their transmission lines
13 anymore. We did work that out with -- the field
14 has already been installed for one of these lots.
15 That was worked out with them with the first
16 subdivision.

17 MR. HINES: It looked like, from
18 Central Hudson's letter, the person that wrote
19 that letter didn't know the history there.

20 MR. BROWN: We did get in touch with
21 her and I gave her the information from the
22 original subdivision and whatever paperwork you
23 have, Dan, on that when you put the sleeve in.
24 Right?

25 MR. GROVE: We have the letter from

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them.

MR. HINES: The only other is the common driveway access and maintenance agreements, as well as the utility easement for the septic for both lots, the septic force main.

That's all we have.

CHAIRMAN EWASUTYN: The gentleman in the back who responded; Charlie, who was that?

MR. BROWN: I'm sorry. Dan Grove, my client.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: I have no further comments on this subdivision. Both lots meets all zoning and subdivision regulations. I have nothing further.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the public hearing on the two-lot subdivision for Grove-Vite.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike Donnelly, would you give us the conditions for approval for the two-lot subdivision for Grove-Vite?

MR. DONNELLY: I believe you're in a position to grant both preliminary and final subdivision on this application.

The conditions are as follows: I'll need to review a common driveway easement and maintenance agreement. We will need a sign-off letter from Central Hudson based upon their letter to us approving the proposed work. We

1
2 will need a septic force main easement. You'll
3 need to deliver it to me and I'll sign off on it
4 as to form. I don't believe there is any
5 financial security required in this application.
6 I don't think we're creating a new lot, or is
7 there?

8 MR. HINES: One new lot.

9 MR. BROWN: One new lot.

10 MR. DONNELLY: Then a parkland fee of
11 \$2,000.

12 MR. BROWN: And a common driveway --

13 MR. DONNELLY: Easement and maintenance
14 agreement.

15 CHAIRMAN EWASUTYN: Having heard the
16 conditions for both preliminary and final
17 approval presented by the Planning Board Attorney
18 Mike Donnelly, I'll move for that motion.

19 MR. PROFACI: So moved.

20 MR. GALLI: Second.

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

24 (No response.)

25 CHAIRMAN EWASUTYN: I'll move for a

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GROVE-VITE SUBDIVISION

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you, Mr. Brown.

MR. BROWN: Thank you.

(Time noted: 7:22 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: September 6, 2011

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

----- X
In the Matter of

CRONK ESTATES II
(2010-07)

Peaceful Court
Section 1; Block 2; Lot 17.2
AR Zone

----- X

PUBLIC HEARING
SIX-LOT SUBDIVISION

Date: August 4, 2011
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1
2 MR. PROFACI: The third item on
3 tonight's agenda is Cronk Estates II located at
4 Peaceful Court, Section 1; Block 2; Lot 17.2 in
5 the AR Zone. It's a public hearing for a six-lot
6 subdivision being represented also by Charles
7 Brown of Taconic Design Engineering.

8 MR. MENNERICH: "Notice of hearing,
9 Town of Newburgh Planning Board. Please take
10 notice that the Planning Board of the Town of
11 Newburgh, Orange County, New York will hold a
12 public hearing pursuant to Section 276 of the
13 Town Law on the application of Cronk Estates II
14 for a six-lot subdivision on premises Peaceful
15 Court in the Town of Newburgh, designated on Town
16 tax map as Section 1; Block 2; Lot 17.2. Said
17 hearing will be held on the 4th day of August at
18 the Town Hall Meeting Room, 1496 Route 300,
19 Newburgh, New York at 7 p.m. at which time all
20 interested persons will be given an opportunity
21 to be heard. By order of the Town of Newburgh
22 Planning Board. John P. Ewasutyn, Chairman,
23 Planning Board Town of Newburgh. Dated July 11,
24 2011."

25 MR. GALLI: The notice of hearing was

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2 published in The Mid-Hudson Times and The
3 Sentinel. Twenty-six mailings were sent out,
4 twenty-three were returned signed. The notice of
5 hearing is in order.

6 MR. BROWN: This application is for a
7 21-acre parcel at the end of Peaceful Court which
8 was following Fox Crest Lane. It's a private
9 road.

10 With this proposal that road -- the
11 private road would be extended approximately 170
12 feet.

13 The proposal is to cut the 21-acre
14 parcel, which is in the AR Zone, into six
15 building lots. The lots are to be serviced by
16 individual wells and septic.

17 We have quite a bit of infrastructure
18 proposed in the way of drainage improvements. We
19 used the new DEC guidelines for green
20 infrastructure. We have a stormwater retention
21 management basin which is going to mitigate --
22 actually reduce the runoff for all the design
23 flows. And then we have a series of
24 bio-retention swales and other provisions put in
25 there to take care of water quality.

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2 CHAIRMAN EWASUTYN: At this point, as
3 we said earlier, if you'd raise your hand and
4 give your name and your address.

5 MR. CASIANO: George and Donna Casiano,
6 78 Cronk Road.

7 CHAIRMAN EWASUTYN: One at a time,
8 please.

9 MR. CASIANO: Oh, really. I'll go
10 first just to preface.

11 The original four-lot subdivision that
12 was done in advance of this one that's proposed
13 was initially proposed as a four-lot subdivision,
14 I'm going to estimate about seven years ago, by
15 another developer before the property was sold,
16 and that was approved. I just want to say that
17 the development of the four lots that were done
18 under that initial subdivision approval was not
19 done to the specifications that we were presented
20 back in the public hearing those many years ago.
21 I think you know certainly -- Mr. Ewasutyn, did
22 the notes that I had dropped off to you the other
23 day get passed out? We obviously have a list of
24 concerns that partly are a direct impact on our
25 property and partly are a direct impact on the

1
2 community at large. I apologize to my neighbors
3 here because we've obviously spent a lot of time
4 at both your Board meetings where we sat
5 patiently and listened to what was going on, to
6 the Town Board meetings to complain about the
7 lack of enforcement of compliance by this
8 developer who we feel has done everything to flub
9 the laws of the Town and code compliance. Like I
10 said, I'll let Donna take over for that but --
11 for the details. We just feel very strongly that
12 they've demonstrated that they're not responsible
13 enough to develop this parcel behind us.

14 MS. CASIANO: I'm Donna Casiano, 78
15 Cronk Road. I would like to thank Mr. Piaquadio
16 because he did ask the other Town Board Members
17 to attend the meeting. I guess Mr. Piaquadio is
18 the only representative.

19 The first question I would like to ask,
20 and this is just informative for us, we're going
21 for a six-lot subdivision, however lot number 5
22 was separated out and permission was given to
23 start building. How does that -- if we're going
24 for permission for the six-lot subdivision, how
25 come permission was granted for the building on

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lot number 5 to begin? Just out of curiosity.

MR. BROWN: It was a vacant piece of property, 21 acres. The septic was designed. That property, that parcel, is eligible for one building permit without a subdivision. That was submitted to the Building Department and a permit was issued, including the septic permit and what not. On our sub --

MS. CASIANO: I understand that. Why wouldn't it just be a five-lot subdivision now as opposed to a six?

MR. BROWN: I would appreciate that. That would save my client about \$2,000 in rec fees.

MS. CASIANO: You know, if permission was given through the Town for lot number 5, I don't understand, it seems like it's --

Our first concern is a personal concern, the trench that runs alongside of our property, it's approximately 200 feet. I'm sure you're all very aware of what our concerns have been. When they put the home in behind us, all of you know, because we've been in touch with every department in the Town, that it caused us a

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2 water problem. We actually had some raw sewage
3 coming up on our property because the water was
4 draining laterally. Code Compliance at that time
5 told us that it was our problem. We put
6 approximately \$2,300 in the ground, expanded the
7 leach field, put in another dry well. The trench
8 now is approximately two-and-a-half times as
9 deep. It is graded up towards Cronk Road, so the
10 water has a tendency to sit in that ditch -- I
11 have pictures -- five to seven inches when it
12 gets wet. Again, where is it going to move? It's
13 going to move laterally.

14 There's a maintenance agreement on
15 this. We have been told to stay off that
16 property, although I have maintained it for
17 twenty-four years. We have abided by that,
18 however it's not really maintained. It was
19 finally cut again today, the grass. After all
20 the rain we had this spring, it was approximately
21 three feet tall, and the vegetation starts to
22 smell. After the past month they finally came
23 and cut it again.

24 Now, it's my understanding that the
25 swales and the water district are to be

1
2 incorporated into the maintenance agreement, and
3 part of that agreement is that you're not
4 supposed to have stagnant water and it's supposed
5 to be constantly flowing. Well, I mean I don't
6 know about these people but I wouldn't want to
7 maintain that. For that now to be incorporated
8 into that maintenance agreement, it would be 200
9 feet along our property. It cannot be maintained
10 properly. How in God's name are they supposed to
11 be responsible for maintaining that? I wouldn't
12 even know how to start.

13 CHAIRMAN EWASUTYN: Let me start by
14 directing that question to Pat Hines.

15 Pat Hines.

16 MR. HINES: This project is proposed to
17 have a -- because it is a private road, there's
18 an existing private road access and maintenance
19 agreement. That will be expanded to incorporate
20 the extension of the private road. In addition,
21 because that agreement is in place, the operation
22 and maintenance of the stormwater management
23 facilities will be incorporated into that
24 maintenance agreement, putting the burden of the
25 maintenance of the stormwater infrastructure on

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the individual lots.

In addition, something we haven't done before but at the request of a couple of the Town Board Members, that agreement will have a default provision in it that if in fact it's not maintained by the homeowners, the Town will have the ability to perform that work and charge back to the individual property owners, typical of one of your standard drainage districts that have -- are involving Town roads and Town-owned properties. So there's kind of a belt and suspenders here to make sure that that work can get done. If it's not done by those people, the Town forces can do it and charge back so there's no impact to the -- no cost to the other residents in the Town.

MR. GALLI: Pat, whoever owns the house, the property in front of them has to be maintained by them?

MR. HINES: Typical for any -- you have, I venture to guess, many miles of private roads in the Town. It's not an unusual subdivision to have private roads within the Town. Miles and miles of them I'm sure. They

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2 all seem to function under these access and
3 maintenance agreements very well.

4 MS. CASIANO: We're not part of that
5 maintenance agreement. We're not incorporated
6 into that. If it's going to be my responsibility
7 now to call when ever there's a problem -- I mean
8 they came and they cut today. They left all the
9 brush in the ditch, and there are rock dams
10 sporadically placed. Everything sits there. The
11 mosquitoes this year have been horrendous. The
12 smell when the vegetation gets caught in water
13 stinks. And the biggest thing --

14 CHAIRMAN EWASUTYN: Pat, in reference
15 to who does she speak to if she feels it's not
16 maintained? Whose responsibility is it? She
17 wants to be able to voice her dissatisfaction if
18 it's not properly maintained.

19 MR. HINES: I believe it would be the
20 highway superintendent and the Code Enforcement
21 office. The maintenance of these ditches is
22 similar to the miles and miles of drainage
23 ditches that are along Town roads, County roads
24 and State roads in the Town. It's not uncommon
25 to have a vegetated swale. Actually, it's

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2 encouraged by the design guidelines to have the
3 vegetation in the swales because they perform
4 pollutant removals through filtering of the
5 vegetation. The DEC design guidelines encourage
6 vegetated swales as opposed to closed pipe
7 drainage systems which are proposed on these --
8 on this project.

9 MS. CASIANO: Okay. I can appreciate
10 that, but what is going to be done about -- do
11 you want the pictures or have you seen --

12 CHAIRMAN EWASUTYN: You've already
13 given us the pictures. We've received them.

14 MS. CASIANO: What do I do about five
15 to seven inches of standing water along my
16 property line? My leach field is anywhere from a
17 matter of inches to ten feet from this trench.
18 What am I supposed to do about that?

19 CHAIRMAN EWASUTYN: I think it goes
20 back to the same reply he said with Code
21 Compliance and Town Highway.

22 MR. HINES: Yeah. In looking at the
23 survey maps here, the drainage ditch itself is
24 located approximately twelve feet off of what is
25 shown as your property line.

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MS. CASIANO: That's the back end.

MR. HINES: The design standards for a septic system are ten feet from the property line. There should conceivably be almost twenty-two feet of distance between that swale and the -- any sanitary sewer disposal system there is.

MS. CASIANO: We were there fourteen years and then they put in that right-of-way. We were there fourteen years. It's not our fault as to where that private road was put in at that time. That's not our fault.

You know Mr. Hines, if you want to come up and see the property, I will show you that is not a straight line, it's an angle. Towards the back; yes, it might be twelve feet, but our property line goes through two trees that are located -- oh, God --

MR. CASIANO: Twenty-five, thirty feet off Cronk Road.

MS. CASIANO: And that is just a matter of inches. So I mean am I going to have to wait until I have a septic problem again and then I'm going to have somebody come and tell me it's your

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problem?

CHAIRMAN EWASUTYN: Part of the questions that you're asking this evening we don't enforce. We're not an enforcement board. What we do is we review the regulations based upon the way they're written in the code. We have consultants that have specialties in their fields to advise us if what is being designed is in compliance. I think -- not being rude -- as Mr. Hines had said earlier, some of the issues you're discussing are matters then that would be brought to the attention of the Town Highway Department and/or Code Compliance. Continue on with what you were saying.

MR. CASIANO: Mr. Ewasutyn, if I could just --

CHAIRMAN EWASUTYN: For the record, again your name?

MR. CASIANO: George Casiano. We do recognize what you just said. We've been through many complaints with Code Compliance. We've talked to the Highway Department. This is part of what we're talking about. For these people to develop the rest, we've been telling the Town for

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2 over a year now that the construction of that is
3 deficient to the point where, as we were told,
4 water doesn't run uphill. When it hits a certain
5 point and it starts grading higher, steeper
6 towards Cronk Road where it's supposed to run
7 down to, you're going to have standing water
8 there. That has a negative impact on our
9 property. We've been to Town Board meetings,
10 we've been to --

11 MS. CASIANO: Every department.

12 MR. CASIANO: -- Jerry's department.
13 We're just saying that we know the development is
14 here. Why can't the Town address fixing it?
15 Again, we realize you're just approving it. The
16 reason we're here in front of you is because
17 we're saying these same people are going to be
18 developing more property behind us, creating more
19 of a drainage issue, creating potentially more
20 problems.

21 CHAIRMAN EWASUTYN: Charlie Brown,
22 you're the PE, the licensed engineer who designed
23 this project. Would you like to speak on behalf
24 of your client and the concerns that the Casianos
25 have?

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2 MR. BROWN: This project here, over
3 ninety percent of the development area is routed
4 into the detention pond and then goes into the
5 swale that was part of the four-lot subdivision
6 behind those lots. Very little of this area
7 actually ends up into that swale. I don't know
8 if that would be okay, but I'm sure I could talk
9 my client into piping that swale in front of the
10 Harris and the Casiano residence. Again, such a
11 small percentage of our project actually does
12 drain through that swale. It would have very
13 little impact on the SWPPP, the stormwater plan.
14 If that would mitigate all these issues, I
15 mean --

16 MS. CASIANO: The Harris property --

17 CHAIRMAN EWASUTYN: Please, please.

18 MS. CASIANO: I'm sorry.

19 CHAIRMAN EWASUTYN: What Mr. Brown is
20 doing now --

21 MS. CASIANO: I thought he had
22 finished. Okay.

23 CHAIRMAN EWASUTYN: -- is he's speaking
24 to Mr. Hines.

25 MR. BROWN: I mean I can't see anything

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larger than a fifteen-inch pipe.

MR. HINES: I don't conceptually have an issue with piping that. That's fine.

MR. BROWN: From this point back. All of this is all diverted through the swale system. Again, the green infrastructure swales go into the pond which drains to that swale that was installed along the back of those four lots between the houses and the green buffer in the back. So again, there's very little water that goes into that swale. I can understand how standing water is an issue. As Pat said, the DEC encourages that because that helps filter pollutants out of that as part of their green infrastructure initiatives. We wouldn't have a problem piping that portion from the corner of Harris and our parcel to the intersection of Cronk Road. I think that, from what I hear, would solve everything.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: I had been up in that area numerous times for different types of problems that the Casianos had mentioned. When I go up

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2 there I've never seen water. I've never seen
3 water standing in the swales. I got out of my
4 car a couple times and it looks like, supposing
5 where their septic system is, is a lot higher
6 than the road and the swale. So I don't know how
7 it's flooding out their septic system. I'm not
8 an engineer but usually water flows downhill and
9 it follows a gully. I can't see how it's getting
10 up the hill to their septic behind their house.

11 Correct?

12 MR. CASIANO: No.

13 MS. CASIANO: Along the sides.

14 MR. CASIANO: We're talking about --
15 the leach field encroachment is what you're
16 really talking about. If water sits there,
17 normally -- because the entire property,
18 everything that's on I'll say the right of this
19 plant, always has just naturally drained right
20 down what when we first built was just a little
21 dirt trail. Even in our first number of years
22 when there was nothing behind us, we always
23 essentially just took a rake and a shovel and
24 kept a small trench right along our property, and
25 all the water from everywhere drained out and ran

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2 down Cronk Road. This isn't constructed
3 properly. It's that simple. At the end of -- in
4 the last fifty feet or so it starts to climb
5 uphill, and that causes a problem.

6 CHAIRMAN EWASUTYN: Anything else?

7 MR. GALLI: No.

8 CHAIRMAN EWASUTYN: Ken Mennerich?

9 MR. MENNERICH: I guess, you know, if
10 the pipe type drainage was to be installed, I
11 guess we should have a review to show it's not
12 creating another problem in a different location.
13 That's all.

14 CHAIRMAN EWASUTYN: Okay. Pat, you'll
15 look at that as far as the design and see how it
16 -- the effective nature of it.

17 MR. HINES: If the applicant is
18 proposing that, we will look at that in
19 conjunction with the entire stormwater management
20 plan that's been provided. We have provided
21 extensive review of the stormwater management
22 plan through my office, probably four or five
23 rounds of comments that were addressed by the
24 applicant's engineer. At this point the plan
25 meets the DEC design standards and the Town's

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2 design standards incorporating the latest
3 revisions to the DEC regulations. We've issued
4 an MS-4 approval letter, the Town has, and the
5 DEC has issued a stormwater SPDES permit for the
6 project. The addition of that couple hundred
7 feet of small diameter pipe wouldn't impact that
8 approval.

9 MS. CASIANO: That would be very much
10 appreciated. There is a culvert pipe in front of
11 the house --

12 CHAIRMAN EWASUTYN: I'm continuing
13 polling the Board Members.

14 Joe Profaci?

15 MR. PROFACI: I would be in agreement
16 as long as Pat feels that there's no other
17 impacts to other areas on the subdivision. The
18 applicant is offering to install the pipe. If it
19 would solve the problem, the issue, it would seem
20 the best of both worlds. That's fine with me.

21 CHAIRMAN EWASUTYN: Tom Fogarty?

22 MR. FOGARTY: Pat, will this solve the
23 problem? Will the pipe be the solution to the
24 problem?

25 MR. HINES: That assumes that there is

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2 a problem, number one. I'm not convinced of that
3 yet. I believe it will alleviate the concerns
4 that the Casianos have regarding the grading of
5 the ditch.

6 I was going to request that the
7 applicant provide a profile of the ditch to make
8 sure that it was positively draining, but with
9 the addition of the closed pipe drainage system
10 along there, we'll no longer need that
11 information but there will be a closed pipe
12 system conveying the water. As a design, closed
13 pipe systems really affirmatively move the water.
14 The new regulations go the opposite way and
15 encourage open vegetative swales. In light of
16 the comments that we're hearing, I think it will
17 function and won't impact the overall approval.

18 MR. FOGARTY: Thank you.

19 CHAIRMAN EWASUTYN: John Ward?

20 MR. WARD: I talked to somebody from
21 the Highway Department today in reference to this
22 issue. Basically I think your idea is a very
23 good one. It will work according to what's facing
24 you. Thank you.

25 CHAIRMAN EWASUTYN: So we discussed two

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2 of your primary issues, one being the open swale,
3 which now we have a closed pipe system. You
4 understand what that is?

5 MS. CASIANO: Mm'hm'.

6 CHAIRMAN EWASUTYN: And the other issue
7 that you were concerned about was the
8 maintenance, and Pat Hines discussed with you
9 that the responsibility is with the homeowners.
10 If they don't keep that up, then that will be
11 turned over to the Town to maintain. Like any
12 district, it will be billed back to those people
13 under this subdivision.

14 Some of your other concerns?

15 MS. CASIANO: Stop sign. The stop sign.
16 Over a year ago I did write a letter, because
17 when the trees were taken down -- that was a very
18 bad curve to begin with. When the trees were cut
19 down, and you had no way of knowing this in
20 advance, people come around now and say site
21 clearance, I can see. Instead of them doing 40
22 miles-an-hour, they're doing 45, 50. They come
23 around that curve, because they can see clear to
24 Peaceful Court, and then about another fifty feet
25 is my driveway and you can't see anything. So at

1 that time I wrote a letter about that to Mr.
2 Booth. It seems now they're going to be putting
3 in a three-way stop sign. I would agree with
4 that completely coming up from the Orchard Road
5 approach because that is where you have that real
6 problem. However -- and this might be something
7 that this gentleman might be able to discuss
8 coming up from the Forest Road approach there is
9 a major rise in the road, and it's about -- from
10 what I understand from speaking to the Highway
11 Department, the stop sign is going to be put
12 about sixty feet from my driveway on the curve.
13 School buses stop there. I see that there are
14 some young people here that might be having
15 children. That's a very busy time in the
16 morning. We've lived there twenty-five years. I
17 was on the school board for fifteen years and I
18 investigated a lot of bus accidents. You stick a
19 long bus at the top of that curve over a blind
20 rise, and I just think you're looking for
21 trouble. I mean just my opinion. Like I said, I'm
22 sure you can address that issue. I just think
23 that's a very dangerous situation, putting a stop
24 sign on the curve at the top of that blind rise.
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2 CHAIRMAN EWASUTYN: Ken Wersted,
3 Traffic Consultant?

4 MR. WERSTED: We looked at the
5 intersection there. Many of the points that you
6 brought up are apparent, simply because of that
7 curve, and also the vertical curve in the road as
8 you come up from Forest Drive.

9 The biggest issue is that as you come
10 up from Forest, you get to the top, or before you
11 can even get to the top you can start to see the
12 house across the court. When you get up to there
13 you really have no idea if there's a car there
14 waiting to turn and what not. Right now, with
15 the way the curve is, a vehicle stopping there to
16 turn into Peaceful Court has to basically stop
17 halfway through the curve because they can't see
18 around it to know that nobody or somebody is
19 coming in that direction. Once they get to
20 there, then they can decide whether they can go
21 or not, if someone is coming from behind, because
22 that first vehicle part way around the curve
23 already doesn't know that they're there. So the
24 plan is to take that intersection, and rather
25 than maintain it as a curve, have it come in as a

1 full T intersection. Basically the stop signs
2 would include a warning before the vertical
3 curve, before the top of that hill, letting you
4 know there is a stop sign there ,because right
5 now you wouldn't be able to see where that is.
6 By having everyone come to a stop, it basically
7 does two things. It slows down all the traffic.
8 Obviously people have to come to the stop sign,
9 complete a stop, and then they'll be able to
10 turn. The other thing that it does is allows
11 those vehicles who might be coming out of
12 Peaceful Court or the vehicles who are trying to
13 turn in there the opportunity to proceed through
14 the intersection because they know that the
15 vehicles coming up over the hill have to slow
16 down and stop as well.

17
18 The issue with the bus stop is probably
19 somewhat unique in the sense that you have that
20 vertical curve and you potentially have that bus
21 stop there. I'm sure that if any kids in this
22 neighborhood are going to the buses, they would
23 have to walk down to that corner and not that the
24 bus is going to come up and pick them up.

25 So another consideration, and I'd have

1
2 to talk with Darrell Benedict, I'm not sure what
3 the procedure is, but it might be necessary to
4 put in a bus stop ahead sign in addition to the
5 stop ahead warning sign. It really comes down to
6 if there is a bus stop there and kids and so
7 forth. I'm not familiar enough with that aspect
8 of it.

9 What the plan will also do is tighten
10 up the radius on the corner that is opposite your
11 property. It doesn't describe the name on this
12 plan but it will create a condition where it
13 makes it a sharper curve and it won't feel like a
14 curve in the road anymore, it will feel like a T
15 intersection. That will basically encourage
16 people to come up and make a ninety-degree right-
17 hand turn rather than kind of a sweeping turn
18 around the bend.

19 MS. CASIANO: Okay. With all due
20 respect, good luck on that one. Mr. Evans lives
21 close to the road. I don't think he's going to
22 be too happy with you taking his property and
23 making that a right-turn corner.

24 MR. WERSTED: It actually won't be
25 taking his property. His property line will

1
2 remain where it is. There's a stonewall in front
3 of his property. If you can picture where the
4 pavement is now, that pavement -- a portion of
5 that pavement will be removed and brought more
6 towards the project site.

7 MS. CASIANO: Okay.

8 MR. WERSTED: In a sense it will be
9 adding more grass on that corner.

10 MS. CASIANO: Okay. Thank you.

11 MR. BROWN: The property across the
12 corner there, that's Evans?

13 MS. CASIANO: Mr. Evans, yes.

14 MR. BROWN: This is the existing
15 pavement here. We're actually going to make this
16 sharper. So we're not -- we're bringing the road
17 further away from his property line, not more
18 into it.

19 MS. CASIANO: We couldn't get a mailbox
20 across from that house for years. That would not
21 be an easy task.

22 I'm not going to open my mouth until
23 you give me the go ahead. I don't want to get
24 yelled at again. Is it okay?

25 CHAIRMAN EWASUTYN: What I'm doing is

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maintaining a sense of order --

MS. CASIANO: Okay.

CHAIRMAN EWASUTYN: -- and allowing everyone to have the opportunity. I'm sorry if you think that -- I'm not yelling, but in order to have a public hearing you have to have decorum to it, and that's what we're striving for.

MS. CASIANO: Okay. Can I go on to the next --

CHAIRMAN EWASUTYN: Yeah. Public hearings are held in a variety of ways. Sometimes public hearings are held where people have five minutes to speak so they can allow others to speak. We also have to think about being courteous to everyone.

MS. CASIANO: With all due respect, that's why I asked the other people if they wanted to go first.

MR. VILANOK: Can I comment on something?

CHAIRMAN EWASUTYN: Give your name and your address.

MR. VILANOK: My name is Dennis Vilanok, I'm from 6 Peaceful Court. My wife Lori

1
2 and I just moved in. I just want to comment,
3 Ken, that I'm happy to hear what you're saying
4 and that you're aware of the fact that there is a
5 problem on that corner, because you take your
6 life into your hands when you're coming down
7 Cronk and making the turn into Peaceful Court. So
8 I just wanted to add that.

9 Now I'm going to give the floor back to
10 you guys and then I may ask again if I can speak.
11 Thank you very much.

12 CHAIRMAN EWASUTYN: My pleasure.
13 That's why sometimes it benefits to have a flow
14 rather than to be there for a half hour and not
15 allow others to speak. That's fine.

16 MS. CASIANO: Anybody else?

17 CHAIRMAN EWASUTYN: The lady in the
18 back.

19 MS. GREEN: Dawn Green from 48 Cronk.

20 CHAIRMAN EWASUTYN: Your name again?

21 MS. GREEN: Dawn Green, 48 Cronk. My
22 question is the water. The back property -- I'm
23 the back property.

24 CHAIRMAN EWASUTYN: Charlie, can you
25 point to it?

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MS. GREEN: Is this water going to be going into my property? I would like to know where is my lot compared to that house way --

CHAIRMAN EWASUTYN: You're welcome to come up here.

MS. GREEN: Okay.

MR. HINES: Your house is depicted there.

MR. RAAB: Your house is shown here.

MR. BROWN: The water from this --

MS. GREEN: Where is my house?

MR. BROWN: Right here.

MS. GREEN: Okay.

MR. BROWN: There's a ridge that runs in between here. You're down around elevation 590. This is 630. It's much higher between you and Cronk Road. This is going to -- there's a swale that's been installed behind these first four lots. This one will be going to that swale. It's actually reduced anywhere from 35 to 65 percent depending on the frequency of the storm. When we do a drainage analysis, we had a lot of two-year storms, occurring once every two years, all the way up to a hundred-year storm, which is

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2 a substantial amount of water. That's eight
3 inches of rain in twenty-four hours. For all of
4 those storms, this facility right here reduces
5 the amount of water running off. The water is
6 controlled. The swale is installed and all the
7 water will be running through that swale all the
8 way down to Cronk Road.

9 MS. GREEN: Okay. My next question is
10 my property line is -- this is my house,
11 correct, --

12 MR. BROWN: Yes.

13 MS. GREEN: -- right about here? These
14 houses are going to sit on top of the hill, not
15 right behind me?

16 MR. BROWN: Right. We actually have a
17 150-foot buffer that is going to be deeded
18 forever green along the back of these lots. They
19 will not be able to remove any of these trees
20 within 150 foot along this side, along this side
21 and along here.

22 MS. GREEN: All right. Thank you.

23 CHAIRMAN EWASUTYN: The gentleman who
24 is sitting in front of Mrs. Green.

25 MR. PAUL: Don Paul and this is Richard

1
2 Ayers. We have 1 Homestead Lane. We just have a
3 question. We were kind of -- when they did the
4 first development they just went in and ripped
5 every tree out. When we bought this lot, you
6 know, fifteen years ago, one of the things we
7 liked is that it was a treed lot. I want to just
8 make sure they're not going to go in and do the
9 same things and just basically strip the land of
10 every tree. I see this new subdivision, they took
11 all these beautiful trees down and they planted
12 six foot trees that will take a hundred years to
13 get what they were originally. I want to make
14 sure we're not going to have the same problem. I
15 want to make sure there's a nice tree buffer
16 there. That's what we liked. It was called
17 Country Acres when we bought it and it was all
18 wooded. Everybody who came in there built a
19 house and took a minimal amount of trees. This
20 developer came in and bulldozed the whole friggin
21 place down, and I find it quite upsetting. If
22 you guys could take this into consideration. I
23 didn't want to live in Meadow Hill, I wanted to
24 live in a wooded lot. I want to make sure that
25 you guys took that into consideration. Thank you.

1
2 MR. DONNELLY: John, if I could answer
3 part of that. Two conditions will be required if
4 this project is approved. The first is there are
5 areas shown on the plan as construction phase
6 clearing limits that can't be violated. If they
7 are, there has to be replanting. However, once
8 the house is built, in those construction phase
9 areas, if the homeowner wants to change the
10 landscaping, including the removal of the trees,
11 the homeowner may do so. However, there are
12 other areas, and Mr. Brown showed them before, on
13 the outer fringes of the property that the
14 applicant is going to record a declaration which
15 requires that they always be maintained in an
16 undisturbed state, and that would be recorded,
17 enforceable by the Town or by others. It is part
18 of the drainage proposal, and that needs to be
19 honored by the developer as well as by the owners
20 of the lots after construction.

21 MR. PAUL: Okay. How much tree buffer
22 do we have from my lot to -- is that dark green
23 the tree --

24 MR. BROWN: The light green is what
25 will be disturbed. The light green is the limits

1
2 of disturbance during the construction of this
3 project, okay. The mustard green, these are the
4 areas that are preserved forever green. The
5 areas in the intermediate green are the rest of
6 the lots, which again that's up to the individual
7 homeowners.

8 MR. PAUL: So this is the trees you're
9 saying --

10 MR. BROWN: This is preserved forever
11 green. These will not be disturbed as part of
12 this -- this part will not be disturbed as part
13 of this project. Just the area where the houses,
14 and septic, and the lawn areas, and the drainage
15 facilities will be disturbed as part of this
16 project. The rest of it, again as the Planning
17 Board Attorney said, it's up to the individual
18 lot owners.

19 MR. PAUL: I understand it is. I think
20 that any homeowner who buys a wooded lot, if
21 there's a healthy tree they're going to keep it.
22 They're not going to come in and bulldoze every
23 tree down. Even going back to the '80s, they
24 basically stripped the land of all the lumber and
25 left a friggin mess.

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2 MR. BROWN: The smallest lot in this
3 subdivision is roughly two-and-a-quarter acres
4 and the largest is roughly five-and-a-half, which
5 are a lot different than the acre, acre-and-a-
6 quarter lots that we had on the first four. This
7 is a better forest too, which I'm sure you're
8 aware of. Presumably the people that are buying
9 four or five-acre lots that heavily wooded, if it
10 was me, yes, I'd be saving the trees. We can't
11 talk for people or the future except for, again,
12 in these buffer areas which there will be a legal
13 element in place to preserve this.

14 MR. PAUL: Thank you.

15 CHAIRMAN EWASUTYN: Is there anyone
16 here in the public who would like to speak before
17 we give the floor back to Donna?

18 This gentleman. Give your name again.

19 MR. VILANOK: Again my name is Dennis
20 Vilonak. Can I come up here? I'm in 6 Peaceful
21 Court. Where is 6 Peaceful Court?

22 MR. RAAB: Right there. Right where
23 it's white. That's you.

24 MR. VILANOK: Okay. The road that's
25 coming this way, right --

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MR. BROWN: The existing cul-de-sac is right here. This is the cul-de-sac. We're extending that 170 feet.

MR. VILANOK: Is that going to go on an incline?

MR. BROWN: Yes.

MR. VILANOK: It's going to be on an incline?

MR. BROWN: Right.

MR. VILANOK: And the swale is -- Jim, you went over with this me before.

MR. RAAB: The swale is going to be right here. Here's the swale. I'm sorry. Jim Raab, Taconic Design. It picks up the water and takes it into the detention basin right here. All this water here is going this way, and then it eventually -- the emptying point, when it gets that high, which is very rare, will empty into that swale.

MR. VILANOK: Thank you.

CHAIRMAN EWASUTYN: Again, is there anyone here in the audience who would like to speak before we give the floor back to Donna Casiano?

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(No response.)

CHAIRMAN EWASUTYN: Donna.

MS. CASIANO: My next issue is the trees. I know we had a conversation before we came into the room, and everybody says that we're in compliance. When the original -- Marino I believe --

MR. BROWN: Right.

MS. CASIANO: -- that you represented about seven or eight years ago, at that time the drawings were very nice, there were trees in between the houses. I don't know if any of you are familiar with Lakeside Road and Sand Castle Homes, the development that's going in there. It's a beautiful development. Those trees are high, there's buffers in between the houses, and there's even a couple trees left on the lots. I don't see some of the people that were at that meeting seven years ago but that's the impression that we were left with. Even on the blueprints, the highway was going to take off a thirty-foot around that bend for sight clearance. Thirty feet, that's all, on the first bilevel. That was highlighted and circled, stonewall is to remain.

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2 Dogwood trees, flowering pears, stonewalls, they
3 were all ripped out. There's one oak tree left
4 standing. The only thing you see coming up from
5 Orchard Drive is telephone poles. I have to agree
6 with Mr. Paul here. I mean we lived in a
7 beautiful wooded area and all you see now as you
8 come up around this corner is this ugly scar that
9 goes all the way up the hill, and it has created
10 water problems. There was always water there.
11 I'm not going to say that there wasn't. It has
12 intensified because of the fact. We'd like some
13 kind of guarantee that the entire community, the
14 area that we've lived in for all these years,
15 isn't going to be completely disfigured.

16 I spoke to a lot of the contractors,
17 and to be quiet honest with you, I have to
18 apologize to Darrell Benedict because we were led
19 to believe that this was his decision. In
20 speaking with contractors, one is still on the
21 job site, and I'm not going to mention his name
22 because it's his job, but we were told the wood
23 is sold, as was the shale, as was the dirt that
24 was taken from the second part of the subdivision
25 before it was approved. Isn't there anything

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that you can do as a Planning Board to guarantee that it's not going to be leveled like this?

CHAIRMAN EWASUTYN: Mike Donnelly?

MR. DONNELLY: No. The Planning Board can't guarantee anything. It can approve the plans. It tries to add adequate safeguards that permit both the residents, in some cases, and the Town, in appropriate cases, to enforce or prevent things from happening. The Board can't give any guarantees. It doesn't have any enforcement authority. It's not policemen. It deals with maps and two dimensions on a piece of paper.

MR. HINES: One of the things that has changed since the 2005 approval is the Town Board has kept up to date with the changes in the regulations imposed on them by DEC. Because of the size of this project now and the requirements for the stormwater management facilities, there is a stormwater management inspection process in the Town. Where the previous four-lot subdivision didn't meet that threshold in 2005, this portion of the Town was not regulated by the DEC based on the MS-4 mapping. The DEC changed that in 2008 and the entire Town is now regulated

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2 under the municipal stormwater system. The Town
3 has a permit and has the obligation to enforce
4 that permit in the entire Town now. This was
5 outside of the boundaries of that before. So
6 there's an inspection fee the developers will
7 pay, and the Town has retained my office to
8 provide those inspections. There are people out
9 there checking on subdivisions of this size that
10 require stormwater improvements, as well as the
11 Landscape Architect Consultant, who we haven't
12 heard from, also will be empowered to do the
13 inspections on limits of clearing disturbance
14 which is the exact notes and planning that went
15 into the subdivision you just referenced. This
16 is a newer subdivision under these newer
17 regulations.

18 MS. CASIANO: An erosion control
19 document, is that the one you're referring to?

20 MR. HINES: The stormwater pollution
21 prevention plan is part of that. There's an
22 inspection process the Town Board has adopted
23 into the Town's regulations that now has people
24 going out there. In 2005 this project -- parts
25 of the Town were covered by that. This portion

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of the Town wasn't. Now the entire Town is.

MS. CASIANO: My husband is pulling at me, so --

MR. CASIANO: If I may. George Casiano again.

Charlie, I think what we're really asking of the Board is the way you just depicted that, forget the buffers, the buffers are untouched. All that other green area around where you say would be not necessary for removal, which is what started us actually a year-and-a-half ago when all the clearing started and they just ripped everything down the site, is there any way for the Board, in your approval process, to say only take what's necessary for development of house, septic, et cetera so that those do remain? And then of course we do understand the fact -- we're homeowners. I can't tell you how many trees we've taken down as we've gone along. As Mr. Paul said, it was one unhealthy tree at a time, not clear cutting the property.

CHAIRMAN EWASUTYN: I'm not clear on what you're asking for.

MR. CASIANO: What I'm saying is in

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your approval process --

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: There is a clearing limit line shown on the drawing, and it's between that light green and the dark green. There's notes on the drawing that an orange safety fence has to be put up along that line and that there can't be any material or equipment on the other side, on the wooded side of the line, and they can't go in that area. If they do, they have to replace any trees that they cut down without permission in the clearing -- outside the clearing limits. They have to replace them with equal trees. So that's going to keep them out of there.

MR. DONNELLY: I think Mr. Casiano was asking that the same limitations be placed in the light green areas --

MS. ARENT: I think he was saying during construction.

MR. CASIANO: I know what's got -- you have to take --

MS. ARENT: During construction there's going to be an orange safety fence. The biggest thing is the bulldozer operators sometimes don't

1 realize all these restraints are here. In order
2 to help them realize that, we ask the developer
3 to put orange safety fencing up along the edge so
4 everybody knows exactly where they're allowed to
5 go. That's how that problem is usually solved.
6 We did the same thing at Sand Castle Estates and
7 it worked.

8
9 MR. CASIANO: Yes, it did. We wish we
10 had this happen before Peaceful Court started.
11 Thanks.

12 MR. PAUL: I want a clarification. The
13 lightest green is the area that they're allowed
14 to clear right now?

15 MS. ARENT: Yeah. They're totally
16 allowed to clear that. The area right around it
17 has to remain that way until the new homeowner
18 moves in. Once he moves in, he can cut down
19 everything except for the olive green area if he
20 wants. Usually the homeowners don't want to.
21 Once they find out how much screening costs, they
22 want to keep their trees.

23 MR. PAUL: Thank you.

24 CHAIRMAN EWASUTYN: Again, it's a
25 comfortable Board. I can't help you feel any more

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comfortable than you may want to feel.

MS. CASIANO: The last thing I would really like to address, Mr. Ewasutyn, is code compliance enforcement. I realize you have nothing to do with this, Mr. Brown, the way these people operate. I think I told you that on a couple of occasions we did call because they were coming and stringing electrical wiring at night by their headlights. We actually called on a couple of occasions. One time there was a police report. It's investigated a week later or whatever. You know, they're allowed to work until 7:00. You're not going to find a violation there. They're constantly working after hours, before hours. When they were having people come and take the shale and cut down the trees and stuff, it would start on the weekends as early as 5:00 in the morning on Saturdays and Sundays. Trucks constantly back and forth and in and out seven days a week starting at 5:30 in the morning, taking the shale out and taking it to another -- I understand there's supposed to be a residual hill for dirt that is removed for construction and then replaced back where it came

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2 from, and that did not happen. I mean I live
3 there. I watched it. I saw it happen. As a
4 matter of fact, they've been working after hours
5 this past week up there, and I just don't bother
6 filing complaints anymore because it just doesn't
7 seem to get me anywhere.

8 Dust control. Last summer we all know
9 how dry it was and how hot. You had six, six-
10 and-a-half acres that went for around ten months
11 with anything done. I think I told you in my
12 letter that I had to see a doctor because I
13 developed environmental asthma from, they
14 believe, the diesel trucks running for a half an
15 hour at a time, not being used. This was right
16 along our property line. It probably would not
17 impact me on the second phase but it definitely
18 did on the first. I would literally dust my
19 house three times a day. No water was put down.
20 You're talking the road and the three -- well, at
21 that time four lots. Nothing was done until
22 November. You know, it's supposed to be two weeks
23 from what I understand from Town code. Ten months
24 is a long time for six, seven acres to be left
25 barren, plus the private road, without anything

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being done to it.

CHAIRMAN EWASUTYN: I think part of that goes back to what Pat Hines was saying as far as inspections. And the other part goes to Jerry Canfield, his office with code compliance.

If they are working outside of the permitted scope of hours, Jerry.

MR. CANFIELD: Just one thing on that. The Town does have a noise -- an illumination ordinance, Chapter 125 of the Municipal Code. I'm sure you're aware of it. In there it does say hours of construction that are exempted from the noise and ordinance section. The hours of construction. After those hours there are decibel thresholds in certain zones. This is an AR Zone, I believe the decibel threshold is 65 decibels. So essentially what that means is that -- it does not mean that construction after hours is not permitted. What it means is that the construction after hours cannot exceed those noise limits.

Our department does not have any complaints on file for anyone to go out there with a sound meter. The Town does have a sound

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2 meter. The responsibility to enforce that is
3 shared between the Police Department and the Code
4 Compliance Department. During working hours it's
5 Code Compliance. After hours it's the Police
6 Department. So if in the future you see that or
7 you hear that, call the Police Department. If
8 you don't get any satisfaction, ask for a shift
9 supervisor, which is usually a sergeant that's on
10 duty, and explain to him what you're looking for
11 and he can have that done.

12 MR. CASIANO: You're saying that the
13 after hours is only by a noise level, it has
14 nothing to do with whether they should be
15 operating?

16 MR. CANFIELD: That's correct.

17 MR. CASIANO: That's not anything that
18 we ever knew before.

19 MS. CASIANO: If I may respond to that,
20 Mr. Canfield. We did call and the cops came out
21 twice. I believe the first time it was around
22 twenty minutes to 11, so there must have been a
23 police report on file. They left that house at
24 11:00 and went down and started working on
25 another one. The next time we called the Police

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2 Department they said they were not aware of the
3 time limitations and they said they were going to
4 come out and they never did. So, you know, I
5 guess they're kind of like not saying it's their
6 responsibility either.

7 MR. CANFIELD: Like I said, I have no
8 jurisdiction over the Police Department. In the
9 future I think if you ask for a shift supervisor,
10 who is a supervisor on that shift, and document
11 your complaint with him, that will go through the
12 proper channels.

13 MS. CASIANO: Okay. Mr. Ewasutyn, is
14 there anything that we can do if the land is left
15 barren for long periods of time as far as dust
16 control?

17 CHAIRMAN EWASUTYN: Pat Hines?

18 MR. HINES: Again, because of the
19 change in the regulations, the Town Board has
20 been proactive in keeping up with that. There is
21 now the inspection. Representatives of my office
22 will be out there periodically and address that.
23 Basically we get paid to do that now.

24 MR. BROWN: And because there's a SPDES
25 permit you can also call the DEC on us, too.

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MR. HINES: Call the Town first,
please.

MS. CASIANO: I'm just going to have my
husband see if he has anything else to say.
Thank you.

CHAIRMAN EWASUTYN: Let's try and
briefly summarize. I'm not saying I'm the person
responsible for doing this but somehow I'm kind
of in the middle of it. We understand now as far
as some of the drainage issues that where there
is an existing swale, there will be a closed pipe
system which would help you with some of the
problems you think you do have.

MR. BROWN: That would be -- I'm sorry
for interrupting. That would be on the east side
along the lands of Harris and Casiano.

CHAIRMAN EWASUTYN: I'm not
summarizing, I'm just --

MR. BROWN: Sorry.

CHAIRMAN EWASUTYN: We leave that up to
Mike Donnelly and we leave that up to the
consultants. This is just kind of a refresher
how we've been discussing the project in the last
forty-five minutes.

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2 We also know that with the maintenance
3 agreement, if the owners of the property don't
4 maintain it, that there's a mechanism in place
5 for enforcement where the Town could come in, and
6 like with the drainage district they'll charge
7 back the residents for that maintenance.

8 As far as the concerns that exist for
9 the removal of the trees, that at one time may
10 have occurred and there was no mechanism in
11 place. The consultants will elaborate on this
12 further. There is now or will be a clearing
13 limit line, which is defined, where they could
14 go.

15 As far as the concern Ken Wersted
16 discussed with you about the stop sign. He also
17 discussed with you the concern about the
18 possibility of accidents with school buses. Ken
19 Wersted will speak with Darrell Benedict and Jim
20 Osborne, Darrell Benedict being the Town Highway
21 Superintendent, Jim Osborne being the Town
22 Engineer, of the possibility of having additional
23 signage that would say there's a school bus stop.

24 I'll go back to others to speak just so
25 we feel that we've satisfied your concerns.

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MR. GALLI: I think you've addressed them all, John.

MR. MENNERICH: I think they've been covered.

MR. PROFACI: I'm fine.

MR. FOGARTY: I think all the comments were very informative. I think they were addressed -- at least most of them addressed by the consultants. Beyond that, I have no other comments.

MR. WARD: With the previous project and this being the new project, this is brand new for me. I don't know the old project. I feel the consultants and everything has been addressed and we're trying to help everybody make it right. Thank you.

CHAIRMAN EWASUTYN: Pat Hines, would you summarize what I'm sure I'm missing? Just to go over how your office works in cooperation with the Building Department. There's sort of a mechanism. What we've learned is that the Planning Board approves a project and when some of these new regulations came in we realized that the Building Department needed a team to help

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2 enforce these approvals, and that's why we have
3 Karen Arent, Landscape Architect, who is
4 responsible for inspections as it relates to
5 trees; Pat Hines' office relates to drainage. So
6 they're paid to inspect to see that the standards
7 that were approved are being complied with.
8 I'll let them elaborate on that.

9 Pat.

10 MR. HINES: That's exactly how it
11 works. We work through Jerry Canfield's office
12 to provide support for their office as well as
13 the Town Board. Because of the DEC's SPDES
14 permit for stormwater that was issued to the
15 Town, there's a need for the Town to document
16 compliance with the various aspects of that
17 permit, one of them being construction site and
18 post-construction operation and maintenance of
19 the stormwater facilities. So my office, through
20 Jerry's office, provides those field review
21 services on these projects. We periodically
22 review all the active construction sites that
23 qualify for coverage under the MS-4 permit.
24 Those projects that disturb greater than one acre
25 in size are covered under those permits. This

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2 project will certainly disturb greater than one
3 acre. And it's cumulative. You can't build one
4 lot at a time so you'll be under one acre. It's
5 the whole project. So we provide field review
6 for that.

7 Initially for the Planning Board my
8 office reviews the stormwater pollution
9 prevention plans for compliance with the Town's
10 and DEC's regulations. We issue a report to the
11 Town that those comply. They then sign off on it
12 and a permit from the DEC can be issued. The
13 Town is the first part of that review. The DEC
14 looks -- they kind of put that down to the local
15 municipalities in their permits. There is always
16 the DEC looking over the Town's shoulders. The
17 previous project, because it was a 2005 project,
18 I was a little taken aback about a
19 year-and-a-half ago when the DEC first called me,
20 I was surprised they weren't built out yet.
21 Because it wasn't in the regulated area at the
22 time, for lack of a better term, it slipped
23 through the cracks because it wasn't a permitted
24 project. It wasn't until a year ago at this time
25 that this project before us would have been

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2 regulated because it was residential. Now the
3 residential projects are covered, too. So there
4 is that inspection process in place, and I have
5 several people that are working through my office
6 that do those inspections for the Town.

7 CHAIRMAN EWASUTYN: Karen Arent,
8 Landscape Architect, how do you look at these
9 projects out in the field?

10 MS. ARENT: The big thing that really
11 helps with this project is the installation of
12 the orange fencing, because that tells everybody
13 where to go, where not to go. I'm sure Pat
14 Hines' office will make sure that's up there. If
15 any developer wants to take any trees out within
16 the areas that aren't supposed to be disturbed,
17 they have to call the Town and get permission. If
18 they see a stump or a whole bunch of stumps that
19 are fresh, it's easy to figure out that it's
20 fresh, and that's when I step in and figure out
21 what trees they'll have to use to replace the
22 ones they cut down. The note on the drawing is
23 really stringent. If they cut down a big tree,
24 they have to put forty little ones in or twenty
25 big ones. So they don't want to cut down these

1 trees. That's why we put this in, is really to
2 scare them and say don't cut the trees down
3 because you'll have to replace them. Replacing a
4 forty-inch round tree with forty inches of little
5 trees costs a lot of money. That helps everybody
6 do what they're supposed to do.
7

8 CHAIRMAN EWASUTYN: Ken Wersted, I
9 believe you'll be still working with Jim Osborne,
10 Town Engineer, and Darrell Benedict in reference
11 to the road geometry and the safety associated
12 with it.

13 MR. WERSTED: Yes. The plan included
14 in the set pretty much addresses the major
15 components of the intersection improvements with
16 the addition that we talked about tonight being
17 the bus stop ahead sign, if necessary, as deemed
18 by Darrell Benedict, Jim Osborne, and I will also
19 add the school district's transportation
20 director. They'll know the best location for
21 where the bus would stop in that area to pick up
22 and drop off kids. We can come to a
23 determination as to whether a sign is needed for
24 that.

25 CHAIRMAN EWASUTYN: I have a question

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2 for you. The improvements that you're
3 discussing, when will they need to be completed?
4 How does that work as far as the approved
5 subdivision? Are they implemented and to be
6 installed within a certain timeframe? I don't
7 know.

8 MR. WERSTED: I don't think we've
9 discussed that.

10 MR. BROWN: It will be bonded.

11 MR. WERSTED: Certainly we wouldn't
12 want to wait until the project is completely
13 built out and have it come in as kind of at the
14 last stage of it. I think at some point during
15 the construction of the proposed lots, that the
16 intersection improvement would also be completed.

17 CHAIRMAN EWASUTYN: And you had a
18 comment on that, Charlie?

19 MR. BROWN: That would have to be
20 bonded, too. Just like a private road, there's a
21 mechanism in place to make sure that it gets
22 done. In the event that the contractor defaults,
23 the Town would call the bond in and do the work
24 itself. We could discuss it, some mechanism for
25 time on that.

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CHAIRMAN EWASUTYN: Mike Donnelly, Pat Hines, any suggestions?

MR. HINES: I'm suggesting before the next building permit is issued on the site. They need to be in there. The stormwater management facilities need to be in when the private roadway extension is going to be in. I think in conjunction with the private roadway extension work, the intersection work should be accomplished.

CHAIRMAN EWASUTYN: We would make that part -- Jerry Canfield?

MR. CANFIELD: In addition to that, whatever is decided should be noted on the plans and it should be part of the resolution as an enforcement practice.

CHAIRMAN EWASUTYN: Do the Board Members have any comment or opinion on that. Frank Galli?

MR. GALLI: I think it ought to be done before the first building permit is issued.

MR. MENNERICH: Yes.

MR. BROWN: If that's the case, we wouldn't even need to bond it then.

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MR. HINES: Yes, you will.

CHAIRMAN EWASUTYN: The legal technicalities of that I would leave up to others to discuss.

Joe Profaci?

MR. PROFACI: Yes, I'm in agreement with having that work done prior to the issuance of the next building permit.

MR. FOGARTY: I agree with that.

MR. WARD: I agree.

MR. HINES: The reason why I say next is there is one active building permit on the 21 acres.

CHAIRMAN EWASUTYN: Okay. Any additional comments from the Board Members?

MR. GALLI: Nothing additional.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

MR. HINES: I just wanted to clarify what I said earlier when I said slipped through the cracks, the previous project. It was actually under the jurisdiction of the DEC, not the Town. They had a stormwater permit for the

1
2 four-lot subdivision, and because it was outside
3 the regulated MS-4 area it was not the Town's
4 responsibility to enforce that, it was the DEC's
5 responsibility because it was outside the mapped
6 MS-4. Now the entire Town boundary is in the
7 mapped MS-4 district, so there's been -- that's
8 the improvement in the Town's system now.

9 MR. BROWN: It was under the old
10 regulations of the DEC.

11 MR. HINES: Correct.

12 CHAIRMAN EWASUTYN: Any further
13 comments from the public?

14 (No response.)

15 CHAIRMAN EWASUTYN: I'll move for a
16 motion to close the public hearing on Cronk
17 Estates II, a six-lot subdivision.

18 MR. PROFACI: So moved.

19 MR. FOGARTY: Second.

20 CHAIRMAN EWASUTYN: I have a motion by
21 Joe Profaci. I have a second by Tom Fogarty.
22 Any discussion of the motion.

23 (No response.)

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

At this point I'll ask Mike Donnelly to
give us tje conditions of approval for the
six-lot subdivision.

MR. DONNELLY: The resolution will be
both preliminary and final subdivision. The
first condition is what we just spoke of, and
that is the intersection improvements on the
plans must be completed before the next building
permit for a house in the subdivision is issued.
That would still require bonding of that
improvement for the private roadway easement and
maintenance agreement. The private roadway
security condition will come through later.
Street trees will have to be shown to Karen
Arent's satisfaction on the plan and submitted
for signature. Three, the applicant has offered
to construct a closed pipe drainage system from

1 the intersection of Harris Drive to Cronk Road as
2 an accommodation to off-site neighbors. This
3 offer is hereby made a condition of this
4 approval, and plans shall not be signed until
5 receipt of a letter from the Planning Board
6 Engineer certifying that a plan has been
7 submitted and satisfactorily achieved the
8 objectives sought. An expanded private roadway
9 easement and maintenance agreement satisfactory
10 to the Planning Board Attorney including
11 provision for maintenance of drainage structures
12 must be submitted and approved before the final
13 plat is signed. The instrument must be recorded
14 as a condition of this approval. A common
15 driveway easement and maintenance agreement will
16 need to be provided and signed off on by myself.
17 The applicant has offered to place certain
18 permanent restrictions on clearing and
19 development of its property within buffer areas
20 marked as such on the plans as part of its
21 stormwater management plan. That offer is hereby
22 made a condition of this approval. A declaration
23 carrying forth the restrictions shall be
24 delivered to the Town. The obligations set forth
25

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2 in the instrument shall be in form suitable for
3 recording and recite that the obligations set
4 forth shall run with the land and shall be
5 satisfactory in form to the Town Attorney. The
6 final plat shall not be signed until the proposed
7 declaration document has been approved as to form
8 and content by the Town Attorney. The
9 restrictions on -- the restrictions on
10 development with the declaration are hereby made
11 conditions of this approval. Recording shall be
12 a condition of this approval. Some of the
13 proposed houses shown on the plat depict
14 construction at or near the edge of the allowable
15 building envelop, so we'll need to have
16 foundation staking in the field for those.
17 Construction phase clearing limits shall be
18 clearly marked in the field with protective
19 fencing before commencement of any site work.
20 The areas so marked shall provide sufficient area
21 to protect the root systems of the trees to be
22 protected. If these limits are violated during
23 the construction, the developer or lot owner
24 shall be required to provide additional or
25 replacement landscaping of equivalent basil area.

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2 Next, the dry swales, bio-retention areas and
3 conventional retention basins shown on the plans
4 shall be preserved and properly maintained at all
5 times. The Code Compliance Department may give
6 notice to this effect at the time a building
7 permit is issued. The applicant shall deliver to
8 the Town an easement authorizing entry onto each
9 lot that includes a dry swale bio-retention area
10 or a conventional retention basin. The easement
11 shall run to the Town and shall be in form
12 suitable for recording and shall be satisfactory
13 to the Town Attorney. The easement shall
14 authorize the Town to enter onto each lot in
15 order to repair and maintain the drainage or
16 infiltration facilities located there but shall
17 not compel that such maintenance or repair be
18 conducted by the Town. There will be a landscape
19 security and inspection fee required.

20 Karen, do you know the amount of the
21 inspection fee at this time?

22 MS. ARENT: I suspect \$2,000 but I'm
23 not -- it would be between \$1,000 and \$2,000.

24 MR. DONNELLY: We'll leave 2. If it's
25 less you can send a letter.

1
2 We'll need a stormwater improvement
3 security and inspection fee, a private road
4 security and inspection fee, and fees in lieu of
5 parkland in the amount of \$12,000.

6 CHAIRMAN EWASUTYN: Any additions or
7 comments from our Consultants?

8 MR. HINES: Just to clarify, I believe
9 it was the entire frontage of Harris, not
10 Harris's driveway.

11 MR. BROWN: I was going to comment on
12 that. It's from the intersection of the Harris
13 property, the subject parcel, all the way to
14 Cronk Road.

15 MR. DONNELLY: From the intersection of
16 the Harris property?

17 MR. HINES: The entire frontage of
18 Harris and Casiano.

19 MR. BROWN: The entire frontage of the
20 Harris and Casiano property.

21 MR. DONNELLY: Across the entire
22 frontage. Okay.

23 CHAIRMAN EWASUTYN: Thank you, Pat.

24 Bryant Cocks, Planning Consultant, do
25 you have anything to add?

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MR. COCKS: I have no additional.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Frank Galli.

MR. GALLI: Nothing additional?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Having heard the
conditions of a preliminary approval and final
approval for Cronk Estates II for a six-lot
subdivision presented by our Attorney Mike
Donnelly, I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Yes.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MS. CASIANO: Thank you.

CHAIRMAN EWASUTYN: At this point then
I would like to thank everyone.

I'll move for a motion to close the
Planning Board meeting of the 4th of August. I'll
move for a roll call vote.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you.

(Time noted: 8:30 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: September 6, 2011