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

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In the Matter of

LANDS OF SMITH  
(2006-51) (2007-36)

Old Post Road & Rathmore Road  
Section 8; Block 1; Lot 7  
AR Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION & SITE PLAN  
Date: October 18, 2007  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

LANDS OF SMITH

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CHAIRMAN EWASUTYN: We're going to start the Planning Board meeting of the 18th of October. At this time we'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. O'DONNELL: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Myself present.

The Planning Board has experts that provide input and advice to the Planning Board in reaching various SEQRA determinations. At this time they'll introduce themselves and discuss the service that they provide the Planning Board and the Town.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

CHAIRMAN EWASUTYN: At this time I would like to turn the meeting over to Frank Galli.

MR. GALLI: Everybody stand.  
(Pledge of Allegiance.)

MR. GALLI: Turn off all cell phones and any devices similar to that please so as not to disrupt the meeting.

CHAIRMAN EWASUTYN: The first two items on the agenda this evening are public hearings. The first one we have is the lands of Smith. It's a public hearing for a two-lot subdivision and a site plan. It's located on Old Post Road in an AR Zone. It's being represented by Ken Lytle.

At this time Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the

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Town Law and to the Municipal Code of the Town of Newburgh, Chapter 185-57 Section K, on the application of lands of Smith for a two-lot subdivision and site plan on premises Old Post Road and Rathmore Road in the Town of Newburgh, designated on Town tax map as Section 8; Block 1; Lot 107. Said hearing will be held on the 18th day of October at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 12, 2007."

CHAIRMAN EWASUTYN: Thank you.  
Dina Haines, Planning Board Secretary.

MS. HAINES: The notice of hearing was published in The Sentinel on October 12, 2007 and in The Mid-Hudson Times on October 10, 2007. The applicant's representative sent out eleven registered letters, eleven were returned. The publications and mailings are all in order.

CHAIRMAN EWASUTYN: Thank you. Before we begin the public hearing I'd like to turn to

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Mike Donnelly, our Planning Board Attorney, to explain to the public the purpose and meaning of a public hearing and where we are in the SEQRA process.

MR. DONNELLY: As you've been told there are two matters on the agenda this evening for public hearings, and both of them involve subdivisions. The first also is a site plan. A subdivision is a layout of a piece of land in which additional lots are sought. The site plan is a proposal to do something more specific with that land.

The site plan in the case of the first application is for construction of a two-family home. The purpose of the public hearing is for you, the members of the public, to bring to the Planning Board's attention matters and issues that the Planning Board may not yet be aware of.

Both of these applications have been before the Board for some time. There has been review by the various consultants for the Board, reports, recommendations, and in both cases changes to the plans based upon those concerns. Before the Planning Board acts upon these it

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wants to give the public an opportunity to speak and to bring other aspects or issues to the attention of the Board.

When the public hearings begin, in each case the applicant will make a presentation describing what is proposed. Following that the Chairman will ask if anyone wishes to address the Board. If you do wish to address the Board we ask you to raise your hand and when recognized please come forward. If you would state your name, spelling it for our Stenographer so we can get it down correctly, and tell us where you live in relation to the project, it would help us understand the perspective you bring to bear. You should address your comments to the Board, and if you have any questions of the Board, if it's appropriate the Chairman will direct those questions to either the applicant's representative or to one of the members of the consultant team that works for the Town.

CHAIRMAN EWASUTYN: Thank you, Mike. Ken Lytle.

MR. LYTLE: Good evening. What we're proposing tonight is to subdivide -- a

1  
2 subdivision of an existing parcel of property  
3 located between Rathmore Road and Old Post Road.  
4 We're proposing to divide it into two lots, one  
5 is a single-family residence fronting with access  
6 on Rathmore Road, the second is a two-family  
7 residence with a detached garage that would  
8 actually have frontage and road access off of Old  
9 Post Road.

10           Septic systems have been designed  
11 according to standards.

12           Individual wells are proposed.

13           We've addressed all the concerns of the  
14 consultants and the Planning Board.

15           If the Board has any additional  
16 questions.

17           CHAIRMAN EWASUTYN: At this time I  
18 would like to turn the meeting over to the public  
19 for their comments. If you would give your name  
20 and your address.

21           MR. McLAUGHLIN: James K. McLaughlin.  
22 I live right next to that -- yup, right there.  
23 You know, two-family --

24           MR. LYTLE: Down the back of the hill,  
25 yes. That's actually a garage.

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MR. McLAUGHLIN: That's a garage?

MR. LYTLE: A garage also.

MR. McLAUGHLIN: Two family. So there would be two families -- I mean I was the first one to buy a lot in that division and there was only four lots. One lot has already been divided. Now we're basically going to have seven families instead of four, which is what I originally bought into.

MR. LYTLE: Again, the two families in this --

MR. McLAUGHLIN: Which is my backyard.

MR. LYTLE: Again, this is way over the hill from you. This is a single-family residence which is actually on top of the hill by you. All the trees will remain in between you for separation. The light green areas are the areas which we propose to clear. We'll keep the buffer for the neighbors for that reason.

MS. RIFKIN: Cindy Rifkin, 7 Rathmore Road.

CHAIRMAN EWASUTYN: That was too fast. Even I couldn't get that. If you'd give your name and address one more time.



1  
2 MS. RIFKIN: Cindy Rifkin, 7 Rathmore  
3 Road.  
4 CHAIRMAN EWASUTYN: Thank you.  
5 MS. RIFKIN: I'm to the left. So the  
6 proposed green areas are trees; correct?  
7 MR. LYTLE: The dark green areas are  
8 the trees.  
9 MS. RIFKIN: There won't be any  
10 clearing beyond that?  
11 MR. LYTLE: Actually it outlines the  
12 septic areas, the house and the driveway.  
13 MS. RIFKIN: Where is the proposed  
14 wells and septic?  
15 MR. LYTLE: The proposed well is right  
16 here for this lot. The septic is over here by  
17 Mr. McLaughlin. The septic for this lot is right  
18 along the road. The well for this is in the  
19 back. Everything on the second lot is over the  
20 hill from you.  
21 MS. RIFKIN: Right.  
22 MR. RIFKIN: Tim Rifkin, 7 Rathmore  
23 Road. What kind of footage are we talking about  
24 between where the dark green area is to the  
25 property line where --

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MR. LYTLE: The narrowest spot we've shown here is approximately 25 feet plus whatever remaining woods you have next to your property line. Again, it's the widest point here. You're probably 80 feet or better. These are down over the hill from you.

MR. RIFKIN: Approximately how many feet from the road is that first house?

MR. LYTLE: 180 feet, approximately, from the road.

MR. McLAUGHLIN: I'm sorry. Approximately how far is his septic field from mine? He's higher. He's going to be a little more elevated than me. I don't want all his stuff draining in my yard.

MR. LYTLE: The design standard, the 100/200 foot separation, has already been met. We've actually located your septic on there and actually made sure we meet those separations for that reason.

MS. RIFKIN: That's the proposed residence for --

MR. LYTLE: This is for the single family. This is for the two-family. Again,

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that's a garage he would like to have.

MR. RIFKIN: The acreage of the lots?

MR. LYTLE: This one when it's done will be about an acre-and-a-half and this other one will be just shy of two-and-a-half acres.

MR. McLAUGHLIN: I thought zoning laws in Orange County had to be two acres for well and --

CHAIRMAN EWASUTYN: James, what happens is there's a Stenographer keeping records --

MR. McLAUGHLIN: I'm sorry.

CHAIRMAN EWASUTYN: -- so please. Thank you.

James, go ahead. You thought there were zoning laws.

MR. McLAUGHLIN: Yes. I thought the zoning law in Orange County was you had to have two acres to have well and septic on a particular piece of property.

MR. LYTLE: It all depends on which zone you're in. In this zone we're able to get down to as small as one acre. For the two-family we need to have two acres.

MR. McLAUGHLIN: So the lot that I live

LANDS OF SMITH

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2 on, I mean technically in the future -- I live on 12  
3 2.1 acres, I can subdivide that?  
4 MR. LYTLE: Assuming well issues, yes.  
5 There's a Planning Board process.  
6 CHAIRMAN EWASUTYN: Additional comments  
7 from the public?  
8 (No response.)  
9 CHAIRMAN EWASUTYN: I'm going to turn  
10 to Pat Hines to -- he's our Drainage Consultant  
11 and Engineer. He can discuss with you, James and  
12 Cindy and Tim, the well and septic designs.  
13 MR. HINES: We've reviewed the project  
14 with regard to the well and septic separations  
15 and the design of the septic systems. Originally  
16 the house on lot 1, the single-family, was  
17 utilizing septic data from the original  
18 subdivision. We requested that that be updated  
19 since it was thirteen years old.  
20 The additional deep tests and perk  
21 tests have been added to the plans.  
22 We also requested additional deep tests  
23 and perk tests in the area of the septic for the  
24 two-family because of its location being the  
25 lowest elevation on the lot there. We had some

1  
2 concerns about the soil testing. Additional soil  
3 testing was provided.

4 Both of the septic systems meet the  
5 requirements of the Public Health Law designed  
6 for the one-family and the two-family unit.

7 The wells meet the separation distances  
8 from adjoining septic, so those are appropriate.

9 The project doesn't meet the threshold  
10 for review for requiring a stormwater management  
11 report because of the fact it doesn't involve  
12 construction of new roadways and such.

13 The lot always envisioned one single-  
14 family house even during the original  
15 subdivision. It's now going to contain two  
16 residential structures, the driveway for the one  
17 coming off of Rathmore Road and the other off of  
18 Old Post.

19 They've addressed our previous comments  
20 on the project.

21 CHAIRMAN EWASUTYN: Our Planning  
22 Consultant, Bryant Cocks, had surgery so he's not  
23 available this evening.

24 Karen, I believe you have his review  
25 comments. Karen Arent.

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MS. ARENT: The applicant provided a revised set of plans in the EAF for the two-lot subdivision and the site plan for the multi-family house.

The applicant addressed all the comments regarding parking spaces and garage locations.

Highway department approval of the driveway location was also received. They have no further comments.

During work session we did speak about the duplex and that you need to close off the door to the first floor entrance from the basement/garage entrance in order for it to be considered a duplex.

MR. LYTTLE: Okay.

MS. ARENT: I do have one comment regarding your tree protection notes. You have to write tree protection fencing shall be installed before clearing or construction begins.

MR. LYTTLE: Okay.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Cliff Browne, Planning Board Member, would you like to

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discuss --

MR. BROWNE: The comments Karen just mentioned on the duplex versus the original plan, the way your drawings currently show it's also still an accessory apartment because of the connection from inside the house. From what Jerry told us you need to have that separated with a three-quarter inch separation. In doing that that's going to limit your access into the downstairs unit, the lower unit. Karen made a comment about the access into that. We looked at the plans and said it looks like you can access it through the garage. Alternatively it's going to take a long walk outside. You might want to look at that.

When you get also to the department I understand there's some other issues with the design of your building. It's going to have to be worked on.

MR. LYTLE: To get to this process we know that. Actually if you look at the site plan, we provided a sidewalk along, as you say, down around the front of that house to the back. The garage they prefer to have a separate garage

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for the apartment down below.

MR. BROWNE: From what we're doing tonight that's a separate issue. Okay. Are you going to go on with other things?

CHAIRMAN EWASUTYN: When you said Jerry earlier, for the public who may not know who Jerry is --

MR. BROWNE: Jerry Canfield is the supervisor for code compliance. All these plans, before he can actually start building to get a building permit, they have to go through the building process itself and he has to review everything for code as far as the building structure itself. We don't address that portion here. We're just advising him that there will be an issue with that later.

MR. MCLAUGHLIN: James K. McLaughlin, 1 Rathmore Road. The design of the garage, is that going to have a finished loft where there could potentially be a third family?

MR. LYTLE: We haven't worked on any plans. This is the proposal of what the house will look like. The garage will be similar in color.



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MR. McLAUGHLIN: I'm not worried about colors.

MR. LYTLE: Again, the most they can do is a two family. Septic is on the other side of it. There's no way of connecting between the two.

MS. RIFKIN: Cindy Rifkin, 7 Rathmore Road. Are these being built to be sold as houses or are they being built for the family, the Smith family?

MR. LYTLE: He's building it for his primary residence himself.

MR. McLAUGHLIN: The lower one on Old Post Road?

MR. LYTLE: Right. I believe the other one I've been told by him is also for a family member also. Again, that's from the client.

CHAIRMAN EWASUTYN: Any additional comments from the public before I turn to the Planning Board Members for their comments?

MR. SALERNO: I live on River Road. The houses that have not been sold that are under construction --

MR. LYTLE: That's coming up next.

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MR. BROWNE: Could you give us your name, please?

MR. SALERNO: Anthony Salerno. The houses that have not been sold, which when this plan was first proposed --

CHAIRMAN EWASUTYN: Mr. Salerno, that's the next item on the agenda. We're talking about the Smith two-lot subdivision on Old Post Road.

MR. SALERNO: I understand. My contention is that those developments which have been presented individually here have to be looked at as one set of developments which is what I said the last time we discussed the other adjoining properties. I think that the development of that strip needs to be looked at as one development, not as piecemeal segments of one development after another. At the time when this was first presented I felt that it was a development that was going to be including all of that area, and that's what I stated at the time. I thought that it should be looked at by the Board in its entirety, not each individual presentation as it's being done here.

My concern is it affects all of the

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2 properties. My interest is in all of the  
3 properties that are in that same segment of land  
4 going from the corner of the bottom of Balmville  
5 Road, River Road and Commonwealth where they all  
6 meet at the Balmville Tree going up to the end  
7 which would be the intersection at the far end of  
8 this series of developments.

9 CHAIRMAN EWASUTYN: Can I ask you to  
10 hold that question until the next item on the  
11 agenda?

12 MR. SALERNO: Yes.

13 CHAIRMAN EWASUTYN: We haven't reached  
14 that. We're talking about an entirely different  
15 project now. Thanks.

16 I'll turn to the Board Members. Any  
17 additional comments from the public for the item  
18 that appears before us now, the lands of Smith, a  
19 two-lot subdivision located on Old Post Road and  
20 Rathmore Road?

21 (No response.)

22 CHAIRMAN EWASUTYN: Okay. At this time  
23 I'll turn to our Members. Frank Galli?

24 MR. GALLI: No additional comment.

25 CHAIRMAN EWASUTYN: Cliff Browne?

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2 MR. BROWNE: Nothing more.  
3 MR. MENNERICH: Ken, on the house,  
4 there's going to be a three-car garage attached  
5 to the house?  
6 MR. LYTLE: That's right.  
7 MR. MENNERICH: In your assessment form  
8 it indicates that the detached garage is for  
9 additional storage.  
10 MR. LYTLE: Mm'hm'.  
11 MR. MENNERICH: What type of storage?  
12 MR. LYTLE: My understanding is he's  
13 into cars. He has actually old classic cars type  
14 of thing.  
15 MR. MENNERICH: Thank you. That was  
16 it.  
17 CHAIRMAN EWASUTYN: Ed O'Donnell?  
18 MR. O'DONNELL: I don't have any other  
19 questions.  
20 CHAIRMAN EWASUTYN: Joe Profaci?  
21 MR. PROFACI: Nothing more.  
22 CHAIRMAN EWASUTYN: From the public  
23 final comments before I move for a motion from  
24 the Board to close the public hearing?  
25 (No response.)

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CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for the two-lot subdivision and site plan for the lands of Smith located on Old Post Road and Rathmore Road.

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.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mike Donnelly, where are we now in the SEQRA process as it relates to this application?

MR. DONNELLY: You had issued a negative declaration on August 30th. You

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2 scheduled it for the hearing this evening. SEQRA  
3 has been closed out. I have a resolution  
4 prepared with the conditions that I believe apply  
5 based upon this evening's proceedings.

6 CHAIRMAN EWASUTYN: Can you please read  
7 to the public and the Planning Board Members  
8 those conditions?

9 MR. DONNELLY: Before I do, just one  
10 other comment. During the work session the  
11 Building Inspector, Jerry Canfield, was here and  
12 pointed out, and he wished us to pass it along to  
13 you, that in addition to the need to make that  
14 interior wall fireproof and disconnected between  
15 the units, there will be issues regarding windows  
16 and requirements of lighting and ventilation that  
17 you'll need to review with him, and you'll have  
18 to alter the plans to require that.

19 There were actually three items before  
20 you, John. I don't know if you want to treat  
21 them separately or all together. That is the  
22 two-lot subdivision, the site plan for the two-  
23 family home as well as ARB for the two-family  
24 home.

25 As a group what the conditions would be

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2 is, number one, we would need a sign-off letter  
3 from Karen on the items that she indicated as  
4 needing correction before the plans could be  
5 signed. Secondly, we would need a set of revised  
6 plans to be submitted showing the closure of the  
7 internal connection between the units to the  
8 satisfaction, in this case I'll volunteer the  
9 Planning Board Engineer as the most likely person  
10 to review that. Our standard ARB condition would  
11 require that when it's built it be consistent  
12 with the renderings that the Board has seen this  
13 evening and we approved. Finally, the payment of  
14 fees in lieu of parkland both for the house and  
15 for the individual units and the two-family home.

16 CHAIRMAN EWASUTYN: Are the Planning  
17 Board Members satisfied with an action as Mike  
18 Donnelly has prepared in the resolution. Frank  
19 Galli?

20 MR. GALLI: Yes.

21 CHAIRMAN EWASUTYN: Cliff Browne?

22 MR. BROWNE: Yes.

23 MR. MENNERICH: Yes.

24 CHAIRMAN EWASUTYN: Ed O'Donnell?

25 MR. O'DONNELL: Yes.

LANDS OF SMITH

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2 CHAIRMAN EWASUTYN: Joe Profaci?  
3 MR. PROFACI: Yes.  
4 CHAIRMAN EWASUTYN: Having heard the  
5 conditions for approval of the two-lot  
6 subdivision, the site plan and for ARB approval  
7 for the lands of Smith, I'll move for that  
8 motion.  
9 MR. MENNERICH: So moved.  
10 MR. GALLI: Second.  
11 CHAIRMAN EWASUTYN: I have a motion by  
12 Ken Mennerich. I have a second by Frank Galli.  
13 Any discussion of the motion?  
14 (No response.)  
15 CHAIRMAN EWASUTYN: I'll move for a  
16 roll call vote starting with Frank Galli.  
17 MR. GALLI: Aye.  
18 MR. BROWNE: Aye.  
19 MR. MENNERICH: Aye.  
20 MR. O'DONNELL: Aye.  
21 MR. PROFACI: Aye.  
22 CHAIRMAN EWASUTYN: Myself yes. So  
23 carried.  
24 Thank you for attending.  
25 (Time noted: 7:25 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.

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DATED: October 25, 2007

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

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In the Matter of

BALMVILLE ESTATES  
(2007-10)

Intersection of River Road & Susan Drive  
Section 46; Block 2; Lot 14  
R-1 Zone

----- X

PUBLIC HEARING  
SEVEN-LOT SUBDIVISION

Date: October 18, 2007  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

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CHAIRMAN EWASUTYN: The following item of business this evening is Balmville Estates. It's a public hearing for a seven-lot subdivision located at the intersection of River Road and Susan Drive, it's zoned R-1 and it's being represented by Ken Lytle.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Balmville Estates for a six-lot subdivision on premises the intersection of River Road and Susan Drive in the Town of Newburgh, designated on Town tax map as Section 46; Block 2; Lot 14. Said hearing will be held on the 18th day of October at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town

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of Newburgh. Dated August 23, 2007."

CHAIRMAN EWASUTYN: Thank you.

Dina Haines.

MS. HAINES: The notice of hearing was published in The Sentinel on October 12, 2007 and in The Mid-Hudson Times on October 10, 2007. The applicant's representative sent out forty-two registered letters and forty-two were returned. The publications and mailings are all in order.

CHAIRMAN EWASUTYN: Thank you.

Ken.

MR. LYTLE: Good evening. What we're proposing tonight is a seven-lot subdivision, six residential lots to have access off of a new private road to be installed off of Susan Drive. The other one is an individual lot and a separate driveway accessing off of River Road.

There will be a water main extended from Susan Drive for water access up into the property and individual service lines installed for these homes.

Lot number 1 on top, which has access off River Road, is proposed with a well, and an individual water main would be installed. The

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Board has asked to add a note to the plan they abandon the well and tie into the water service.

In doing so and in previous subdivisions we've done we know the neighbors have some concerns regarding buffers and privacy they've always had before. What we've done on the east side of the project which backs up against Susan Drive there is actually a drainage swale which runs down through the woods. During a previous subdivision there was a thirty-foot wide easement donated to the Town for them to go in, maintain, clear that up as necessary to keep that flowing, keep it clean for the neighbors. All the woods to the east of that which butts up against the homes on Susan Drive will remain woods, and as noted on the plans never to be disturbed for that reason. Similarly, along the entrance to Susan Drive there's three homes. Again, this has been donated, again never to be disturbed, trees to remain. There's a couple areas, the landscape architect being out there and looking at the site, noticed that there was some openings. They have asked us to add some notes to have trees installed. The trees will be

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installed, and that will be determined by her out in the field during construction. So privacy from house to house will always remain.

Also in the driveway proposed location there's two large Sycamore trees located at the entrance. The road is proposed to be installed in between those and drastic measures taken to actually save those trees as best as possible.

The area to the left of that, again abutting the Davis lot, that will always remain woods, again to keep the privacy as best they can.

Septics have all been designed according to code.

Water mains have been shown as proposed. We need to go to the Board of Health for their final approval for that.

If the Board has any additional comments.

CHAIRMAN EWASUTYN: Thank you. At this point we'll turn the meeting over to the public. If you would raise your hand and give your name and your address.

MS. CINDY DAVIS: Hi. I'm Cindy Davis,

1  
2 I live at 7 Susan Drive. I would like to suggest  
3 that the house at the base -- the house at the  
4 base -- that's my house. The next house over. Go  
5 back. The one you're proposing to build --

6 MR. LYTLE: That one?

7 MS. CINDY DAVIS: That house is going  
8 to be in the wettest area because the land runs  
9 downhill. If you move that house next to my  
10 house where the road is supposed to be, that  
11 house won't get as wet and there's a better  
12 chance that the runoff from all those houses that  
13 are going to run down into that house -- it would  
14 make more sense to move the road over halfway and  
15 have a house closer to me than to have a road by  
16 me where I'm going to have traffic constantly.

17 I don't know what the zoning is, if I'm  
18 allowed to put a fence up.

19 MR. LYTLE: Okay. We did extensive  
20 testing down in this area. Again most of what we  
21 found was run of bank gravel, very good and good  
22 for absorbing --

23 MS. CINDY DAVIS: I know what the  
24 topograph --

25 MR. LYTLE: There's nothing flat in

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this --

MS. CINDY DAVIS: It's definitely much lower. Significantly. As a matter of fact, my neighbor in the corner, he had a problem with the water just running into his pool because it slopes so much.

MR. LYTTLE: That's what we did during the previous subdivision, this area through here was actually donated to the Town. What had happened from my understanding from the Town people was there was actually a concrete headwall and a piece of pipe that leaves that and goes into a drainage system on Susan Drive.

MS. CINDY DAVIS: I know there's a stream there.

MR. LYTTLE: During a heavy storm I guess it was actually covered up with brush and what happened is it ponded up and the water overflowed and I believe filled this pool. So since then they have actually installed a couple clean-outs to stop that from happening. We've given them the easement so the Town could go in and clean that.

MS. CINDY DAVIS: Is there any way you



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could move the road over a little and the house closer to me?

MR. LYTLE: This actually works out to be the best location for the road, again to service and access the lots.

Regarding your question about a fence, you're allowed to put a fence up. You need a building permit to do that.

MS. CINDY DAVIS: I'm going to have constant traffic. You figure two cars per house and all the lawn equipment that comes and goes. No one on Susan Drive cuts their own lawn. Then you're going to have garbage trucks coming and going. It's nonstop traffic.

MR. LYTLE: That's why we left the buffer here. That will give you as much privacy as possible. I believe there's a tree line pretty close to your house. You'll actually have more than what's shown on the maps.

MS. CINDY DAVIS: I don't believe that.

CHAIRMAN EWASUTYN: The lady in the back.

MS. BENSON: Heidi Benson, 4 Stone Gate Drive. What are the dates of these plans?

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MR. LYTLE: The latest revision is  
7/23/07.

MR. HINES: No. 9/12.

MR. LYTLE: I'm sorry. He's correct.

MS. BENSON: Our neighbor -- you gave  
our neighbor a copy from March and there were  
only six houses on the subdivision. I was just  
wondering what the size of the lots are and why  
the changes were made?

MR. LYTLE: There was a preliminary  
actually drawing we were working with with the  
neighbor behind you, Mr. Johnson. Again that  
proposed six lots at that point. At that point  
there were individual driveways proposed for  
frontage on Susan Drive and also frontage on  
River Road. During the review process the Town  
thought it would be better to bring the water  
main in to service the homes with water and bring  
in one common drive and have less entrances onto  
Susan Drive. That's why the plan was changed.

MS. BENSON: The Town made that  
decision?

MR. LYTLE: The Town did ask for that  
because it would work out better for everyone.

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MR. HINES: What happened is during the initial presentation the project was designed utilizing six flag lots with very small pieces of land coming out to Susan Drive or River Road. There were more driveways off of River Road and several driveways off of Susan Drive, and also each of them had separate water lines running in. It was suggested by the Town's consultants, the people sitting at this table and some that aren't here tonight, that the project would look more like the surrounding residences if it had a road going to it and had individual houses with individual driveways coming off the road rather than having a bunch of flag lots with houses behind houses. The way it laid out was people's front yards were in people's back yards. I can tell you maybe that's the layout you're looking at there. It wasn't really conducive to fitting in with the neighborhood. We worked at several work sessions with the applicant's representative to come up with the plan you have before you now to make it look more like a conventional residential subdivision and fit in more with the area.

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MS. BENSON: Okay. Then the second half of my question is what are the lot sizes now?

MR. LYTLE: Minimum they're actually just under an acre. A couple of them are a little larger than that.

MR. BENSON: Can I refer to my wife's questions? Matthew Benson, 4 Stone Gate Drive. I have the original plan here my neighbor Doug also had and gave to me. You know, this whole area is not made up of subdivisions. All of Balmville is individual houses off of roads or individual old estates. The problem aesthetically and -- mostly aesthetically with putting in subdivisions is it does not fit into the character of the neighborhood. This has been my strongest argument. I've written to the Town saying this is the historic center of the Town of Newburgh, Balmville, and these subdivisions that are going in -- the two houses that have gone in to the south of us look like they've landed from another planet. They do not fit the character of the neighborhood. Anthony Salerno lives right across the street on Morningside which is the

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2 Withers house, the historic house, and our house  
3 which is on the historic register are now facing  
4 these large boxy homes. They are both exactly  
5 the same by the way. The builders who were nice  
6 guys, and I talked with them a lot, had built two  
7 of the exact same houses. There are no two of the  
8 exact same houses in all of Balmville. So now  
9 right in the historic center are two 4,000 square  
10 foot houses that are exactly the same. Everyone  
11 who comes up and visits us drives by and says  
12 what have they done? What are they doing here?  
13 I know this issue isn't an engineering issue,  
14 it's not a -- it's not a zoning issue. It's a  
15 cultural/aesthetic issue and it's harder -- it's  
16 a more subjective issue but it's critical to  
17 everyone who has chosen to live in this part of  
18 the Town of Newburgh.

19           So a seven-lot subdivision with one  
20 road, there's no other configuration like this in  
21 Balmville. One road with a cul-de-sac or little  
22 roads, you know, radiating off of it. It just  
23 doesn't fit. I know it makes sense economically,  
24 Mr. Lytle, obviously. You're a developer. Maybe  
25 it makes sense from an engineering standpoint.

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You have one water supply or whatever it might be. But culturally and aesthetically it mars the landscape. I would, you know, plead with the Town to consider those issues as strongly as other ones.

This original plan made a lot more sense even though it has more driveways because, after all, this whole area is serviced by individual homes with their own driveways. Here you've got a big main road where this woman who lives next to it is going to be subjected to a lot of traffic. If that road were split into three or four other driveways you wouldn't concentrate the noise. Now you've got a concentrated super road servicing seven houses. From a noise standpoint, from a privacy standpoint, for a lot of other reasons it doesn't make as much sense. Maybe engineering it makes some sense. Clearly it's an imposition to people living around it, and it doesn't fit. It doesn't fit the neighborhood.

You know, I moved to this part of New York because I love the history. I'm seeing it being affected all around me. I don't mind new

1  
2 construction, I just want it to be done  
3 sensitively and sensibly and with some reference  
4 to what's already there. There's some amazing  
5 houses all around what's being built and these  
6 houses should try to fit in and be sensitive to  
7 that environment.

8 CHAIRMAN EWASUTYN: Additional comments  
9 from the public?

10 MR. DAVIS: Mark Davis, 3 Susan Drive.  
11 Originally did you not have two driveways coming  
12 off of River Road?

13 MR. LYTTLE: Again, it's been awhile but  
14 I believe it was two at that time and four coming  
15 off Susan Road.

16 MR. DAVIS: So now what happens is  
17 instead of six houses on that subdivision, now  
18 we've got seven? You just added another house  
19 and also got rid of another driveway on River  
20 Road? So you just increased the traffic twice on  
21 that whole cul-de-sac which originally when you  
22 guys were talking about putting a cul-de-sac in  
23 there it was still only six houses. Now you've  
24 got seven. In other words, the cul-de-sac there  
25 or not, why do we have seven houses?

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MR. LYTLE: With the cul-de-sac's location, and again the costs involved in doing it, it actually worked out to allow for the layout of the seventh lot.

MR. DAVIS: Okay. That was not suggested in the last meeting, that you might put in another house.

MR. LYTLE: Again, it was --

MR. DAVIS: That wasn't even a thought in my mind, that you would add another house to it just because you had a cul-de-sac. And you got rid of the other driveway.

MR. LYTLE: The other driveway -- again, they wanted us to eliminate the driveways as best we could. Off of River Road we got down to one driveway. All the driveways here will service off of one private road. I understand your concern.

MR. DAVIS: You got rid of one of the driveways on River Road and you added another house and you added that driveway onto that cul-de-sac, which from my understanding, which you guys changed it obviously, you weren't going to touch the two driveways on River Road, you



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were just going to add the cul-de-sac. This is a huge change. This is not a little change, this is big.

MR. LYTLE: Again, these are all changes we've done back and forth with the planning consultants at the workshops to make a better layout for that area.

MS. CINDY DAVIS: It's only a better layout because it makes more money.

CHAIRMAN EWASUTYN: I think Pat Hines, Mr. Davis, originally tried to explain to you what happened when they went out into the field. This was discussed with Daryl Benedict, the Highway Superintendent. Jim Osborne, the Town Engineer was involved in this. It was a decision that was made by professionals in the field, and that's how they -- we were trying to explain that to you and Pat Hines was trying to explain it to you. We have that on the table right now, that explanation.

I will be opening up to other people before I return to you. We've heard your comment as far as the aesthetics of the area, how you would like to see individual driveways. There is

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also a concern, and I'll turn to Ken Wersted, our Traffic Consultant, how it's good planning in many cases to have a single access onto a road than have multiple accesses. I'll have Ken Wersted, Traffic Consultant, speak on that.

MR. WERSTED: Essentially instead of having all of the individual driveways coming out to Susan Drive they're all concentrated onto a short private road and they come out at one location on Susan Drive. So the traffic that is currently generated on Susan Drive coming back and forth doesn't have to contend with six or seven driveways out to that road, they just have one driveway that's servicing all the units.

I wouldn't characterize Susan Drive or the new private road as any super road by any means. With only seven houses there's not going to be a lot of traffic that's generated next to the Davis's property. The traffic that's going by on Susan Drive obviously serves a lot more homes than this private road, so the units and the houses that are on this private road are going to be a lot less than the traffic that's already using Susan Drive.

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MR. BENSON: Can I just respond?

CHAIRMAN EWASUTYN: Not at this particular point. I would like to turn it over to other people who have questions. I don't want to get into a dialogue or debate back and forth at this point.

MR. BENSON: It's just a quick question.

CHAIRMAN EWASUTYN: I'd like to control the meeting and refer to other people here that were also part of the mailing. Thank you.

Anthony, I know you had a comment earlier on. Would you like to discuss it now? For the record would you give your name and address?

MR. SALERNO: Anthony Salerno, 441 River Road, which looking at the map is the northwest part of that site.

I want to reiterate what the Bensons have said and reenforce it. I agree with everything they said. I don't believe that this project, in fairness to the public, is being reviewed properly. I think the appropriate thing to work on by this Board would have been to look

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2 at the entirety of the development from its  
3 inception. As I said at the last meeting  
4 regarding this, I think it is disingenuous to the  
5 public to have looked at this in pieces one at a  
6 time. This should have been looked at as one  
7 development. It was clear to us that it was  
8 going to be one development. You all should have  
9 known better, you're in this business, you do it  
10 all the time. Now we're looking at what is  
11 another piece of it. Ultimately every square  
12 foot of that property will have been developed.

13           Number two, therefore the public cannot  
14 really view this at each meeting in fairness and  
15 properly in its content, and I think that we're  
16 entitled to that.

17           Number two, this project has been from  
18 the beginning all about density. I will agree  
19 with Mr. Wersted, the Traffic Consultant, that  
20 it's already basically a tried and true fact that  
21 one driveway going off of a road is better than  
22 having multiple driveways. But that begs the  
23 question. There's too much density here. This  
24 kind of density does not belong in this  
25 community. It's completely out of character, it's

1  
2 completely wrong, it's unfair. Everything that  
3 was represented to us about the houses in the  
4 earlier version of this development that we were  
5 concerned about turned out to be true. The  
6 concerns about the removal of the trees. The  
7 amount of trees that were removed compared to  
8 what was listed on the plans, three times, four  
9 times as many trees. The area is significantly  
10 denuded. Go take a look at what it looks like.  
11 Number two, the issue of these being  
12 mcmansions that are going to be cookie cutter  
13 projects. They are. Just what we were concerned  
14 about, that's what they are.  
15 Number three, to compound this, which  
16 was not under the control of the developer, there  
17 was a down turn in the market, the mortgage  
18 market, and there was a collapse in that. I  
19 don't know how many people have been doing the  
20 construction but the construction has been going  
21 on piecemeal continually ever since it was  
22 approved. One contractor is gone, comes another  
23 one, one sign goes up, another one replaces it,  
24 the one broker disappears, another one comes on  
25 the scene. It's really been almost circus like.

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2 The construction vehicles have been there, they  
3 don't leave. They're there, they stay for a  
4 month, six months, three months. No one looks,  
5 no one really is monitoring it. That's the  
6 process. Of course that eventually goes away.  
7 What does not go away is the difference in the  
8 fact that this should not be one-acre zoning.  
9 From a density point of view as a developer you  
10 would want to maximize the amount of development.  
11 You would want to maximize the amount of tax  
12 revenue that the Town receives. Great. But for  
13 the people who live in this community it's wrong.

14 Mrs. Davis who has the property  
15 adjoining, I agree that a driveway is the right  
16 thing to do, but she already lives there. That  
17 driveway shouldn't be next to her house. Not for  
18 the sake of a developer who needs an additional  
19 lot to develop an additional house for density.  
20 The driveway should have been moved over and  
21 there should have been only six houses. I'm not  
22 in favor of six but it certainly shouldn't have  
23 been the number of houses there now. The only  
24 reason it was put there is because the density  
25 works better that way.

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Flooding we'll see. It's been a relatively dry season. We'll see what happens.

Elevations. The elevations have turned out to be not as much of a concern as they were when we looked at the plans originally. Why? Because they leveled property and put the properties below grade in certain cases. We'll see what happens with flooding on that side of the road.

Everything else our process concerns, and I've stated them in the past, we said them at the initial meeting. I think that the main thing is the character of this community will be unalterably changed, and that is sad because this is something that is essential, it's important to the community and this could have been better developed. This could have not -- this did not have to be oppotunistically developed. It could have been developed more wisely, more thoughtfully. There could have been more thought to aesthetics and there could have been more thought to the character of the community. I don't think that thought was given to it. With all respect to the professionals, and I do

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respect them, professionals make mistakes.  
I'm happy that the Traffic Consultant made a decision that I would agree with but I don't agree with how it's played out here, simply the idea of one driveway is better than multiple driveways coming off a road. That's the one thing I heard in the discussion tonight that in fairness I must say makes sense. The fact is it's the stepchild of additional density that's not appropriate. It's just wrong. When this development is finished and you see the whole development you will really be astounded at the change that has occurred. As you drive from the bottom of the Town of Newburgh and you work your way up Balmville Road and you hit this development and you continue up the road you're going to say what the heck is that? What happened here? For what? So what did we get, a few more dollars. If they are ever purchased for the price, if the people that move in there are going to maintain the house. Who knows. One-acre zoning. Who knows what they'll sell it for. Who knows whether the developer succeeds or goes bust. We don't know. It's a tough market. We



1  
2 really don't know what's going to happen with the  
3 houses.

4 Have any of the houses been sold to an  
5 end user yet?

6 MR. LYTLE: Again, the developer who  
7 actually is working and owns those lots, I'm  
8 not --

9 MR. SALERNO: But you were the original  
10 developer and you sold to another developer.

11 MR. LYTLE: As far as I know they're  
12 under construction. I know just above Stone Gate  
13 Drive, just above the Johnsons and the Bensons,  
14 that house is actually being built for a specific  
15 individual.

16 MR. SALERNO: Fair enough. The  
17 representations that were made by you were not  
18 necessarily forced to be incorporated by the Town  
19 into the representations and requirements of the  
20 succeeding developers, which is an old story.  
21 One developer sells to the next, conditions  
22 change and you get what you get.

23 I must tell you I strenuously disagree.  
24 I think the density is all wrong. I think it's  
25 unfair, it's not right, and I hope you will

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reconsider it and modify the density significantly.

CHAIRMAN EWASUTYN: I thank you. Let's talk about rights as you described density.

I'll turn to our Planning Board Attorney, Mike Donnelly, to explain to you what the density is that's allowed in that neighborhood, understanding full well that you're saying the character of the neighborhood will change. I want to talk about rights and zoning at this point in time.

MR. DONNELLY: Very eloquent arguments have been made as to why this area perhaps should have been zoned differently and perhaps should have been given some type of historic or architectural overlay so that everything built within it was consistent with that existing character. Those arguments aside however, that has not been done by the Town Board. This is zoned for 40,000 acre lots and the architectural review power of this Board under the ordinance doesn't begin unless and until there are more than ten lots. Even then the authority only relates to the requirement that housing types be

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interspersed so that no two houses are built immediately the same alongside one another. The Planning Board has not been vested with the type of authority over aesthetics that you have called for and may be valid and appropriate, but that is not a Planning Board issue.

All of the lots here meet the current zoning, and indeed seem to me from looking at the tax map in the vicinity to be very consistent with the lot size and the type of layout that exists on the loop road Susan Drive east and west. Therefore, from a character of the neighborhood basis as well as from a zoning basis I think the Board's concluded that this development is consistent with the aims and objectives of the ordinance, consistent with the character of the neighborhood.

It was looked at by the Drainage Consultant, by the Traffic Consultant. The trip generation for a seven-lot subdivision is not a high volume issue. It was given a negative declaration under SEQRA. And but for compliance and layout issues that we want to hear comments, it is, although perhaps not what you would want

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to see and what a different legislative body might have aimed for, the area is indeed consistent with the ordinance that this Board is empowered to implement and not to violate.

CHAIRMAN EWASUTYN: Before I turn to Matthew, before I turn to Anthony, I would still like to give the opportunity to other members of the public who may be here tonight.

The lady in the back, please.

MS. OSBORNE: Marie Osborne, 86 Susan Drive. I have a few questions. The land that's being donated to the Town, what exactly does that mean?

CHAIRMAN EWASUTYN: Ken Lytle.

MR. LYTLE: It's a thirty-foot strip, that drainage swale. It's pretty much centered and allows the Town to maintain it, clean it, which has actually caused some of the problems for Mr. Saunders I believe it was at the corner in the past.

MR. HINES: The word donated, it's only an easement. It remains with the property. The Town has rights to maintain the drainage swale is what that means. There's no land donated.

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MS. OSBORNE: Is it like a preserve?

MR. HINES: No. It gives the Town rights to maintain that ditch.

MS. OSBORNE: Do they have the right to do anything else with it?

MR. DONNELLY: They can't build on it.

MR. HINES: They can do drainage improvements within the thirty-foot wide easement. There's no land donated. It's just an easement.

MS. OSBORNE: I know, it's in my backyard. I just want to know exactly what is the measurements from the creek to where the building is going to begin.

MR. LYTLE: These houses that are the proposed ones, approximately 70, 80 feet at the closest point. There's other ones that are farther away, over 150 feet. The septic are off the front and this is off the rear.

MS. OSBORNE: I was just under the assumption that the closest you could come to that would be -- the 150 feet would be the closest you could come. I might be mistaken but that's what I understood. I could be wrong. I'm

1  
2 asking a question because I really don't know. I  
3 mean I thought 150 feet was the closest they  
4 could come to that creek, to that water.

5 MR. LYTLE: I believe it's 35 feet.

6 Pat, maybe I'm wrong.

7 MR. HINES: It's not a regulated  
8 stream. I will note that the closest houses are  
9 approximately 40 feet based on the scale of the  
10 maps I'm looking at here. The Town does not have  
11 the zone stream corridor protection ordinance or  
12 anything. So it not being a DEC protected  
13 stream, there is no buffer associated with it.  
14 Had it had a classification where it was  
15 protected, there would be a 25-foot buffer  
16 requiring a permit from the DEC. I don't know  
17 where the 150 foot came from. There's no such  
18 ordinance in the Town.

19 MS. OSBORNE: I just want to make --  
20 I'm not exactly sure where you're putting this  
21 driveway going to the cul-de-sac. Is it going to  
22 be on Commonwealth?

23 MR. LYTLE: It actually will front on  
24 Susan Drive. As you come in, you go passed the  
25 Davis's house then there's two large Sycamore

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trees.

MS. OSBORNE: I would like to make a comment that -- I'm not sure if anybody knows the traffic pattern over there, but when you come off of Balmville Road to get onto Susan Drive there is Commonwealth, if that's Commonwealth, and then you have to make a left to get onto Susan Drive. There's only one way to get in there and it's -- there's a lot of traffic. I believe it's Grand Avenue and Balmville Road, a lot of people use that as a shortcut to cut through all the lights on 9W and end up at the top of 9W. I want to make a note that you have to -- when you make that left people are coming up the road and you really can't see them. You have to be quite skilled as to not get in an accident every day only because I drive it every day. I'm sure everyone else that lives on Susan Drive can tell you that also. So you're going to be adding more traffic. It's obviously right there where you turn. It's the only way to get onto Susan Drive. So there's going to be more traffic, cars are coming up and you have to stop and look, and if there's nobody coming you have to gun it to make

1  
2 sure that nobody hits you. I don't know if  
3 anybody is aware of that traffic problem but this  
4 is only going to make it worse.  
5 CHAIRMAN EWASUTYN: Thank you.  
6 Additional comments from the public who  
7 haven't spoken yet?  
8 Ms. Davis, we heard from you. We will  
9 go back for second questions.  
10 Ma'am.  
11 MS. EVA DAVIS: I'm Eva Davis. I'm the  
12 one with the well so I have a concern about  
13 drainage.  
14 CHAIRMAN EWASUTYN: You're saying you  
15 have a well on your property?  
16 MS. EVA DAVIS: Yes. I didn't put it  
17 there. It's been there forever.  
18 CHAIRMAN EWASUTYN: Pat Hines, would  
19 you like to discuss drainage?  
20 MR. HINES: I would like to discuss  
21 that well actually. It's not depicted on the  
22 plans.  
23 MS. EVA DAVIS: Yes, it is.  
24 MR. LYTLE: If you go to sheet 2, Pat.  
25 MR. HINES: There's a couple Davises.



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Okay, I see that now.

MS. EVA DAVIS: Mother, daughter.

MR. HINES: As far as drainage goes, we've reviewed the project and requested fairly substantial drainage improvements emanating from the private road. The applicant was proposing swales. We've required -- requested and actually required between my office and the highway superintendent that a closed pipe drainage system be installed to pick up the runoff. Culverts and catch basins from the private road where it enters Susan Drive. There will be several catch basins discharging to the existing drainage system at Susan Drive, roughly the rear yard of Saunders. There's approximately 350 some feet of pipe required to be installed in order to provide for drainage on this site and some drainage improvements along Susan Drive. So we've reviewed that.

There's some water quality treatments that have been incorporated into the plan and those swales that will be required to be installed.

As far as impacts to the wells, this

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2 plan, should it receive preliminary approval --  
3 because it is a major subdivision and because of  
4 the history of the subdivisions this parcel has  
5 been involved with, it will be required to go to  
6 the Orange County Health Department for review of  
7 the septic systems at which time they'll review  
8 the individual septic systems proposed for each  
9 of the lots. Because of the number of lots and  
10 the history of the project, the Town -- normally  
11 my office would review the septic systems.  
12 Because of the number of lots it gets deferred to  
13 the Health Department for their review. They'll  
14 actually go out and witness the deep tests and  
15 percolation tests to make sure those designs meet  
16 their requirements.

17 Does that answer your question?

18 MS. EVA DAVIS: Are the septic systems  
19 all the same size?

20 MR. HINES: The septic systems are  
21 various sizes based on the percolation rates  
22 from the testing that was done preliminarily by  
23 the applicant's representative. The Health  
24 Department will field check those to make sure  
25 they're the actual results in the field versus

1  
2 the design. Because it's a major subdivision the  
3 Town does not review the septic, the Health  
4 Department does.

5 MS. EVA DAVIS: Percolation and perk  
6 tests were done during very dry weather just  
7 before a five-day rain.

8 MR. LYTLE: We've done them a couple  
9 different times in a couple difference areas.

10 MR. HINES: They'll be done again. The  
11 Health Department will come out and witness  
12 percolation tests. Not all of them but they'll  
13 select certain ones to be done.

14 CHAIRMAN EWASUTYN: Is there anyone  
15 here this evening who would like the opportunity  
16 to raise a comment or question who hasn't spoken  
17 before?

18 (No response.)

19 CHAIRMAN EWASUTYN: Okay. We'll start  
20 back to Ms. Davis.

21 MS. CINDY DAVIS: I just want to  
22 mention that the same house I had mentioned that  
23 I could see being under a lot of water, that's  
24 going to be the first house on Susan Drive when  
25 you drive up that you're going to see the back of

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the house. I know you're going to tell me there's some leeway but that's the first house on the whole road that you'll be seeing into the back of their house.

MR. LYTLE: During the review Karen actually asked -- in the code the driveways and the house -- I'm sorry. The houses are asked to front or face the private road. Actually if it turned it would have more of a frontage to both roads. That could be done with Karen if she was okay with that and the Planning Board was okay with that.

MS. CINDY DAVIS: It's going to look strange.

CHAIRMAN EWASUTYN: Heidi Benson.

MS. BENSON: Hi. What are the square footages of these houses?

MR. LYTLE: What's shown on here right now is a footprint of approximately 1,500 to 1,800 square feet per floor. What they actually build, individual plans would have to be developed and drawn. The septics are designed based on a four-bedroom residence.

CHAIRMAN EWASUTYN: Matthew Benson.

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MR. BENSON: Thank you, Mr. Chairman.  
I just had a question for Mr. Wersted.

MR. WERSTED: Correct.

MR. BENSON: The plan that I'm looking at which was earlier and which has now changed, you had talked about having one driveway onto Susan Drive and that being less of an impact than multiple driveways. The original plan had only two driveways onto Susan Drive and only three houses. Now you've got one road with seven houses all emptying onto Susan Drive, which is a pretty small road. I don't even know if there's a yellow line down the middle of it. People park on that road. I mean emptying seven houses through one slew of traffic on that little road is going to have a much greater impact than three houses and two driveways. Frankly, if this original plan had stayed you would have an additional three houses going onto River Road, which frankly -- I live on River Road and I would much prefer to have the driveways emptying onto River Road as opposed to having everything concentrated on Susan Drive. People on Susan Drive are my neighbors and it's just -- this

1  
2 seems like a much less safe and much less  
3 intelligent plan. It's much better to spread out  
4 impact as opposed to concentrating it. I just  
5 wanted you to consider that.

6 MR. WERSTED: Okay.

7 MR. BENSON: I think, as with my other  
8 neighbors, there's a big concern about this one  
9 road with seven houses, or six houses. Sorry.

10 My other question to Mr. Lytle was Mr.  
11 Johnson who lives to the north of those three  
12 houses is going to be impacted by this  
13 development. I would ask the Town -- when we  
14 went before you before we asked if we could have  
15 a buffer, a landscape buffer of fifteen feet, and  
16 that was written into the approved plan. Now we  
17 subsequently bought a lot from you, lot 1 on  
18 River Road, so that buffer became sort of  
19 incidental because we own the land now. We  
20 basically bought a big buffer.

21 MR. LYTLE: That was up against your  
22 house, not Mr. Johnson.

23 MR. BENSON: That's right. Now Mr.  
24 Johnson is facing the same situation as we did.  
25 We're protecting ourselves against one house and

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2 we spent a lot of money for just a buffer. Mr.  
3 Johnson now has three houses about to be coming  
4 into his land -- abutting onto his land. You've  
5 got a buffer on Susan Drive around the swale.  
6 I'm presuming that can't be cleared or cut, it's  
7 forested. I know Ms. Arent has been doing a good  
8 job with protecting the frontage on River Road  
9 with the trees. This is all old estate land with  
10 estate trees. There's a lot of Locust and Red  
11 Maples. This was a beautiful sort of parkland at  
12 one point.

13 Mr. Johnson is not here, he asked me to  
14 speak for him as well. He wants the Town and you  
15 to consider a buffer between his property and the  
16 back of these three houses that are going to be  
17 built where land cannot be cleared and the  
18 original trees have to be left intact along his  
19 property line. He owns six acres to the north of  
20 there.

21 MR. LYTLE: Yup. On this side.

22 MR. BENSON: That's right.

23 MR. LYTLE: Right now currently --  
24 we're looking at the aerial shots -- his closest  
25 point of clearing of trees, he's approximately 60

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2 to 80 feet. Again they're getting larger as you  
3 go down the property line. You can see here is  
4 the north edge of the property. Up on top is  
5 actually what he has cleared currently. This  
6 landscape buffer he already has on the existing  
7 property. We have no proposal for anything down  
8 here.

9 MR. BENSON: So he has a buffer the way  
10 we do?

11 MR. LYTLE: The natural. Again, on  
12 your plan we gave you one and then you purchased  
13 a lot. So you bought your own buffer.

14 MR. BENSON: He will be pleased to know  
15 that it's not coming right up to his cleared lot.

16 My other quick question is you said a  
17 subdivision of ten houses or more is subject to  
18 some kind of restrictions in terms of the houses  
19 that can be built, they have to be more varied.  
20 Is that correct? Is that the Town rule?

21 MR. DONNELLY: Yes.

22 MR. BENSON: Okay. So it's perfectly  
23 conceivable a developer could buy this from Mr.  
24 Lytle and build seven of the exact same houses,  
25 which is what happened behind us. I cannot tell



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2 you how completely wrong and hideous that is to  
3 the neighborhood. There's nothing like that in  
4 all of Balmville. I know you don't have the  
5 power at this point in your bylaws to legislate  
6 against it or to tell the developer you can't  
7 build six or seven of the same houses, but what  
8 would be the procedure for there to be put in  
9 some kind of architectural review where that  
10 wouldn't happen? I know it is going to happen.

11 MR. DONNELLY: The Town Board would  
12 have to enact that. There is at least one member  
13 of the Planning Board that wants to ask the  
14 developer whether he's willing to place that  
15 restriction on the development itself. We may  
16 come to that issue this evening.

17 MR. BENSON: That would be a great  
18 thing to put in because the fear for everyone who  
19 lives in this neighborhood, and it's happened  
20 behind us, is that you get two of the exact same  
21 houses. I went and saw the building plans for  
22 the two houses behind us and it was one  
23 architectural drawing. I realized that cost half  
24 as much as two drawings. The developers just  
25 weren't thinking. For them it's less money to

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2 spend on more architectural plans, let's just  
3 build two of the same houses. It actually  
4 deteriorates, you know, the aesthetics and the  
5 culture, the history of the neighborhood.  
6 So I would ask that that be strongly  
7 considered, that six or seven of the same houses  
8 not be allowed to be built in this case and  
9 whoever buys from Mr. Lytle have that restriction  
10 written into the deed of sale, that they have to  
11 be varied. All of Susan Drive is varied. They  
12 may all look like a lot of 1950s ranches but  
13 they're all different. Certainly the old  
14 historic homes are all different. That's in  
15 keeping with the character.  
16 CHAIRMAN EWASUTYN: I think we have two  
17 items before us right now. We have a history of  
18 two buildings that went up on the site that  
19 turned out to be visually harmful to everyone and  
20 quite honestly not in compliance, Anthony, with  
21 what everyone thought was going to be prepared.  
22 I don't think there's a Board Member here that is  
23 ignorant of that fact, and in fact rather  
24 concerned when it was built. So I would like to  
25 air that because I think it's something we have

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to let out our emotions on at this point because it turned out to be a blunder. Things do happen like that.

I'll ask Ken Lytle to kind of bring us along as to who he sold the lots to for conversation, I mean we can't go back in time, what he thinks happened. We tried policing that afterwards. There were some walls that were taken down that weren't supposed to have been taken down. There were trees removed that weren't supposed to be removed. Karen went out there and we tried to service the public, service ourselves by, lack of words, putting band-aids on large wounds at that particular time.

Then I'll turn to Ed O'Donnell who during our work session had some thoughts as far as deed restrictions. Bring us along on the history.

Again, Ken Lytle was cooperative during the whole process in trying to bring his buyer along as to what was damaged based upon what was agreed upon. What happened there and what might happen here? Do you propose on building the subdivision.

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2 MR. LYTLE: It was actually a four-lot  
3 subdivision. Most of the Members here know  
4 three of the southernmost lots were sold to a  
5 developer. Mr. Benson actually bought the lot to  
6 have a buffer for himself. The two middle lots,  
7 lots 2 and 3, are the ones being built currently  
8 right now. He developed house plans done by an  
9 architect he uses. The plans were very similar.  
10 I submitted them to the building department to  
11 have them reviewed. They actually were commented  
12 on I believe by the building department that the  
13 homes were very similar. He responded back on  
14 what the changes were to allow it to go through  
15 and get passed. They were allowed a building  
16 permit. They look very, very similar right now.  
17 I know they're being finished up. The outsides  
18 are being finished up currently.

19 During construction I know the land --  
20 the excavator took out many more trees than were  
21 proposed on the plan. Karen Arent went out there  
22 a couple times. I believe the building inspector  
23 was out there also. They actually required them  
24 to replace a bunch of trees. Is that correct.

25 MS. ARENT: Yes.

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MR. LYTLE: They'll put it back as best as they can to the woodsy condition it was originally.

Where they made the entrances onto the road, the stones were supposed to be restacked on the corner to make it a nice entrance like Stone Gate Drive. That has not been completed yet. I know the lower lot I guess is in the process of doing that now I understand. Again, those are things that were supposed to happen. We tried to work with the Town and let them know what was going on out in the field. We did the stake out for these lots. Again, we staked out the clearing limits so there would be no question about what is on the plans and what should have been done. Those things were pretty much just avoided and overlooked, not actually done, not built within. They did what they wanted unfortunately.

These lower lots down here, what we're proposing -- again, we're kind of upset with what the developer did himself up there. Our goal is to propose and build this out ourselves so we have control. The homes when we originally went

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to the Planning Board were not supposed to look the same. They were supposed to be something that fit into the area, nice higher pitches, all kinds of information. That's what we're proposing to do down here.

Mr. O'Donnell is going to ask us in a couple minutes about some notes to put on the plans so the homes don't look the same. I don't see any problem with that. Just in case, it could happen, it does get sold, there would actually be some way for the Town to stop it from actually happening so you don't have duplicate homes side by side for the same reason.

CHAIRMAN EWASUTYN: Again, before I turn to Ed O'Donnell; Mike Donnelly, deed restrictions, how are they enforced? What can the Town do? I don't want to err again. Let's try to describe what we're talking about.

MR. DONNELLY: If the applicant were to record a declaration of restrictions that covered this entire parcel, then those restrictions would bind any subsequent purchaser of any of the lots. Because that declaration would be part of a plan for the development of this land, any of the lot

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2 owners would have the authority and the standing  
3 to enforce those restrictions as against anyone  
4 that violated them. That would not necessarily  
5 give standing to property owners who were beyond  
6 the confines of the subdivision unless the  
7 declaration were to specifically announce that it  
8 was intended to benefit those surrounding  
9 property owners. If the declaration included  
10 that language, that it was intended to benefit  
11 the surrounding property owners and was  
12 enforceable by them, then any property owner  
13 within the reach of that declaration would be  
14 permitted to enforce any violation of the  
15 declaration. That declaration would not in and  
16 of itself give the Town any authority to enforce  
17 it. We're not talking, as I understand what  
18 we're discussing, a conservation easement that  
19 would give to the Town, or land trust, or  
20 historic organization, or anything of the kind  
21 the authority to enforce. If properly drawn for  
22 the benefit of identifiable surrounding property  
23 owners it would be enforceable by them.  
24 Legitimately the restrictions could relate and be  
25 enforceable for any of the items we're talking

1  
2 about, limitations on the size of the house,  
3 style of the house, orientation. We were talking  
4 earlier about the popularity some years back of  
5 almost uniform restrictions that didn't allow  
6 anyone to put an above -- an outside clothesline  
7 or above- ground swimming pool in. There were  
8 certain declarations that were very in vogue for  
9 a period of time. If the applicant is willing to  
10 volunteer that, we would incorporate that  
11 voluntary offer into a condition of the approval  
12 and before the plat was released for filing a  
13 satisfactory declaration would be reviewed and a  
14 deed would be required to be recorded  
15 simultaneously with the filing of the plat. That  
16 would be the legal outline of what we're  
17 discussing and how it could be implemented and  
18 enforced.

19 CHAIRMAN EWASUTYN: Anthony, you had  
20 your hand up.

21 MR. SALERNO: First I wanted to respond  
22 to what Mr. Donnelly said earlier when he  
23 explained the scope of the regulations as to the  
24 issue of ten houses. Had the property, as we  
25 asked, all of this development been reviewed as



1  
2 one development, which it in fact turned out to  
3 be, the amount of houses in question would have  
4 been twelve reduced to eleven. The Bensons  
5 bought one. We would now be looking at eleven.  
6 Then the concerns and the ability, the authority  
7 of the Town to have imposed these other  
8 restrictions and to have taken the concerns about  
9 the historical district of the public into  
10 consideration would have been implemented. You  
11 would have had the ability to implement it. I  
12 said then and I'm going to say it again it was  
13 extremely disingenuous of the developer and I  
14 believe the Town should have known better. It  
15 was not like you were in the dark. We alerted  
16 everybody that this was the concern, and it turns  
17 out that when you add it all up it's over ten  
18 houses. The rules would have been there. You  
19 know the reason it was done this way is to avoid  
20 the issue of the ten houses, so why would we even  
21 dance around that issue. I really think that the  
22 Town Board should reconsider this density in the  
23 context of including it into the original  
24 development, now that we know what this  
25 development is, and really look at it as one

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whole development with the authority that the Town already has, because you have the discretion to look at it as one development. So that's what I'm asking.

As to the things that Mr. Donnelly just said now as to those restrictions, I'm certainly interested in those but they bear -- they're basically based upon what the developer will now offer, what Mr. Lytle will offer, and what the Board will require. They would require enforcement on the part of the neighbors, which is fair enough. I mean why take the burden off of the Town. I would say we would have eliminated that issue had the Town looked at this development for what it was at inception.

CHAIRMAN EWASUTYN: Thank you.

MR. DONNELLY: On that issue could I just make a suggestion and a possible request to the applicant? Would the applicant agree that it would be bound by the ten or more lot architectural review provisions of the Ordinance, and we could then incorporate that agreement into a condition that would in fact bind you to those provisions? You're familiar with them, you've

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seen them elsewhere. If you can't answer the question this evening the Board could do no more than preliminary approval at this point. We could take it up later. I don't know if it's that onerous to you.

MR. LYTLE: I don't see any problem with allowing for the architectural review. Our goal was for the other lots and these lots to make something nicer, to blend in better with the neighborhood, not to have cookie cutters side by side.

Regarding having an attorney draft up something, Mr. Loeb from Mr. Loeb's office is already working on something for us for that reason to actually get filed with the map.

CHAIRMAN EWASUTYN: So we will at a point in time be doing ARB on the proposed seven houses. There will be a declaration describing the deed restrictions that will be discussed this evening.

Heidi Benson.

MS. BENSON: Is this new cul-de-sac a Town road or a private road?

MR. LYTLE: It will be private.

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MS. BENSON: At what point do you put in street lamps like on River Road?

MR. LYTLE: No. No street lamps are proposed. I don't think there's any street lamps along Susan Drive, is there?

MS. CINDY DAVIS: Yes.

MR. LYTLE: We're not proposing any street lamps. It's a very short road. There's no poles for any lights.

MS. BENSON: River Road when we have four new homes south of us --

MR. LYTLE: Okay.

MS. BENSON: It's just a very dark road.

MR. LYTLE: Again, there's no street lamps proposed. When the subdivision is done over again, this one here, we're proposing one new lot. Again, no street lamps are proposed. You could possibly talk to the Town about that.

CHAIRMAN EWASUTYN: Matthew Benson.

MR. BENSON: Thank you. The power access to these new developments, along River Road now to service the two houses that went in massive poles have gone up and now Central Hudson

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2 wants them outside the stonewalls. Not only do  
3 you have these two houses which seemed to be  
4 problematic when they were built or anyone wanted  
5 yet there they are, we also have these massive  
6 telephone poles. I approached Central Hudson and  
7 said wouldn't it be nicer to bury the power  
8 lines. It's a lot less maintenance, you don't  
9 have the storms and wires. That was a money  
10 issue. The developer was going to have to bury  
11 the lines and pay for it. Are you planning to  
12 run power lines which clutter up the development  
13 and clutter up houses or are you going to bury  
14 the lines?

15 MR. LYTLE: Everything we're proposing  
16 for this new subdivision again will be  
17 underground. There is a pole along Susan Drive  
18 that will go down to the bottom of that and then  
19 go underground and service all these homes from  
20 underground.

21 This new home here, I believe what  
22 you're talking about is the new pole that was  
23 installed because the power was on the west side  
24 and from there it went down underground.

25 MR. BENSON: As you know Mr. Johnson

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had an easement for the lot that you sold to Ms. Benzakein and that easement when it was signed over said you couldn't sell that lot at all. It was understood that those power lines would be buried.

MR. LYTLE: That is agreed to in the sale of contract.

MR. BENSON: Okay. Now this situation with Central Hudson -- we've been fighting this for a month and we thought we had something agreed and now Central Hudson does not want to bury the power line. They want to put in another pole along our driveway and add to the clutter along our driveway now. So they're backing out of this proposal that we had agreed on with you and Mr. Johnson signed where everything was going to be buried.

MR. LYTLE: If you want to call my office tomorrow, I know you have the number, we can give you copies of those. Again, it was our agreement when it went to Ms. Benzakein. We're not building the house. Actually in that she was going to put in those lines underground at her cost.

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MR. BENSON: That has now stalled out. We've run into a problem with the lots to the north and the lots to the south. We're a little -- you know, we're feeling a little beseeched frankly.

MR. LYTTLE: Okay.

CHAIRMAN EWASUTYN: Ms. Davis, I think you had your hand up.

MS. EVA DAVIS: I like Cynthia's idea. She has a little house and she has enough problems. I think you should move it over. Looking at the drawing I don't know why you couldn't move it over.

CHAIRMAN EWASUTYN: I think based upon the experience that we have from our professionals, the Town Engineer, the Town Highway, it is in the best location at this particular time.

MR. DONNELLY: One of the objectives was to save those large trees.

MS. EVA DAVIS: The trees are going to go sometime or other when all that equipment gets in there. I've seen that happen. Look at the little buffer she has.

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CHAIRMAN EWASUTYN: There will be tree protection that will be done around these particular trees. There's a lot of design that went to protect them to keep up with the character of the neighborhood. They're 42-inch caliber Sycamore trees.

I'll turn to the Board Members at this particular time. Frank Galli?

MR. GALLI: No additional comment. Everything was brought up. Ken knows our concerns about that. We tell him every time he shows up. That's basically it. Everything was brought out in the public hearing.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I just wanted to ask Ken for the benefit of everybody, the code requirement for buffers in this type of development is what?

MR. LYTLE: For a buffer. There is no buffer required. It's something we offer.

MR. BROWNE: What you are proposing for a buffer is --

MR. LYTLE: Above and beyond what's required.



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MR. BROWNE: To be good for the neighborhood.

MR. LYTTLE: That's right.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: The applicant agreeing to ARB on this subdivision will be very helpful.

The other thing I think the public should be aware of is when this goes to the Orange County Board of Health, if the septic systems don't perform as Ken predicts, they will make them reduce the number of lots.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: What I wanted to say I think both you and Mr. Donnelly have already said relative to the ARB.

I did want to mention that in a prior life I also had a subdivision in the Town of Newburgh. It was six lots and I had deed restrictions. I thought that the reason that I needed them was to protect each lot owner against what goes next to them. I think that that's something that should be done here.

On a second thought I want you to know

1  
2 where I live in Balmville is on a cul-de-sac with  
3 six houses that's been there for twenty-two  
4 years. This is not something that's never been  
5 done before. I also want you to know that the  
6 traffic that's generated by those six houses is  
7 negligible, not even noticeable, and I've been  
8 there for twenty-two years. So that's just some  
9 thoughts I had. I wanted to share them with you  
10 because I know how important it is to you.

11 In addition to which what Mr. Salerno  
12 said relative to the zoning and one acre, I think  
13 you're right. I think it ought to be two acres.  
14 Change it. You've got to lobby the guys that we  
15 elect as supervisors and councilmen. That's  
16 where you've got to go and beat them up. All we  
17 can do is enforce what is presented to us and  
18 what the code and regulations are.

19 But I think that we're going to do well  
20 here. We did a terrible thing with those two  
21 houses. Nobody ever thought that would happen  
22 and it did. It's not going to happen here. When  
23 we have the ARB, come and sit.

24 MS. CYNTHIA DAVIS: Sir --

25 CHAIRMAN EWASUTYN: Excuse me. At this

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point, Ms. Davis, I turned the meeting over to Planning Board Members for their comments. We have one more Board Member, Joe Profaci, who hasn't had the opportunity to speak.

MR. PROFACI: I would just like to commend Ken on agreeing to the ARB. This is not something he has to do. He's not forced to do this at all. To agree to combining those houses that are already built with this is a noble gesture. So thank you, Ken.

MR. LYTTLE: Yup.

CHAIRMAN EWASUTYN: Ms. Davis.

MS. CINDY DAVIS: The two houses that everyone is so unhappy about on River Road, what's the square feet of those houses?

MR. LYTTLE: Again, we weren't involved in the plans.

MS. CYNTHIA DAVIS: They're 4,000?

MR. LYTTLE: I think they're around 4,000.

MS. CYNTHIA DAVIS: And these houses are how many square feet?

MR. LYTTLE: Again the footprint we have shown is somewhere between 1,500 or 1,800 per

1  
2 floor.  
3 MS. CINDY DAVIS: A lot of little  
4 tiny --  
5 CHAIRMAN EWASUTYN: That's per floor.  
6 MR. LYTLE: That's per floor. Some are  
7 like 2,500.  
8 MS. CINDY DAVIS: That makes me feel  
9 better.  
10 MR. LYTLE: It's similar to the ones  
11 around Susan Drive.  
12 CHAIRMAN EWASUTYN: I'm making my last  
13 round with Heidi Benson.  
14 MS. BENSON: If you're feeling really  
15 noble can you take out a house? Throw us a bone  
16 here. That's it. I apologize, I know you have  
17 other things on the agenda but thank you for  
18 letting us speak tonight.  
19 CHAIRMAN EWASUTYN: In all fairness, we  
20 saw the error, we saw the mistake and it wasn't  
21 that far after the construction between the  
22 building department, between Karen, between the  
23 Planning Board Members we were aware of what  
24 happened. You're right, we don't control the  
25 process after we approve it. We hope that people

1  
2 stand up for what shows on the site plans. You  
3 do run in to this problem both on a residential  
4 level and a commercial level. We try and  
5 establish clearing limit lines, we try and  
6 maintain tree protection. There are those that  
7 think we overdo that, but again they're not  
8 sitting in the audience meeting after meeting  
9 hearing from the public that's saying the  
10 character of the neighborhood on Union Avenue  
11 where a large project is going in that's  
12 127 acres, that 109 acres are going to be cleared  
13 and there will be trees lost. They're not here  
14 to hear that. They are not hear when people like  
15 yourselves are talking about the character of the  
16 neighborhood that's changing. The issue of the  
17 street lighting comes up. I can tell you that  
18 opens up a whole other Pandora's box. Do you  
19 want lighting? Do you want to keep the  
20 tranquility without lighting?

21 I myself apologize for what happened  
22 out there. I think it should have never  
23 happened. I mean I think we even said that to  
24 Ken many times. He is responsible. He is  
25 responsible. I don't know if you could sense it

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but even the way he presents himself in public with his presentation, he has character in what he's saying. I do believe he gives it his best effort.

MR. HINES: John, one of the things you may want to address with the public is the new tree protection notes that have grown out of that project and some of the other --

CHAIRMAN EWASUTYN: Karen, why don't you speak to that.

MS. ARENT: I have to say those projects could have been a lot worse because all the trees could have been cleared, the stonewalls could have been taken down. We put all these notes on the drawings to try to help that from happening. That's another -- River Road, I think that road is one of the most beautiful roads in the County and the projects that have come before us have had so many openings in that stonewall and along that tree cover. Our job has always been to preserve all of the unique gateway entrances. That's one of the reasons why this project was redesigned, so we could save those trees, save as much of that stonewall as

1  
2 possible. Every single driveway that goes  
3 through that stonewall, you take down twenty feet  
4 of it. The least amount of disturbance to that  
5 whole run is what we were looking to do. We  
6 successfully did it.

7           Those houses, they cleared more trees  
8 than they were supposed to. They had a stop work  
9 order. They now have to put trees back. It  
10 would look a lot better if they kept the trees  
11 like they were supposed to, but unfortunately  
12 they didn't.

13           One of the things the public can do is  
14 if you see construction going on with no tree  
15 protection fencing up, call the building  
16 department because that will get a stop work  
17 order put on the project. That's the best we can  
18 do. We've been -- the project I have to say  
19 we've seen along this road could have totally,  
20 totally changed. I think that what you have is  
21 much better than what could have been.

22           CHAIRMAN EWASUTYN: Pat, you were  
23 referencing the new ordinance. I don't know if  
24 we got clarification on that.

25           MR. HINES: Because of some of the

1  
2 situations that have occurred in the past, the  
3 two lots we were talking about, we're requesting  
4 and actually requiring applicants to put several  
5 notes on there that are now enforceable by the  
6 building inspector. Karen actually worked them  
7 up. They are on this set of plans. They are  
8 probably not on the other ones. There's a note  
9 that states tree replacement shall be required  
10 wherever trees are cleared within protected areas  
11 without authorization. Tree replacement shall be  
12 equal to the basal area of the cleared trees. If  
13 you cut down a very large tree you have to  
14 replace very many smaller trees in order to come  
15 up with that basal area, the surface area of the  
16 tree that was cut as determined by the Town's  
17 Landscape Architectural Consultant for the Town  
18 of Newburgh. That gives the building department  
19 and Karen when she goes out there the power to  
20 require replacement of those trees. Developers  
21 are more and more aware of that because some of  
22 them have spent considerable money putting trees  
23 back to make up for clearing outside the limits  
24 that are now shown on the plans.

25 CHAIRMAN EWASUTYN: The last question,



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Matthew.

MR. BENSON: Thank you. I appreciate it. We were driving to this meeting tonight from our house on Stone Gate Drive and we drove past the two big houses which we've been driving by for a year now. Heidi and I said well -- we were looking at this plan -- I guess they're going to put in two more driveways. We sort of said it will even it out. It will look more like a neighborhood. Ironically what you're saying, as right as it is, also makes the mistake more glaring because you drive up River Road, there are no driveways, no driveways, and suddenly all these little driveways. It just makes it look more out of balance. If you drive up River Road and there's a driveway and there's a driveway, it's sort of even. It's a neighborhood. But now that you've got these two houses which clearly there were problems with when they were put in and there are two driveways right next to our driveway and another driveway, it looks more like a mistake. I just want you to consider that. I know that sounds ironic that I want more driveways but it just makes it look a little more

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evenly developed.

CHAIRMAN EWASUTYN: As Mike Donnelly had said earlier, when you look at the overall character of Susan Drive, it really is in harmony with what is on Susan Drive.

I'll make one other suggestion to the Board Members if they so agree, that Karen Arent, Ken Lytle and Ms. Davis meet out in the field to look at the proposed road that will be going in along your home to see what potential other mitigation measures may be installed for some kind of buffer protection. That's the best we can do.

MS. CINDY DAVIS: If they have to use dynamite because there's a lot of hills and rocks will I get a notice?

CHAIRMAN EWASUTYN: Are you proposing any dynamite?

MR. LYTLE: No. We see no reason for any dynamite. There's a rock on top but we're not -- we're not proposing any dynamite. If for some reason it had to be done, I guess the whole procedure would have to be done. All these other homes that were built it was not the case.

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MS. CINDY DAVIS: I grew up in this backyard since -- 45 years. I know all of the land. I know where all the water is and I know all the mistakes that you people --

CHAIRMAN EWASUTYN: I think the Town code requires notification.

MR. HINES: There's a permit process and notification process for blasting in the Town.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for the seven-lot subdivision for Balmville Estates.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Ed O'Donnell. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

At this point I would like to turn to Mike Donnelly to give us conditions for preliminary approval.

MR. DONNELLY: As was mentioned by Pat Hines earlier, because it's a major subdivision this can be given only preliminary approval at this time. What that means is the applicant would next have to go to the Health Department, and only if and after Health Department approval is obtained can final approval be considered.

I've broken the resolution into two sections, the conditions that would need to be satisfied before final approval and an announcement of those that will be built into the final approval.

First, the approval is conditioned upon the applicant will have to obtain, before final approval, approval from the Orange County Department of Health, both realty subdivision approval and water main extension approval. I

1  
2 believe the Town Board will also have to approve  
3 the name of the private roadway. As part of the  
4 conditions of final approval several of the  
5 offers made by the applicant will be built in.  
6 One that was not mentioned was a request that you  
7 consider consolidating several of those driveways  
8 where they meet the cul-de-sac for some distance  
9 so that we don't have six individual driveways  
10 coming off the cul-de-sac. If that can be built  
11 into the final plans, that was a suggestion that  
12 was made by Ed Garling. Next there were a number  
13 of issues in Karen Arent's letter that all need  
14 to be satisfied before final approval. We will  
15 build into the resolution of final approval the  
16 agreement that you've announced this evening to  
17 be bound by the ten-lot ARB provisions of the  
18 ordinance. In addition, we will incorporate into  
19 the resolution your offer to present to us a  
20 proposed set of deed restrictions that relate to  
21 the architectural issues that were discussed that  
22 will need to be satisfactory to the Planning  
23 Board, and that instrument will need to identify  
24 those properties that are sought to be protected  
25 and that will have standing to enforce it. As

1  
2 noted earlier, there are certain map notes  
3 regarding clearing limits. I think that we  
4 should also build in to those declarations and  
5 restrictions the same type of restrictions on  
6 permit and clearing and a requirement of  
7 replacing any damaged or removed plantings either  
8 intentionally or inadvertently, again to be  
9 enforceable by the same group of people that are  
10 identified for the other purposes. There will be  
11 a requirement at the time of final approval of a  
12 landscape security and inspection fee. I believe  
13 a stormwater improvement security and inspection  
14 fee. A private road security and inspection fee.  
15 Of course the payment of fees in lieu of  
16 parkland. Additionally, if any changes are made  
17 to the plans by the Health Department in their  
18 review that weren't the imposition of further  
19 conditions, those will be added to the final  
20 resolution as well.

21 CHAIRMAN EWASUTYN: Any comments from  
22 the Planning Board Members?

23 MR. GALLI: No additional.

24 MR. BROWNE: None.

25 MR. MENNERICH: Nothing for me.

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MR. O'DONNELL: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Having heard the conditions for preliminary approval from our Attorney, Mike Donnelly, I'll move for that motion.

MR. PROFACI: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Mr. Salerno, the Bensons and the Davises, I would like to thank you all for coming. I think the process worked well this

1  
2 evening as far as the balance. I hope you would  
3 appreciate that and understand it. We do  
4 apologize for what happened with those two homes,  
5 and it's been a learning experience. As Pat  
6 Hines said, there's been some changes to the  
7 Ordinance based upon that. We're not really  
8 asleep, we're trying to learn from errors and  
9 improve upon them. I think really our main goal  
10 is to try and maintain the character of Newburgh  
11 as best as possible based upon what we have for  
12 standards. The Town in the last four or  
13 five months has developed guideline standards to  
14 help the Planning Board to reach some of the  
15 goals that the public is looking for and that  
16 basically is what everyone is looking for, to  
17 kind of hold on to the community character as  
18 best we can. We struggle with that. Some people  
19 think we're a little too hard with them on that  
20 but we hear from the public and we try our best.  
21 Again I apologize. I wish it had been better.

22 MR. LYTLE: Thank you.

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24 (Time noted: 8:43 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.

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DATED: October 25, 2007

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

----- X

In the Matter of

NEWBURGH PARK ASSOCIATES  
(2007-37)

Drury Lane  
Section 89; Block 1; Lot 19.22  
IB & R-3 Zones

----- X

CONCEPTUAL SKETCH PLAN  
TWO-LOT SUBDIVISION

Date: October 18, 2007  
Time: 8:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

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CHAIRMAN EWASUTYN: The next item we have before us this evening is Newburgh Park Associates. It was listed as a conceptual sketch plan for a two-lot subdivision located on Drury Lane in an IB and R-3 Zone represented by Ken Lytle.

Ken, I'm going to ask Mr. Donnelly to speak on this for the benefit of time.

MR. DONNELLY: I had spoken to Ken on the phone. This is somewhat of a recurring issue in the Town of Newburgh. This property is divided by Drury Lane as well as by a piece of property owned in fee by New York City Water Department or aqueduct. Therefore the land, though it has a single tax map parcel number assigned to it, is actually an assortment of I believe four separate pieces, one on one side of the road and three on the other if I have it correct.

MR. LYTLE: That's right.

MR. DONNELLY: Your subdivision regulation in the Town of Newburgh says that for purposes of this subdivision law a parcel shall be considered already to have been subdivided

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2 into two or more parcels if bisected by one or  
3 more public streets, railroad, rights-of-way.  
4 Therefore we have taken the position in the past  
5 and we've discussed it with the real property tax  
6 service the fact that where a parcel -- where a  
7 piece of land that would be a subdivided piece  
8 under this definition has a single tax map  
9 number, that that is for tax issue convenience  
10 only and that the tax maps can be returned to  
11 what the ordinance reflects upon a report from  
12 the Planning Board. What the real property tax  
13 service needs to complete that is both a consent  
14 from the Town as well as a map that shows the  
15 newly reconfigured tax map parcels, each with a  
16 metes and bounds description and each with a new  
17 computation because on occasion issues that you  
18 haven't realized have come up.

19 I suggest that you make the report that  
20 you will issue this evening, and I'll come back  
21 to that in a moment, subject to a sign off by the  
22 assessor, Mr. Fogarty, to make sure there's not  
23 something that we're missing. It is not truly a  
24 resolution because we're not approving the  
25 subdivision, we're simply reporting to the real

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property tax service the state of affairs that there has always been a subdivision by virtue of that roadway.

I think as we figure out how best to do this, I propose preparing for you to consider not a resolution but rather a report that will reflect the configuration by identifying the map presented, a site with definition, and announce in the report that the Town has no objection to the assignment of individual tax map parcels subject to the preparation of the map showing the metes and bounds and acreage and subject to the sign off of the town assessor. If we're going to that level of formality I think that report should be voted upon subject to a motion. It's not an action within SEQRA, it is merely a report. It would require referral to the Orange County Planning Department. Of course there's no other agencies that would have any approval authority over it. So while we have not in the past done it other than by letter, maybe it's better we get into the habit of having a resolution or a report as I propose, and I will prepare that, containing the information I just

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outlined.

CHAIRMAN EWASUTYN: So basically it's a metes and bounds description and this approval by the assessor, Mike Fogarty?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: Any questions from the Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Then I'll move that the Board accept this letter as a form of acknowledgement to be sent to Mike Fogarty and eventually to the County -- the County will be the receiver of taxes?

MR. DONNELLY: Real property tax service which is part of the county clerk's office.

MR. LYTLE: One question. Does the Planning Board need to sign it also, Mike, or no?

MR. DONNELLY: When we do lot line changes, because that's the equivalent, are they signed by you?

CHAIRMAN EWASUTYN: They are.

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MR. DONNELLY: I think the answer is  
yes.

CHAIRMAN EWASUTYN: Okay.

MR. BROWNE: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have an agreement  
made by -- to move forward with this by Cliff  
Browne. I have a second by Joe Profaci. Any  
discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: Not a motion but  
the agreement.

There being no discussion, I'll poll  
the Board Members for their final agreement.

MR. GALLI: Okay.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DONNELLY: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself.

Thank you.

MR. LYTLE: Thank you.

(Time noted: 8:52 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.

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DATED: October 25, 2007



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

----- X  
In the Matter of

ORANGE COUNTY TRUST  
(2007-03)  
Northeast corner of Noel Drive & North Plank Road  
Section 76; Block 2; Lot 1  
B Zone

----- X

SITE PLAN & ARB

Date: October 18, 2007  
Time: 8:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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

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CHAIRMAN EWASUTYN: Our next item of business this evening is Orange County Trust. It's here tonight to discuss the site plan and ARB. It's located on the northeast corner of Noel Drive and North Plank Road, it's Zoned B and it's being represented by Tom DePuy.

MR. DePUY: Tom DePuy, DePuy Engineering representing Orange County Trust. Basically I'll do a quick review of the site plan, and then we also have the architect here to go over the architectural.

Basically Orange County Trust is proposing a branch office on the corner of 32 and Noel Drive. Basically it will have its access -- one access off of Noel Drive and then a common access off of Route 32. We'll have drive-up windows in the rear. We'll have parking along in the front.

We're collecting the stormwater and bringing it down to an existing pipe that goes under Route 32. As you know we're involved in a joint venture on correcting the stormwater down -- the rest of the way down Gidney Avenue.

Basically it will get its sewer and

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water from the Town of Newburgh public system. We basically are using subsurface sand filters for stormwater management.

We also have a joint board here just to give the reference to where it is to the other project which I think is in front of the Board. This is Noel, this is Orange County Trust and this is the Walgreen's and the Key Bank project.

So that's basically a quick review on the site plan. I have Chris DeHaun here who can review the architecture.

MR. DeHAUN: We're proposing a single story wood frame structure for the bank. It's very similar to the structures they've done elsewhere in the County with a pitched roof over it. The building has three-foot high masonry around the base of the building with stucco from three foot up to the soffit line. The soffit lines are very deep. They are almost a four-foot deep overhang. This is similar around the whole building, again keeping in the same vain as all of their other structures that we've been working on.

We did this three-dimensional view for

1  
2 you. I also have submitted elevations, so on  
3 those we have just straight-on views. I think  
4 this is more representational of it because you  
5 get better scale and proportion to the structure.  
6 Again, the front facade here faces Route 32, this  
7 side here faces Noel Drive, the rear of the  
8 drive-through canopy and then the side that faces  
9 the adjacent property.

10 We did bring samples of all the  
11 finishes. Again, they're the same finishes that  
12 we've used in previous structures for them. I do  
13 have those to pass out if you'd like to look at  
14 them. Again, they're the same materials that  
15 we've utilized in the past.

16 CHAIRMAN EWASUTYN: Can you explain to  
17 the Board what similarities in building material  
18 or lighting fixtures that this site will have  
19 with the bank and pharmacy?

20 MR. DeHAUN: At the work session that  
21 we were at, it was a joint work session with the  
22 other property, they had proposed a light fixture  
23 that quite frankly would fit in fine with this.  
24 I had made a suggestion that possibly we use that  
25 same fixture. I'm certainly not opposed to it

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and it would help to tie in the two properties. I think the stonewalls, if I'm not mistaken, are the same materials on both sites. So the buildings will be distinctly different but that's okay.

CHAIRMAN EWASUTYN: Is there a sidewalk being proposed in front of this building?

MR. DeHAUN: This is correct. Along the Route 32 side and then it crosses over Noel and then there's a sidewalk that runs up Noel on the adjacent side.

CHAIRMAN EWASUTYN: Any comments from Board Members at this time?

MR. GALLI: No additional.

MR. BROWNE: The 3-D view, when I look at your rendition what would I see when it's actually built out as far as what's around it? Trees and all that?

MR. DeHAUN: From a landscape, no. It's hard to sort of project that in the time that we've had to put in the landscaping that was there. We sort of thought that might come up. I think it was just to show that there is a softening with the landscape around it. That it

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is not just pavement right to building, that there is landscaping proposed around the building.

MR. BROWNE: For me I'm trying to visualize this thing without that landscaping there and it's kind of tough. It's very nice looking. I guess for me I kind of -- I always have a problem when it's presented that nicely and I know it's not going to look like that.

MR. DeHAUN: Frankly I think it's going to look nicer because one of the things that I think Orange County Trust prides themselves on is their branch banks that they have and the landscaping and how they're maintained. They do spend a lot of time and money and effort to maintain that look.

MR. BROWNE: I'm going to hold you to it. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: To tell you the truth, the pictures you provided of the Middletown architecture look nicer than that does.

MR. DeHAUN: That's why I said quite frankly it's going to look better. That's one of

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the reasons why I presented those. That is a very good representation of what we will have here as we do in Middletown. It's the same landscape architect, Steve Esposito.

MR. MENNERICH: I'm talking about specifically the building. There's more variation on the surfaces of the building. You have the clock tower, you have --

MR. DeHAUN: Understood.

MR. MENNERICH: -- not the long surface that will be along Noel Drive.

MR. DeHAUN: Understood. The difference is that that building there is a 5,000 square foot building, this is 2,500, so half the size. Different constraints but you certainly try to draw upon those. You would love to be able to keep utilizing it but you do have to make some modifications. One of the ones we had done is on the front side that faces 32 is bringing this entrance off of the front. In the Middletown one it's an entry from the corner of the building. So there's distinctly different things but I think the overall character and feel of the building will be very similar.

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Just your note on the clock. A real problem to maintain. When that is one minute off everybody and their mother calls you and tells you you're one minute off.

CHAIRMAN EWASUTYN: Thank you. Ed O'Donnell?

MR. O'DONNELL: I have nothing. It looks very nice. I mean if it's comparable to the building in Middletown, it's going to be fine with me.

It's just half the size?

MR. DeHAUN: That's correct.

MR. O'DONNELL: The reason is?

MR. DeHAUN: Demand. The demographics of the bank and the clientele they're serving.

MR. O'DONNELL: Is this your first facility here in Newburgh?

MR. DeHAUN: In the Town of Newburgh, yes. We've done one in Vails Gate, one in Montgomery, one in Middletown. We're working on one down in Chester right now. In the Town of Newburgh they're expanding out.

MR. O'DONNELL: Okay.

CHAIRMAN EWASUTYN: Joe Profaci?



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MR. PROFACI: I'm good. It looks fine.

CHAIRMAN EWASUTYN: Mr. Wilson, we still have to declare our intent for lead agency which we haven't yet done.

With that I'll move from the Board. There's some outstanding items that will have to be satisfied. We'll have Pat Hines talk about some of them. Karen might have one or two comments. Bryant Cocks who isn't here this evening; Karen, if you could reference the fire department which is outstanding.

Pat, do you want to talk about the few items?

MR. HINES: This project and the coordination between the adjoining project, there are similar comments. There's the drainage issue that both projects are working to resolve at the intersection of Noel and 32 which involves improvements further downstream. The mechanism of how that's going to be worked out and paid for needs to be resolved. The plans are done and we find that to be acceptable.

Sign off from the jurisdictional fire department. I know the plans went to the

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Cronomer Valley Fire District. We haven't heard back.

The flow acceptance letter from the City of Newburgh is a procedural matter that needs to be accomplished.

Our previous technical comments regarding water, sewer, drainage, et cetera have been addressed by the applicant's representative and we find them to be satisfactory.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: I believe Pat talked about most of Bryant's comments in reference to the fair share drainage costs.

He's mentioned that you need to declare yourself lead agency.

All of his site planning questions were addressed in the work session.

You received Orange County Department of Planning. They have no issues.

My comments are: Chris, just make sure that the same light is put on the landscape plan.

MR. DeHAUN: Yes. We had specified Kim light originally.

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2 MS. ARENT: It's still Kim light. That  
3 needs to be revised.  
4 I understand the wall heights are being  
5 revised.  
6 There's some minor comments in  
7 reference to plant material.  
8 You showed the signage calculations on  
9 the plan. I think everything is addressed.  
10 I just received a cost estimate and  
11 I'll review that.  
12 CHAIRMAN EWASUTYN: You received a cost  
13 estimate for? Not for the dollar amount.  
14 MS. ARENT: \$3,738, but there are --  
15 CHAIRMAN EWASUTYN: For the  
16 landscaping.  
17 MS. ARENT: I'm sorry. Yes, the  
18 landscaping. Sorry.  
19 CHAIRMAN EWASUTYN: Ken Wersted, there  
20 is a fair share contribution that will be part of  
21 the negotiations on this for the improvements on  
22 Gidney and Gardnertown Road.  
23 MR. WERSTED: Correct.  
24 CHAIRMAN EWASUTYN: Can you just  
25 discuss that for a moment with us?

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2 MR. WERSTED: Sure. We've met with the  
3 applicants as well as another applicant that was  
4 proposing intersection improvements to Gidney  
5 Avenue and Gardnertown Road. Those improvements  
6 include the inspection of signals and so forth.  
7 Recognizing that these projects are only a block  
8 away from the intersection, there was talk of  
9 these two projects contributing monies towards  
10 that improvement to implement that. One of the  
11 applicant's traffic consultant developed the  
12 formula. We reviewed that in terms of providing  
13 a fair share contribution and that was forwarded  
14 on to Mark Taylor, the Town Board Attorney.  
15 That's being reviewed. There needs to be some  
16 type of mechanism that provides that these two  
17 applicants, you know, provide into that fund.  
18 Also there's a question as to whether that  
19 mechanism is applicable to other developments  
20 down the road that aren't at the table currently.  
21 So that's currently being looked at by the Town.  
22 CHAIRMAN EWASUTYN: Mike, would you  
23 like to add anything to this?  
24 MR. DONNELLY: Just a few things. We  
25 talked about some coordination issues and where

1  
2 we are in the timeline. We really can't take any  
3 kind of action, apart from the SEQRA issue that  
4 we're just moving forward on this evening, until  
5 you get your sewer acceptance flow letter from  
6 the City of Newburgh. That's because under the  
7 contract between the Town and the City we are  
8 prohibited from approving anything until that  
9 flow letter is obtained. I think that's in  
10 process. For the other site I think it's even  
11 easier because there's existing capacity.

12 MR. HINES: Similar to this site, both  
13 of the sites have occupied structures. We just  
14 need a sign off from the City. There are three  
15 structures on the parcel.

16 MR. DePUY: It will have less flow  
17 coming off the parcel than what exists today. I  
18 forwarded a letter.

19 CHAIRMAN EWASUTYN: Does the letter go  
20 to Hauser or --

21 MR. HINES: I know Hauser has a copy.

22 MR. DONNELLY: That's going to come in  
23 due course. That needs to be resolved.

24 Are there any other agencies that  
25 require coordinated review under SEQRA?

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MR. HINES: DOT.

MR. DONNELLY: So we need to wait out the clock on the notice of lead agency. I don't anticipate them challenging that but at the next meeting we would be in a position to issue a declaration of significance, which I think from all the discussion that has occurred is likely to be a negative one. After that the Board needs to decide whether or not to hold a public hearing. I think that will be taken up in a moment.

In terms of implementation later on, we talked about a few things. First, the two sites working hand in hand. The drainage and road improvements will need to be completed by someone, whoever starts first, before either project can get its CO. We want to make sure that's an understanding.

Next, while the resolution can refer to the agreement on the fair share contribution, you probably need to get back to the Town Board and see if we can firm that up because I think in fairness to you if you're going to make the contribution you need to know is it going to be held in an escrow account? I assume it will.

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Will it earn interest? How long can the Town hold it if they don't use it? What is the formula to compute it? I think we need to move that forward. I don't think it will hold up action by this Board but I think it's better for all of us if we can resolve that.

There's other implementation issues on the other site but I don't think they cross over to the Orange County Trust site.

One thing, for the off-site public improvements that are to be made, and there will be the requirement in addition to the on-site public improvements an of appropriate financial security. I don't know how as between the applicants you will dice that up, it's not our concern, but we want to make sure you start talking about that because it may become an issue later on.

I think what we've seen tonight is a notice of intent on lead agency. At the next meeting hopefully you'll have your sewer allocation letter and a negative declaration. I don't know whether the Board is inclined to hold a hearing on this or not. You can't schedule it

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until you issue a declaration of significance.  
That's really the thing that will control the  
timeframe. Unless you want to put this on for a  
board business item after the thirty days has run  
at which time you could consider a declaration of  
significance, and if there's an available date if  
you're going to hold a hearing, set that hearing  
up now. I don't want to step on your toes. I'm  
trying to get an idea of where we go time wise.

CHAIRMAN EWASUTYN: Listening to you  
and feeling the pain of it, our next meeting  
would be the 16th of November at which point the  
thirty-day timeframe would be outstanding. If  
there were a way of accomplishing a sign off from  
the DOT between now and the 16th, then we could  
make a determination on the 16th and set the 6th  
of December for a public hearing. If not, then  
we would carry this forward until the 6th of  
December and make a determination and then we  
would have to allow for at least ten days for the  
public hearing. We are having three meetings in  
December.

MR. DONNELLY: The 6th, 13th and 20th.

CHAIRMAN EWASUTYN: The available date



1  
2 then would be the 20th of December. While we air  
3 that for a moment I'll poll the Board Members  
4 first to see if they would like to have a public  
5 hearing on this. Frank Galli?  
6 MR. GALLI: Yes.  
7 CHAIRMAN EWASUTYN: Cliff Browne?  
8 MR. BROWNE: Yes.  
9 CHAIRMAN EWASUTYN: Ken Mennerich?  
10 MR. MENNERICH: Yes.  
11 CHAIRMAN EWASUTYN: Ed O'Donnell?  
12 MR. O'DONNELL: Yes.  
13 CHAIRMAN EWASUTYN: Joe Profaci?  
14 MR. PROFACI: Yes.  
15 CHAIRMAN EWASUTYN: Myself yes.  
16 So we will be having a public hearing  
17 on this.  
18 Do you think there's any way to  
19 expedite a sign off from the DOT as far as lead  
20 agency? I mean I don't know --  
21 MR. DePUY: I can try.  
22 MR. HINES: That's the only answer I  
23 would give.  
24 MR. DePUY: There's nothing else I can  
25 say.

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CHAIRMAN EWASUTYN: What I'll do now is move for a motion to set this up for the next available date for a public hearing.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Aye.

I'll set this up for Board business for our meeting of November 16th. If we receive a letter from the DOT or some kind of acknowledgement that they are fine with us being lead agency, at that particular meeting I'll move for a motion from the Board to set it up for a public hearing on the 6th of December.

Dina, would you make note we'll set this up for Board business for the meeting of the

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16th of November?

MS. HAINES: The meeting is on the 15th.

CHAIRMAN EWASUTYN: Okay. The 15th of November. Fine.

MR. MENNERICH: Did we do the intent for lead agency?

CHAIRMAN EWASUTYN: Excuse me. Thank you. At this point I'll move for a motion to declare our intent for lead agency for the Orange County Trust site plan.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

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Thank you.

Dina, thanks for the correction.

MR. DePUY: Thank you.

MR. O'DONNELL: Just a question on this public hearing. That would be for both parcels?

CHAIRMAN EWASUTYN: We'll make that determination when the next applicant comes forward. I would assume yes.

(Time noted: 9:08 p.m.)

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

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

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DATED: October 25, 2007

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

----- X  
In the Matter of

PROPOSED PHARMACY AND BANK  
(2006-57)  
North Plank Road, Noel Drive & Stanley Place  
Section 77; Block 2; Lot 5  
B Zone

----- X

SITE PLAN & ARB

Date: October 18, 2007  
Time: 9:09 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: NEIL WILSON

----- X

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

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CHAIRMAN EWASUTYN: The next item of business we have this evening is the proposed pharmacy and bank. It's a site plan and ARB also located on North Plank Road and Noel Drive and Stanley Place. It's zoned B and it's being represented by Neil Wilson.

MR. NEIL WILSON: Thank you, Mr. Chairman, Members of the Board. Neil Wilson, the attorney representing the applicant.

We received a number of comments. I'm going to actually turn it over to Tim O'Brien in just a minute to address the written comments. I know you have reports that you have your consultants also read.

I wanted to actually update the Board with reference to this cost sharing agreement with Orange County Trust. I don't know -- Ken Kirby is still in the audience here. He and I have had kind of a running dialogue if you will basically over the last month. We have an agreement, I think we're probably a couple days away from actually finalizing the agreement, which identifies all of the costs, the shared costs, which ones are pro rata, which ones are

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2 our obligations. That is actually moving along  
3 quite well. We have a confidence in terms of  
4 completing that, being able to share that with  
5 the Board, with your counsel and with the town  
6 attorney as well. That agreement covers the  
7 intersection improvements, the driveway -- I'm  
8 sorry, the sidewalk, the intersection  
9 improvements as well as the downstream drainage  
10 if you will.

11 So that leaves, frankly, the only  
12 outstanding question about cost sharing relative  
13 to the agreement that Ken briefed us on is that  
14 the Town Board still needs to tell us what it is  
15 that they are expecting from us in the way of a  
16 contribution for the traffic improvements down  
17 the road so to speak. So that's something we'll  
18 have to work on.

19 We have an agreement with Orange County  
20 Trust. That actually, to our mind, takes care of  
21 one of the major items obviously the Board was  
22 looking to have us address. We've done that.

23 MR. HINES: That agreement covers the  
24 security also? The posting -- the work needs to  
25 get done but also security needs to get posted.



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2 MR. NEIL WILSON: It provides for an  
3 escrow and assures -- it's set up in a way that  
4 which ever party is going first actually  
5 undertakes the construction and there's an  
6 agreement for, you know, review of the bid  
7 packages and understanding of what the costs are,  
8 the actual costs. Right now we're working off of  
9 estimates. We have that mechanism addressed,  
10 yes.

11 CHAIRMAN EWASUTYN: Okay. Mike, do you  
12 want to add anything at this time?

13 MR. DONNELLY: No. You had done your  
14 lead agency back in January. I think you would  
15 be in a position to issue a declaration of  
16 significance. It does need the sewer flow  
17 authorization but I would think if you were to do  
18 a public hearing it would make much more sense to  
19 do the two simultaneously even though this one is  
20 slightly ahead of the other.

21 MR. NEIL WILSON: Well, we still have a  
22 parking variance that we still need to obtain.

23 MR. DONNELLY: Even though one is  
24 behind the other.

25 MR. NEIL WILSON: Yes.

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MR. DONNELLY: Yes, you would need to get that.

CHAIRMAN EWASUTYN: They do have to be referred to the ZBA for a parking variance. The requirement is for 114 parking spaces. I believe the applicant is proposing 82. Is that correct?

MR. NEIL WILSON: That's correct.

CHAIRMAN EWASUTYN: We'll take a pause for a moment. I'll move for a motion to refer this to the Zoning Board of Appeals for a parking variance. Again what is required is 114 and what is being proposed is 82.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

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carried.

Before I move for a motion for a SEQRA determination I'll just one more time summarize what may be outstanding.

Ken Wersted, you had one or two comments on this. Do you want to discuss them right now?

MR. WERSTED: Just a follow-up question. Previously we had asked about the other developments included in the traffic study and we got a response back on that which didn't include the proposed Orange County Trust building, recognizing that the traffic study for this project was initiated before the application for the other project came on board. So the information that they have in there is accurate based on the timeframes that the projects came online.

I just ask the question as to whether the growth rate used in the traffic study would account for some amount of the Orange County Trust. In addition to the credits that weren't taken for this project, if they were taken in conservatism used in this study, if that would

1  
2 also account for the Orange County Trust traffic?  
3 That's a follow-up question that the applicant's  
4 traffic consultant can take and review and get  
5 back to us on.

6 CHAIRMAN EWASUTYN: Thank you.

7 Pat Hines, we met earlier today during  
8 the work session, and Jerry Canfield, the  
9 building department official was here, and we  
10 discussed the phasing plan. I believe you met  
11 with Jerry, there was a question of can we  
12 maintain the existing bank while phase I was  
13 being built.

14 MR. HINES: At work session we were  
15 able to get Jerry Canfield's comments on that.  
16 It's been a comment of mine for several months.  
17 It was Jerry's that feeling with adequate  
18 security in place, that a sixty-day timeframe  
19 after issuance of the CO for the proposed  
20 building that the existing structure would have  
21 to be removed.

22 Also there's a landscaping component  
23 there. We talked about putting off the  
24 construction of the stonewall along the front  
25 because that could also be impacted by the

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2 location and ultimate removal of the existing  
3 bank, to include that also in the security and  
4 the same sixty-day timeframe tied into that CO.  
5 Jerry felt comfortable with the security in place  
6 and the timeframes in place that he could issue  
7 the CO for the building. So that resolves that  
8 issue that's been outstanding in my comments.

9 MR. DONNELLY: Jerry wanted forty-five,  
10 Pat went for ninety. They settled on sixty. Is  
11 that realistic for you?

12 MR. BEYER: Yes.

13 CHAIRMAN EWASUTYN: Karen Arent, we  
14 discussed the phasing as far as landscaping and  
15 improvements. It was agreed how we would manage  
16 that with this plan.

17 MS. ARENT: That instead of all the  
18 work being done before the building is issued a  
19 C of O it would be done within that sixty-day  
20 timeframe as well.

21 MR. HINES: Two separate components.  
22 Not the entire landscaping.

23 MS. ARENT: The landscaping along the  
24 front and side as well as the stonewall. For  
25 that reason you need to include the stonewall in

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your landscape estimate.

CHAIRMAN EWASUTYN: You had some minor comments based upon disturbance notes in the landscape plan that would be on the revised plan.

MS. ARENT: Yes. You need to put the tree protection and disturbance notes on the grading and erosion control plans, not on the landscape plan because by the time contractors see the landscape plan that work has been well -- that's been done already.

And then there's some minor housekeeping to make sure your land -- your drywall details are the same as what we're asking for. There's two different drywall details. You have to just fix them.

I had a question about your sign. What will that be constructed with, do you know ?

CHAIRMAN EWASUTYN: For the record your name?

MR. MARK WILSON: Mark Wilson from BL Companies. I'm the project architect. It has a stone surround as you see on the drawing. The sign is an aluminum frame with an opaque sign itself which is white and red.

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2 MS. ARENT: Can you please label that  
3 on the drawing?  
4 MR. MARK WILSON: Yes.  
5 MS. ARENT: Just to put the proposed --  
6 CHAIRMAN EWASUTYN: You may have to  
7 speak up.  
8 MS. ARENT: Put the proposed light  
9 locations on the landscape plan and adjust the  
10 landscaping if necessary so that it's not  
11 interfering with the lights.  
12 That's all my comments regarding the  
13 site plan.  
14 CHAIRMAN EWASUTYN: Any additional  
15 comments from Board Members. Frank Galli?  
16 MR. GALLI: No additional.  
17 MR. BROWNE: No.  
18 MR. MENNERICH: I have a question on  
19 the landscaping. If it's tied in to the CO in  
20 sixty days, wouldn't that depend on what time of  
21 the year whether they could plant?  
22 MR. HINES: It's really just the  
23 stonewall component of that. The driveway and  
24 stonewall. There's a possibility of impacting it  
25 by the demolition. What they proposed was to

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build half at a time. There was a concern with different contractors or different materials --

MR. MENNERICH: What about the plants themselves?

MS. ARENT: There because a lot of plants are next to the same stonewall so that -- that's also an issue. Usually it's tied in to the C of O. Perhaps we can just make sure that the two-year warrantee runs from the time of the first inspection, first landscape inspection.

MR. MENNERICH: What we want is all the landscaping in prior to the CO for the second portion of the building.

MR. DONNELLY: I think what Pat is saying is all the landscaping will be done normally --

MS. ARENT: It can't be.

MR. HINES: With the exception of those components identified that may be impacted by the demolition of the building. Those will be left out. If there's a time that the sixty days falls on January 15th, then we have the security, the landscaping security. We'll have another conversation I think.



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MR. DONNELLY: That's a recurring possibility. It's one of the reasons for the bond.

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I'm okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No thanks, John.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare a negative declaration for the proposed pharmacy and bank site plan and to set it up for the next available date for a public hearing.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

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CHAIRMAN EWASUTYN: Myself. So  
carried.

Thank you, Dina. On the 15th of  
November we'll have a better understanding as far  
as the date for the public hearing. It will be  
sometime in December.

(Time noted: 9:20 p.m.)

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

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

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DATED: October 25, 2007

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

----- X

In the Matter of

SHOPPES AT UNION SQUARE  
(2007-05)  
Route 300 & Orr Avenue  
Section 96; Block 1; Lot 6  
IB Zone

----- X

SITE PLAN & LOT LINE CHANGES

Date: October 18, 2007  
Time: 9:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHRIS VIEBROCK

----- X

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

SHOPPES AT UNION SQUARE

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CHAIRMAN EWASUTYN: The next item of business we have is the Shoppes at Union Square. It's before us tonight for a site plan and lot line changes. It's located on Route 300 and Orr Avenue, it's in an IB Zone and it's being represented by Chris Viebrock.

MR. VIEBROCK: Good evening. I'm Chris Viebrock and I'm with Langan Engineering. I'm here tonight representing the Shoppes at Union Square. Alongside with me and my team is Mr. Larry Wolinsky from Jacobowitz & Gubits, the project attorney; Mr. Steve Tinkelman and Mr. Eric Neiler from Tinkelman Architecture; and Mr. Adrien Goddard, the project sponsor.

Just as a short little recap, the last time we were in front of you was the June 21st Planning Board meeting. At that time we had received the conceptual site plan approval for the current plan. That came with an understanding that landscaping and architecture should be further addressed and presented in subsequent submissions.

Additionally, following this

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understanding the Board declared its intent for lead agency for the project. It's our understanding that thirty days has passed and that the -- that understanding is the Board is automatically designated lead agency.

Following this meeting we had taken the conceptual plan and brought it to a stage with full detailed site plan submission that was submitted to the Board and its consultants for review. These included such design elements as grading, drainage and utility design. We also incorporated in the site plan documents all the comments from the Planning Board consultants. Significant attention was taken to the landscaping and the architecture.

Additionally, the site plan documents and architectural rendering was submitted as part of the documents to the Board to provide additional information regarding the proposed architectural design character that we're presenting for the project.

For this element of the project we've added a new design member, Mr. Steve Tinkelman and Eric Neiler. Mr. Tinkelman has with him

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tonight some additional renderings to display to the Board and provide a brief overview of the design character for the Board's understanding.

Right now I'd like to pass it on to Mr. Tinkelman and Mr. Neiler for a brief presentation of the architecture.

MR. TINKELMAN: Good evening. We have a series of renderings that we've generated from our office of different views of the project. The goal, from what we understood, was to find the genesis of design from the Cosimo's restaurant. The idea is that being a successful project, it has a real nice appeal from the road. It's a well-known restaurant. It just is a very successful project. Good inspiration from that building. That structure you would probably have a difficult time trying to pin down what its architectural name might be. You might call it Italian, rustic. We used some of that inspiration with the materials, the colors. There's a lot of natural colors in there, the stone. Also, that building originally was a residence so there's a scale issue that's different from when you're building new

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commercial structures. Part of the project involved not only taking that style and trying to move it into a different scale but also trying to keep some of the spirit of it.

We also mixed with that Italian style some notions of arts and crafts or emission detailing, so you'll see -- you'll see that in some of the demonstrations and some of the bracketing on the soffits and fascias and such.

This view that you're seeing currently -- maybe we want to see the site plan next to it -- is from the intersection. We're looking southwest. This is the new stonewall that's projected along here. You can see that wall as well. This first structure is what you're seeing here. We'll have a blow up of that in a minute. This is the addition to the Cosimo's. Again, currently it's a two-story structure, 5,000 square feet on each plate, the lower level being commercial, the upper level being an office space.

MR. NEILER: This is looking in the opposite direction back across the face of the Cosimo's building towards the new retail

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2 building. You can kind of see we've picked up  
3 some of the key motifs from the original building  
4 but expanded them and extrapolated them. The  
5 scale jumps up a little bit, as Steve was eluding  
6 to, on the new building. That's one of the  
7 requirements of a typical retail box.

8 MR. TINKELMAN: Again, one of the ideas  
9 that we're developing here is to try to create a  
10 set piece. We've got five buildings. We're  
11 dealing with some corporate identification so you  
12 have to honor or respect that. We're really  
13 trying to let each building feel like it's part  
14 of a larger whole so there is some continuity in  
15 the sense of trying to use the stone and some of  
16 the efface that we're proposing. You can begin  
17 to see some of the window patterns we're using  
18 and trying to move that along. Some of the other  
19 buildings haven't been developed yet. We wanted  
20 to begin to show you the flavor of where we're  
21 starting from.

22 CHAIRMAN EWASUTYN: Questions from  
23 Board Members at this point. Frank Galli?

24 MR. GALLI: Is that the restaurant, the  
25 last one you just held up?



SHOPPES AT UNION SQUARE

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MR. TINKELMAN: This is the restaurant.

MR. GALLI: That's the restaurant from  
the left?

MR. TINKELMAN: That's correct. So you  
can begin to see there's some nice outdoor spaces  
that you know of there.

MR. GALLI: That's Union Avenue in the  
front?

MR. TINKELMAN: That's right, sir. Do  
you want to see these closer?

MR. GALLI: That's fine. I was just  
trying to picture it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I like the rendering. I  
do a lot of traveling around and one of the  
things I've noticed a lot is a lot of designs, if  
will you, have become old very quickly. You go  
to some areas in towns and different places  
around the country and you see stuff that looks  
like it might have been built five years ago but  
it looks so dated already. To me this looks more  
timeless. It has a lot of --

CHAIRMAN EWASUTYN: Longevity.

MR. BROWNE: -- longevity to the style.

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That's my preference as one person. What you're showing me I like so far.

MR. TINKELMAN: If I can just take that point further. An interesting comment. We're trying to make this feel in creating that sense of place that it's a little bit more active. There's a little bit more detail, and scale change, and texture change and such so that it does feel that there's a lot smaller parts and such. That works that way in terms of sense of time on it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think you're off to a good start. It will be interesting to see how you develop the buildings to the rear to keep with this pattern, especially if you have to consider brand identification. That will be a challenge. I'll be interested to see how you approach it.

MR. NEILER: I think the approach of material and scale, you may change things a little bit from building to building to building but when you see the similar elements playing against each other you'll see the connections. I

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think it's also kind of important that they not be too similar because if one hand appears to have done it all you don't have the sense of variety that you really look for in a semi-urban setting.

CHAIRMAN EWASUTYN: I think the question is who is looking for variety and how much variety. I would be curious to know what percentage of what you're showing on this main character building would carry forward on the other buildings, meaning the stone and the motif. If you're saying this is the example -- I'm trying to visualize it with you. My first question is who is your proposed tenant for this and is that tenant willing to go along with that?

MR. GODDARD: The answer is they are. The corner, there are two spaces proposed in this building. Currently it will be Vitamin Shops. This is very much in keeping with the kind of building they use. A small tenant next to it is not going to have enough control because of the size to really dictate very much.

CHAIRMAN EWASUTYN: Okay. What percentage of this material do you see going in

1  
2 with the big box stores? I'm not going to  
3 dominate the meeting, I just want to go back and  
4 forth. We had thought that the six-foot bed that  
5 you were proposing in front of the major  
6 building, that you had said -- we had thought  
7 wasn't adequate enough for landscaping. You had  
8 come up with a comparison saying well this  
9 percentage is equal to the percentage if you look  
10 at Kohl's and there's a balance. So I throw this  
11 back to you as far as percentages. I still don't  
12 agree with a six-foot wide bed in front of that  
13 building being adequate for the height and the  
14 length of the building. As we begin to talk  
15 scale and design, I myself have my own opinions  
16 as far as where you're eventually going with  
17 this. We're talking about a small building in  
18 front where you're saying everyone will go along  
19 with it. The major impact and the balance that  
20 we're trying to get and uniformity is with the  
21 big tenants. This looks fine but it's not even  
22 the icing on the cake. I'm not arguing the point  
23 with you, I'm just trying to be creative with you  
24 and seeing where your creativity -- how far it  
25 will go. I'm going to depend on Steve to some

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extent.

MR. VIEBROCK: The reason why we chose the front here is it's Route 300. This is what everybody is going to drive by and see. That's why we focused in on this area.

The two big buildings in the back looking at the site plan is still going to be kind of behind some large trees that already exist in these residential properties. You're going to have some screening from the back. The architecture will be consistent from building to building.

CHAIRMAN EWASUTYN: How much consistent? I think I know where this might be going and -- you don't really control the back of the site because your key tenants have what they want to see. Again, I want to move on with this.

MR. GODDARD: One of the tenants back there is Circuit City. I think you probably were aware of that on some level.

CHAIRMAN EWASUTYN: I'm not. I'll be honest with you.

MR. GODDARD: They've indicated they like this location and they'll work with us.

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2 It's a process of balance and consideration. You  
3 know, I think this is a very good tone that's  
4 been set and, you know, I'm sure they'll see it  
5 enough the same way for us to be, you know,  
6 successful in putting together a nice project  
7 here.

8 CHAIRMAN EWASUTYN: Fine. Ed  
9 O'Donnell?

10 MR. O'DONNELL: I kind of like what  
11 I've seen so far. I just hope that you carry it  
12 through. If you do that I think we'll all be  
13 very happy.

14 CHAIRMAN EWASUTYN: Joe Profaci?

15 MR. PROFACI: I'm just curious about  
16 the other three buildings. They're just all big  
17 box stores? They are not subdivided at all?

18 MR. GODDARD: They'll all be part of  
19 the same project.

20 MR. PROFACI: One tenant?

21 MR. GODDARD: Not necessarily. One of  
22 the two big boxes in the rear is leased. The  
23 other one is not yet. The restaurant building  
24 behind is close to being leased but discussions  
25 with that tenant have indicated that they will

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cooperate with, you know, conforming to an overall design standard up to a limit, which we'll explore.

MR. VIEBROCK: We'll be bringing at the next meeting some of the images of those back buildings. Tonight was to give you a sense of where we're starting from. One of the nice things about this palette is it's going to allow us to break down the bigger masses into buildings that, you know, are part of the character we're trying to create.

MR. PROFACI: One building is a restaurant and the other two will be retail?

MR. GODDARD: Correct.

CHAIRMAN EWASUTYN: Which is Circuit City?

MR. TINKELMAN: This one.

CHAIRMAN EWASUTYN: Okay. Let's move forward with the site plan now.

MR. VIEBROCK: What I would like to follow up with is we received comments, current comments from your consultants, from Pat Hines, from Karen Arent and from Ken Wersted. We haven't received any comments from Ed Garling's

1  
2 office. We've been trying to get in touch.  
3 We're sort of disconnected. As you said earlier,  
4 there was a surgery. Any comments, we really  
5 can't respond to those comments tonight.  
6 However, there are still --  
7 CHAIRMAN EWASUTYN: There must have  
8 been a -- you may have not been -- for some  
9 reason you may not have been e-mailed or there  
10 may have been a breakdown because we received  
11 comments from Bryant. I'll share with you the  
12 copy --  
13 MS. HAINES: I have an extra.  
14 CHAIRMAN EWASUTYN: I don't think we'll  
15 address them tonight.  
16 MR. VIEBROCK: Do it on the fly.  
17 CHAIRMAN EWASUTYN: Tonight is not the  
18 time to do it.  
19 MR. VIEBROCK: What I want to get to is  
20 the comments we received were very detailed and  
21 we believe that these comments, as I stated at  
22 the last meeting in June, are not going to  
23 significantly change the current site plan. We  
24 believe these comments are going to be based upon  
25 making the site even more aesthetically pleasing.



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2 We believe that at this point, not having a  
3 preliminary site plan approval, that we would  
4 like to move forward towards that with the site  
5 plan we have in front of you. What we would like  
6 to set up possibly is a meeting with the  
7 consultants to go over those details because we  
8 value those comments. We would like to work them  
9 through to come up with a plan that really meets  
10 not only their comments but, you know, we can  
11 incorporate some of our design ideas with them  
12 instead of trying to do it via letters and trying  
13 to comment our responses with letters. We would  
14 like to sit down with them and go over all the  
15 issues that they have and get them out on the  
16 table and really work them through. I remember  
17 talking to you about this. The Board would like  
18 to see the plans. We've done that. We think the  
19 details we can work out with the consultants at  
20 this time without significantly changing the  
21 site. At this time we would like to request for  
22 that consultants' meeting.

23           Secondly, we would like to -- first I  
24 would like to clarify with Mr. Donnelly the  
25 process for the public hearing as well with the

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SEQRA and how that works and just try to move the project along.

CHAIRMAN EWASUTYN: As far as SEQRA, I'll speak for Mr. Donnelly and I'll step on his toes since he stepped on my toes the last time around. The Board isn't at a point in time where we're going to be making a SEQRA determination right now. That answered that question ,number one.

At this particular time if you'd like I'll move for a motion from the Board to set this up for a consultants' meeting realizing that there's still some issues that were raised by our consulting team that need to be addressed. Some of them you may think are minor in nature, some of them important. Again, you sat here earlier in the evening when we heard from the public as far as visual impacts, the quality of life changing in the area. That holds true for Union Avenue. So again, there's some issues on Orr Avenue that will have to be defined more clearly. There may be some trees that need to be identified more clearly and saved on the site. I know your client has been eager to move forward

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2 on the work session, Chris. I say to you again,  
3 these points aren't minor in nature. The purpose  
4 of a consultants' meeting is so you can discuss  
5 with the consultants some issues that you have.  
6 I think what everyone fails to realize is the  
7 final decision comes from the Planning Board and  
8 not the consultants. They make recommendations  
9 to us, as it was described at the earlier  
10 presentation, but it's not their final say.

11 MR. VIEBROCK: Okay.

12 CHAIRMAN EWASUTYN: Mike, do you want  
13 to answer his questions as far as SEQRA now?

14 MR. DONNELLY: No. I think you have.  
15 I wouldn't want to risk stepping on your toes. I  
16 thought I would add one other thing. There are  
17 two referrals that I think need to be made, one  
18 is to the Orange County Planning Department, and  
19 I don't see any reason why that couldn't be done  
20 now.

21 CHAIRMAN EWASUTYN: To do what?

22 MR. MENNERICH: We did that.

23 CHAIRMAN EWASUTYN: We got a laundry  
24 list back from them.

25 MR. DONNELLY: I'm sorry. My notes say

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this needs a variance for setback on the Cosimo's parcel. Am I correct on that?

MR. VIEBROCK: That is correct.

MR. DONNELLY: Normally we would close out SEQRA before referring it but there's no reason why the Zoning Board couldn't segment out their own review on that issue. I don't know how the Board feels about that.

MR. WOLINSKY: Larry Wolinsky. On that latter point, I think we wanted to, yes, complete SEQRA, and at least before we went to the ZBA make sure, absolutely make sure the dimension was fixed and we knew exactly what variance we had to apply for.

MR. DONNELLY: Very good.

MR. WOLINSKY: Pursuant to the earlier thing, I think it may not have been articulated correctly. In no way, shape or form were we looking for a SEQRA determination tonight. I think his question was basically are we going to wait for completion of SEQRA before a public hearing would be scheduled.

CHAIRMAN EWASUTYN: Yes.

MR. DONNELLY: My advice to the Board

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2 is that they need to close out SEQRA before the  
3 public hearing is scheduled. Although I think  
4 we've had this conversation, it is explicit in  
5 the subdivision section of the Town Law, I think  
6 it is implicit in my view in the site plan  
7 section as well. Therefore, based upon that  
8 advice this Board will not schedule a public  
9 hearing until we've closed out SEQRA either with  
10 a negative declaration or the acceptance of a  
11 D.E.I.S.

12 CHAIRMAN EWASUTYN: So we'll wait to  
13 hear back from you.

14 MR. VIEBROCK: Well --

15 CHAIRMAN EWASUTYN: I just wanted to  
16 see where you were coming from on that. I got a  
17 laugh out of you on that.

18 I'll move for a motion to set this up  
19 for a work session for the 23rd of October.

20 MR. PROFACI: So moved.

21 MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So

carried.

MR. WOLINSKY: Thank you.

MR. VIEBROCK: Thank you.

(Time noted: 9:45 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.

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DATED: October 25, 2007

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

----- X

In the Matter of

MID-HUDSON II HOLDING CO., INC.  
(2007-34)  
North Plank Road  
Section 80; Block 7; Lot 7  
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: October 18, 2007  
Time: 9:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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



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CHAIRMAN EWASUTYN: The next item of business we have is Mid-Hudson II Holding Company, Inc. It's a conceptual site plan located on North Plank Road. It's zoned B and it's being represented by Anthony Coppola.

Go ahead.

MR. COPPOLA: Thank you, Mr. Chairman. Real briefly, this is our first presentation to the Board for this project. What we're proposing is a one-story retail office building, 4,500 square feet. It's on a vacant parcel, an approximately 1-acre parcel -- just slightly less than 1 acre. This is basically on Route 32 adjacent to Monroe Muffler and across the street from the Mobil station.

Again, basically the configuration here, how we came up with this configuration in terms of the size of the building and the orientation of the parking, basically at the start of the project we met with the DOT resident engineer, did a field visit with her to take a look at her preferred location for the entrance. This entrance location is based on the other adjacent entrances and basically was her

1  
2 preference. That's what she had chosen. We  
3 started our design from that and came up with  
4 this circular one-way parking flow. You come  
5 into the property, either park in front or make a  
6 right turn. All the parking is basically one way  
7 around the building. There's a total of 30  
8 parking spaces that meet the 1 per 150 square  
9 foot requirement.

10 Because of the rear buffer area, the  
11 landscaping buffer, that kind of pushed  
12 everything forward so the rear of the property  
13 borders the R-3 and the houses back here. I  
14 believe we do meet the buffer requirement back  
15 there. Basically there's going to be a  
16 drive-through on the west side of the property  
17 and a pass through lane thereto.

18 It's very straightforward in terms of  
19 site utilities. We're making a water connection  
20 in the road. The sewer main is going to be a  
21 force main. We diagramed that but we have not  
22 detailed that yet. That's basically going up  
23 towards the street. That's past Monroe on the  
24 edge of the existing pavement.

25 We have not begun any architectural

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drawings for this project yet. We hope to do that next and would bring that back at a next meeting here.

There are a couple comments. We did receive Karen's comments, Pat's comment and Ed's comments. I received all of those either yesterday or today.

One or two things I just want to kind of quickly comment on before we let this go. We strongly feel, and certainly all the retail projects that I've been involved with to date in the Town of Newburgh allow parking in front of the building. I guess it's our strong -- we have a strong preference to be able to do that. I think with retail it's important to be able to do that, especially retail on a small scale like this. So what we are showing in front -- also our handicap parking is located there -- is just 5 angled parking spaces. There are 5 additional spaces located next to -- kind of adjacent to that. Some of the comments came across as far as adding the stonewall or doing a berm or a buffer there. That's something we would be willing to do. We do have a strong preference to

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keep at least some minimal parking in front of the building. I mean the bulk of the parking is clearly behind and to the sides.

One of the other comments that I just wanted to clarify again relates to the buffer laws which we're kind of struggling through. I believe what we're showing here and depicted on our landscaping plan is correct for the buffer that borders the R-3 Zone. It's a 30-foot landscaping buffer. We've put a fairly large amount of plantings in there. That's on our landscaping plan. I do not believe, unless somebody tells me otherwise, that we're required to have buffers on the side, buffers which are from our commercial property to Monroe and from our commercial property to the other adjacent commercial property. We do meet the setbacks but I'm not quite sure we're required to have the buffers on the sides.

CHAIRMAN EWASUTYN: Karen, do you have an answer for that?

MS. ARENT: According to Bryant you need the 30-foot buffer for the rear yard is correct. The side yard must be the greater of

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the side yard setbacks, 15 feet and 25 feet as stated in the buffer and screening table. The 25-foot side yard buffer will be required for the site in conjunction with the 30-foot rear yard buffer.

MR. COPPOLA: So if I'm understanding you correctly, even between a commercial and a commercial property we're required to have a buffer?

MR. MICHALSKI: I think that was meant for residential. If you abut a residential on a side yard.

MS. ARENT: We'll look into this. I didn't bring the buffer table with me. We'll have to look at this.

CHAIRMAN EWASUTYN: We may not have the time to explore. I think I have mine with me. Go ahead.

Pat Hines, why don't we move forward, and Ken Wersted and Karen Arent, and talk about --

MR. HINES: He has my comments. I've got a lot of clean-up comments, contouring and changes on the plans. There's two-footers and

1  
2 one-footers there. That needs to be consistent.  
3 The 600-foot contour in the front, I don't know  
4 if you looked at that already. I know it's on  
5 there. You can take a look at it. You've got  
6 two 600s in a row there. The grading doesn't  
7 work the way that's shown.

8 MR. COPPOLA: I see where you're  
9 saying.

10 MR. HINES: Take a look at that.

11 MR. COPPOLA: We can certainly take a  
12 look at that.

13 MR. HINES: The drainage plans identify  
14 an existing drainage course in the rear of the  
15 property but the topo doesn't really show that.  
16 They are discharging out to your landscape buffer  
17 onto properties around the pond. I don't see on  
18 the topo where there's a drainage course there.  
19 If you could take a look at that or I'll take a  
20 look in the field as this moves forward. I'm  
21 concerned that the point discharge is from your  
22 other parking detention pond.

23 We reviewed the stormwater report.  
24 With the underground storage we're going to need  
25 to do some soil testing to make sure it doesn't

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fill up with groundwater prior to filling up with stormwater.

The sewage disposal, I was under the impression you were going the other way. This is not tying into the Lennar --

MR. COPPOLA: No.

MR. HINES: With that a flow letter from the City of Newburgh will be required.

You'll need a DOT approval to run that force main down their right-of-way. DOT approval for the access drive is required.

The water main needs to be located and sized correctly on the plans.

There's an existing sewer line easement it says.

MR. COPPOLA: Yes.

MR. HINES: If you're planning on using that we need that submitted to show what that allows you to do there.

That's all we have at this point.

CHAIRMAN EWASUTYN: We received a comment from Ed Garling before he left. Maybe Karen can speak for Ed and Bryant.

MS. ARENT: Ed mentioned that this site

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does not work as designed because when you pull into the main entrance many of the parking spots are inaccessible, that you have to do a couple maneuvers in order to get in and that you can't drive around the site as shown on the plan, the radiuses are too tight. I guess this is more of Ken as well.

They think that the drive-through shown on the plan is questionable on such a small site.

We wondered if there's any loading docks on the site?

MR. COPPOLA: He was questioning loading areas actually.

MS. ARENT: Right.

MR. COPPOLA: I think we're required to designate a loading area. There would be at grade entrances in the rear. I think we're required to designate a loading area.

MS. ARENT: And then he goes on to other comments. For example, about a sidewalk in the front of the site to be in keeping with the other projects that were just before the Board, to put the sidewalk in front of the site.

MR. COPPOLA: I just want to point out



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there are not adjacent sidewalks.

MS. ARENT: There's never going to be if somebody doesn't start. Anyway --

CHAIRMAN EWASUTYN: Good answer. That's really what it's coming down to.

MS. ARENT: The road there is --

CHAIRMAN EWASUTYN: It's a piecemeal effect to what eventually will be a chain link effect.

Ken Wersted, can you look at the interior circulation and comment or would you like to have time and get back?

MR. WERSTED: I can make some generalizations and follow up with more specifics. I didn't have an opportunity to review the project before the meeting but just some initial thoughts looking at it. I can understand Ed Garling's comment, when you pull in the first parking space on your right may be difficult to get in. You have to make a U-turn to get in. As you circulate around into the back, making the turn to get into the drive-through lane with the narrow radius there would be difficult. I can look at putting some turning

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templates on there and check those in some more detail. There isn't a lot of room to work on the site I realize just because it's a relatively small site.

One of the other comments that I'm looking at is DOT typically requires that the terminus of your curb radii end 5 feet before the projection of the property line.

MR. COPPOLA: We are cheating that a little. I know exactly what you're referring to.

MR. WERSTED: That's not to say that it can't be allowed but I think you would need to get a sign off from the adjoining property owner. If they are agreeable to that then DOT would use that to okay the entrance.

MR. COPPOLA: She was specific about the distances between the entrances, too. We do meet that.

MR. WERSTED: Okay.

CHAIRMAN EWASUTYN: Karen, your comments.

MS. ARENT: One of my main comments is that the site plan is designed with parking in the front. In accordance with design guidelines

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the site plan should be designed with parking on the side or back and not on the road. I just wonder if that could be considered. Maybe a different arrangement or something.

I was wondering if it's possible to connect to adjacent properties. I think a good example before us of how a small site can be developed nicely is the Orange County Trust that was just before us. They got an easement onto the side properties since they have a very small site as well. They were able to use that so that they didn't try to do everything on a little, tiny piece of property. It's also a smaller building. This is a big building on a very tight site.

I think sidewalks should also be shown on the front of the property as well as connection to the front door of the property somehow, or the front doors or the sidewalk in front of the building. I thought you could possibly move the building closer to the road if you connected at the side properties and this way you could even almost share the sidewalk in front or the sidewalk along the building.

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I was thinking that this property is developable. It can be done nicely if maybe there was some thought given to how it can be done nicely.

I didn't know what the rectangle on the south corner of the site was. I thought maybe it was the pavement from the adjacent site.

MR. COPPOLA: It's an encroachment.  
Yes.

MS. ARENT: Why can't you use some of that? Maybe these two sites can connect since the asphalt is there.

That's it.

CHAIRMAN EWASUTYN: Any additional comments from Board Members. Frank?

MR. GALLI: The building as it stands, the drive-through, is that considering because it might be a bank or something like that? Is that why --

MR. COPPOLA: That's correct.

MR. GALLI: --the drive-through?

MR. MICHALSKI: The bank has expressed interest in the site actually.

MR. GALLI: I was just curious what the

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drive-through is. That's the only question I have.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We're reviewing this for conceptual. I'm not sure if it's ready for conceptual at this point.

CHAIRMAN EWASUTYN: I agree.  
Ken Mennerich.

MR. MENNERICH: I agree with Cliff. I think the site needs to take better consideration of the design guidelines.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Anthony, you've been involved with several of these projects that we've had before us so I think you're pretty familiar with what our standards are. I would expect that they are going to be applied here on this project.

MR. COPPOLA: Okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: My only question was about the drive-through. I got an answer.

CHAIRMAN EWASUTYN: I think you're going to have to work on the plans.

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MR. MICHALSKI: Could I speak? I'm the owner. Can I speak as the owner?

CHAIRMAN EWASUTYN: Your name is?

MR. MICHALSKI: The only thing is one of the --

CHAIRMAN EWASUTYN: Your name is?

MR. MICHALSKI: Steve Michalski.

CHAIRMAN EWASUTYN: Thanks.

MR. MICHALSKI: I'm the owner of the property. One of the comments was about the parking in the front. If you look at every other property along that road, every other property has parking in the front. It's a retail space. Generally retail you have parking in the front. It is a small site. I think that's the only way it's really going to work is to have some parking -- every other place you go to has parking in the front of it. If you want to drive through it would be consistent with the neighborhood and the design guidelines. I think it's a generalized thing for certain neighborhoods. In this case it would be consistent with everything else. I feel kind of strongly that would make sense. It would be in character with the neighborhood. If

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anybody wants to look at the neighborhood and see what it looks like, it just fits.

CHAIRMAN EWASUTYN: Right now the general consensus I'm getting from the Board and from our consultants is that the concept before us just doesn't seem to be working right. It's up to you to come back with something more creative. I think the example -- I'll let Ed speak. The example is Orange County Trust. I don't know the exact difference in lot size but we had an approximately 2,500 square foot building situated on the lot that we tried to work here and that was the bank. Here we have something almost double that square footage. You're putting a lot into this site.

Ed.

MR. O'DONNELL: I think you missed the point a little bit. What exists today is, as you described it, not good enough. We're looking to make this Town better. We've made significant strides with that over here on Route 52 and Union Avenue. We've done it with the two projects in front of us tonight and we intend to do it with this one. I don't know what else I can tell you.

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The standard today is not good enough for raising the bar and we expect you to raise it also.

MR. MICHALSKI: Okay.

MR. O'DONNELL: I don't know how else to say it.

MS. ARENT: I think it is possible to put parking in the front but there has to be enough --

CHAIRMAN EWASUTYN: Karen, I don't think we can design it now. It's getting late in the evening. We have other business and we're not here to design projects.

MS. ARENT: Okay.

MR. COPPOLA: Thank you for your comments.

(Time noted: 10:00 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.

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DATED: October 25, 2007

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

----- X

In the Matter of

ORANGE COUNTY CHOPPERS  
(2005-58)  
Change of sidewalk pavement

----- X

BOARD BUSINESS

Date: October 18, 2007  
Time: 10:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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CHAIRMAN EWASUTYN: At this point I would like to turn the meeting over to Dina Haines, Planning Board Secretary, to go through the amended Board business.

Dina.

MS. HAINES: The first item we have on Board business tonight is a letter dated September 26th from Karen. It's regarding Orange County Choppers. The second paragraph in that letter states, "Two changes that affect the architectural review approval include a change of proposed sidewalks from concrete and pavers to a permeable pavement consisting of recycled tires and gravel, and the installation of solar panels on the roof of the building."

CHAIRMAN EWASUTYN: Karen.

MS. ARENT: This is the permeable pavers. It's a poured-in-place pavement that they would like to put in front of the site instead of the brick pavers that they originally had. They're thinking about that color. It actually looks better. I thought these were hideous. The Hampton Inn in Fishkill where they put it under their entrance way, it looks better

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in place.

MR. PROFACI: How durable is it?

MS. ARENT: They claim it's durable.  
They've used it in Rochester for ten years.

MR. GALLI: It won't wear out.

MS. ARENT: It's rubber. They would  
like to put this in place. They are doing a  
green or trying to go for a green building and  
this is -- as far as the solar panels, I asked  
them to show us an illustration before we  
consider it.

MR. O'DONNELL: What do you think?

MS. ARENT: It's scary because I would  
hate to do this for The Market Place or the  
shopping centers instead of brick pavers. On the  
other hand it's a green concept so it's hard to  
deny.

MR. PROFACI: Is that aggregate held  
together -- what kind of glue holds that  
together?

MS. ARENT: I'm not exactly sure. I  
should read exactly -- I will have to let you  
know.

MR. PROFACI: It looks like it would

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melt or fall apart.

MS. ARENT: They said it was used in Rochester for ten years and it held up.

MR. PROFACI: It held up for the snow. What about the sun?

CHAIRMAN EWASUTYN: Have you experienced this?

MR. HINES: I have not seen it used. There is a lot of literature out there.

CHAIRMAN EWASUTYN: I think I even circulated something a few months ago based on impermeable surfaces.

MR. PROFACI: This is permeable.

MR. HINES: Did you pour water through it?

MS. ARENT: If anybody wants to take it to the bathroom, go right ahead. If you want to look at it, there's a Hampton Inn in Fishkill.

MR. HINES: We should be reviewing it for aesthetics. How long it lasts is going to be the applicant's problem, if they have to maintain it and put it back if it falls apart.

CHAIRMAN EWASUTYN: Even with concrete sidewalks, depending how they do the subbase.

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Sure.

MR. HINES: If you like the look -- what I'm concerned about is that aggregate in there. I don't know if it's available locally. It looks like some kind of beach gravel. It may look different than what you get. I don't know where they manufacture the material that comes --

MS. ARENT: We can ask for a different type of gravel.

MR. GALLI: It's actually rubber tires ground up.

MR. HINES: There's aggregate in there with it.

MS. ARENT: Here are some better photographs of what it looks like.

MR. BROWNE: The question is can they use this instead of --

MS. ARENT: Pavers and concrete. It's tough. My concern is it is setting a precedent. That's the only concern I have.

MR. O'DONNELL: What do you mean?

MS. ARENT: I think it would be -- we have beautiful design guidelines for The Market Place. I would hate to see that change to

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something like this.

MR. HINES: We want impervious pavement on The Market Place.

MS. ARENT: In fact, I have been working on a green building, a library in Warwick where they have actually considered this and -- not this particular pavement but they're willing to vacuum twice a week. Actually on another project, the supermarket in Warwick, they have agreed to vacuum the whole parking lot twice a week with the big vacuum.

MR. HINES: Most supermarkets do.

MS. ARENT: That will prevent the clogging of the pores. That's the maintenance of this. It has to be vacuumed every so often.

MR. BROWNE: That's permeable. What goes under it?

MS. ARENT: I have to look that up. I would assume a similar base course.

MR. HINES: Sand, gravel.

MS. ARENT: It is poured in place.

MR. MENNERICH: It would be in the parking lot?

MS. ARENT: No. This is going to be

1  
2 the sidewalk. I would love it if it was in the  
3 parking lot. In the Hampton Inn they used it for  
4 where you pull up in your car.  
5 MR. HINES: It doesn't get puddles and  
6 freeze. The advantage is that it's a green  
7 product.  
8 MR. GALLI: They get a tax break by  
9 using it?  
10 MS. ARENT: Yeah. I think that the  
11 person that is selling this is using that as a  
12 showcase for him.  
13 Crushed rock four inches thick.  
14 MR. BROWNE: Crushed rock goes under  
15 it?  
16 CHAIRMAN EWASUTYN: Subbase.  
17 MS. ARENT: Two inches thick multiplied  
18 by 22 percent.  
19 MR. GALLI: What's your recommendation?  
20 MS. ARENT: That's why I'm --  
21 MR. DONNELLY: She's been like this for  
22 weeks now.  
23 MS. ARENT: I think that it's a good  
24 thing to do because of its green status. It's  
25 good for the environment and I think it looks



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better than I thought it would. I worry about setting a precedent on all the other projects before us.

MR. BROWNE: If we did this and we can't do the caveat on the approval --

MS. ARENT: That would be a question for you. How precedent setting is it?

MR. DONNELLY: How large is the area we're doing?

MS. ARENT: It's a big plaza. It looks nice in place.

MR. DONNELLY: You've already made findings there be a requirement of a mix of brick pavers. I don't think you need to worry about it on that project. I don't think if you allowed this in one area of one project that was a building of a certain character why you would be required to do it elsewhere. If our experience is negative you might not want to.

MS. ARENT: That's true. This building is very modern so it kind of goes with the whole cutting edge type of building. It's the perfect place to try it.

MR. PROFACI: Is this the color they're

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proposing?

MS. ARENT: They think they like the reddish.

MR. PROFACI: Is the color different?

MS. ARENT: They even have a green.

CHAIRMAN EWASUTYN: The question before us tonight is is the Board in agreement that we basically could amend one of the details on the final site plan to allow for -- rather than concrete sidewalks to allow for a flex pave installation -- where is it?

MS. ARENT: Orange County Choppers. The plaza.

MR. GALLI: I would like to see it.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. O'DONNELL: Yes. Are you going to document that we're making this slight change to our guidelines and then --

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MR. HINES: I don't think it's your guidelines.

MR. O'DONNELL: It doesn't conflict with our --

MS. ARENT: No.

MR. O'DONNELL: Then it's in conflict with the site plan.

MR. DONNELLY: The motion, as I understand it, is to authorize it as a field change. Somebody would need to document that. A letter from Karen or something.

MR. O'DONNELL: And then it would be a follow-up letter from you at some point in time as to whether you thought this was an effective change or not?

MR. GALLI: To use in the future.

MS. ARENT: Sure. I would follow up. I would love to. I think it's a really interesting product.

MR. O'DONNELL: So we'll have two letters from --

CHAIRMAN EWASUTYN: We'll amend the motion that the applicant as far as a field change will be allowed to install the flex paver

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2 in place of the concrete walk in front of the --  
3 MS. ARENT: Building.  
4 CHAIRMAN EWASUTYN: -- the building and  
5 that we'll receive follow-up reports from Karen  
6 Arent as far as the installation and how  
7 functional it is.  
8 MR. BROWNE: Could I add one more thing  
9 to that? It be installed per manufacturer's  
10 requirements. That's probably understood but you  
11 never know.  
12 CHAIRMAN EWASUTYN: It will be  
13 installed according to manufacturer's  
14 requirements.  
15 So we had a motion originally by Frank  
16 Galli. We had a second by Joe Profaci again.  
17 I'll move for that amended motion.  
18 MR. GALLI: Yes.  
19 CHAIRMAN EWASUTYN: I'll move for a  
20 roll call vote starting with Frank Galli.  
21 MR. GALLI: Aye.  
22 MR. BROWNE: Aye.  
23 MR. MENNERICH: Aye.  
24 MR. O'DONNELL: Aye.  
25 MR. PROFACI: Aye.

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CHAIRMAN EWASUTYN: Myself. So  
carried.

Dina Haines, would you read the next  
item of Board business.

MS. ARENT: The solar panels I want to  
come back to you because I think that's a very  
visual thing. That's something we have to be  
very careful with. They are preparing a drawing  
that will show us exactly what it will look like  
as well as they're going to submit photographs of  
another project. Apparently they have non-glare  
type solar panels that are less reflective and  
not visually obtrusive.

MR. PROFACI: They can be very ugly.

(Time noted: 10:10 p.m.)

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

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DATED: October 25, 2007

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

----- X

In the Matter of

QUICK CHEK  
(2006-33)

- 1. Illuminated box sign
- 2. Placement on the next consultants' work session agenda

----- X

BOARD BUSINESS

Date: October 18, 2007  
Time: 10:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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CHAIRMAN EWASUTYN: Dina.

MS. HAINES: The next item as well as the one after that are both regarding Quick Chek. The first one is a memo from Karen dated September 21, 2007. It's regarding the illuminated box sign.

MS. ARENT: Quick Chek during our work session -- they're very concerned. One of their I guess main advertising things is their illuminated sign with their price on it. We've had several other projects before us now that have conformed to the signage guidelines, the two banks and the pharmacy. Especially the pharmacy. The Key Bank had illuminated signs to begin with and they changed to externally illuminated rather than internally illuminated. The Quick Chek asked to come before the Board to see if you would allow for them to have an internally illuminated sign.

CHAIRMAN EWASUTYN: The question is since we adopted -- the Town adopted new guideline standards and we're beginning to follow the standards, Karen is referencing tonight the proposed Walgreen's and the bank. We're getting



1  
2 agreement from new applicants with their site  
3 plan. We received a letter from Howard Geneslaw  
4 and he's saying that if the Board isn't willing  
5 to allow their free standing internally  
6 illuminated sign that they would want to be  
7 referred to the Zoning Board of Appeals.

8 The first question I pose to the Board  
9 is is the Board willing to permit Quick Chek to  
10 have an illuminated box sign?

11 MR. GALLI: No.

12 MR. BROWNE: No.

13 MR. MENNERICH: No.

14 MR. O'DONNELL: No.

15 MR. PROFACI: No.

16 CHAIRMAN EWASUTYN: Okay. Mike, so  
17 what happens?

18 MR. DONNELLY: I don't think there is a  
19 referral to the Zoning Board because it's not a  
20 code provision, it's a guideline and it's  
21 waivable or not by you. I don't think there's  
22 any jurisdiction for the Zoning Board. I'll  
23 double check but I don't believe --

24 CHAIRMAN EWASUTYN: So at this  
25 particular point would you prepare a letter,

QUICK CHEK

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Mike, to the applicant?

MR. DONNELLY: If I'm not correct on that I'll report back to you. That's my belief and my memory as to how it was set up.

(Time noted: 10:14 p.m.)

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

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

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DATED: October 25, 2007

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

----- X

In the Matter of

THE MARKET PLACE  
(2004-54)

Placement the on next consultants'  
work session agenda

----- X

BOARD BUSINESS

Date: October 18, 2007  
Time: 10:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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THE MARKET PLACE

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CHAIRMAN EWASUTYN: Dina, we have three more.

MS. HAINES: The next three items are all for placement on the next consultants' work session for October 23rd. One of course is The Market Place. That was a letter dated October 12th from Bob Wilder wanting to get on that consultants' work session.

CHAIRMAN EWASUTYN: What is it that he wants to discuss, Dina?

MS. HAINES: On that work session he wants to discuss paving and sidewalk details. He also would like to discuss the hardscape details, like benches and trash receptacles, the facades among the big box stores and also the lighting plan.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to set up The Market Place to be placed on the next consultants' work session for 10/23 to discuss the items that were just presented by Dina Haines, Planning Board Secretary.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: The applicant pays for all the time; correct?

CHAIRMAN EWASUTYN: Correct.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I happened to meet on my way over here tonight Councilman Woolsey and he commented to me, and I think you should know that he sat in on the last work session with The Market Place, it was the first time, and he was very, very pleased contrary to what he was hearing from outside sources as to maybe how we cave in at these work sessions, actually how effective they were and meaningful. So he wanted everyone to know that he was very pleased and he would like to attend the next one, that being this one.

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Dina Haines will notify him tomorrow.

(Time noted: 10:18 p.m.)

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

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

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DATED: October 25, 2007

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

----- X

In the Matter of

PALMERONE FARMS  
(2004-79)

Placement on the next consultants'  
work session agenda

----- X

BOARD BUSINESS

Date: October 18, 2007  
Time: 10:18 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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

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CHAIRMAN EWASUTYN: Dina.

MS. HAINES: The next one also is for placement on the consultants' work session of October 23rd for Palmerone Farms.

We received a letter from Kevin Dowd dated October 17th. He wasn't very specific in what he wanted to discuss at the meeting, he was just requesting to be on it.

MR. BROWNE: No.

CHAIRMAN EWASUTYN: What is happening here, and we heard that from Jerry, is when -- Mike, why don't you speak on that. You know what is really going on as far as what we approved for the total site. Explain what might be a phased site plan and the possibilities involved here.

MR. DONNELLY: If you remember, the entire site was approved with a number of stores. There was no phasing at all. There is still no real phasing, meaning they have to build all of the improvements before they begin. They are willing to do that, if I understand what they are telling us correctly. They may not build all the buildings at once. The issue then arises is what happens to the spot where a building is going to



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2 be until it gets built. Obviously we don't want  
3 to see it be a refuse pile, nor do we want to see  
4 footings put in and nothing else. Pavement may  
5 have drainage implications. I think there are  
6 some technical issues to resolve. There may be  
7 more to it than that. I don't know. I think  
8 that's the nature of what it is. They may not  
9 build all the buildings at once. Thus far they  
10 haven't told us they want to scale back on the  
11 implementation of the overall site plan. I think  
12 most of that work is done already.

13 MR. HINES: Site grading and utilities  
14 are installed.

15 MR. DONNELLY: Certainly they need the  
16 full circulation of the roadway, they need the --

17 MR. HINES: They need to address the  
18 gap in the site.

19 MR. DONNELLY: There's a technical  
20 level to that that your consultants may be able  
21 to make recommendations on. I think it's a  
22 policy issue for you as well based upon the  
23 recommendations as to what you allow the interim  
24 condition to be. Should there be some temporary  
25 landscaping? Is grass cover good enough? That

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type of thing.

MR. HINES: What they did at Lowe's before Friday's was they paved it. They brought it to grade and paved it so if nothing was ever built it was just a parking lot. When they got ready to build it they cut out the asphalt and built the building.

CHAIRMAN EWASUTYN: Jerry Canfield was instrumental about a month ago in wanting to meet with them. He has a building permit issued on Chili's and he wants to know what happens when you have a CO, what am I going to be looking at. Jerry is going to be there to advise everyone as to what he may need.

MR. BROWNE: The only issue I have, John, with this is they haven't specifically told us what they want. We're guessing what they want.

CHAIRMAN EWASUTYN: Right.

MR. BROWNE: From my perspective I would say okay as long as this is what they want to talk about. Something else I would say no.

CHAIRMAN EWASUTYN: It's interesting and I agree with you wholeheartedly. I got a

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call from Kevin Dowd -- was it yesterday, Dina, or the day before? When is the letter dated?

MS. HAINES: The letter is dated the 17th.

CHAIRMAN EWASUTYN: I got a call from him. Originally he was supposed to be at our -- he called me at 6:00 and said John, I'm on my way over there, I just want to let you know. That's when I said Kevin, it's at 2:00 in the afternoon. I don't know what went wrong here. He called me again on Tuesday and said I would like to come before the Board for a work session. I said okay, prepare a letter for me, I'll have Dina contact you with the e-mail and we'll make it Board business. So this is what I received from him. I think it's a good letter read by a good attorney.

MR. GALLI: Not asking for anything.

MR. DONNELLY: Perfect, he said nothing.

CHAIRMAN EWASUTYN: Primarily what we're doing is setting up a format for Jerry Canfield to find out exactly what's going on there. That's what Jerry wants to know.

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2 MR. HINES: Jerry is looking for some  
3 guidance as to when he can issue a CO.  
4 CHAIRMAN EWASUTYN: We're supporting  
5 Jerry on this one.  
6 That being said, I'll move for a motion  
7 to approve --  
8 MR. DONNELLY: The Market Place,  
9 Palmerone and Polo Club.  
10 MS. HAINES: We didn't go over Polo  
11 Club.  
12 CHAIRMAN EWASUTYN: -- Palmerone for  
13 the work session of the 23rd of October.  
14 MR. GALLI: So moved.  
15 MR. MENNERICH: Second.  
16 CHAIRMAN EWASUTYN: I have a motion by  
17 Frank. I have a second by Ken. Any further  
18 discussion?  
19 (No response.)  
20 CHAIRMAN EWASUTYN: I'll move for a  
21 roll call vote starting with Frank.  
22 MR. GALLI: Aye.  
23 MR. BROWNE: Aye.  
24 MR. MENNERICH: Aye.  
25 MR. O'DONNELL: Aye.

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MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

(Time noted: 10:22 p.m.)

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

I, Michelle Conero, a Shorthand  
Reporter and Notary Public within and for  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X

In the Matter of

THE POLO CLUB  
(2006-09)  
Placement on the next consultants'  
work session agenda

----- X

BOARD BUSINESS

Date: October 18, 2007  
Time: 10:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
EDWARD T. O'DONNELL, JR.  
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

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CHAIRMAN EWASUTYN: Dina, do you want to read the last one.

MS. HAINES: The Polo Club wants to be on the next consultants' work session. We have a letter from Ross Winglovitz dated October 17th. They want to be on because they have increased the number of units by 4 so now they're up to 130 units. They have also eliminated their recreational courts and moved the clubhouse to the front of the building and now they will no longer be seeking the waiver for the recreation fees, they'll just pay them.

CHAIRMAN EWASUTYN: He's also talking about reducing the size of the buildings. He may not have said that there.

MS. HAINES: I don't think I did. Sorry.

CHAIRMAN EWASUTYN: It has nothing to do with you. It's late in the evening.

Cliff, I'll ask you if you have any questions?

MR. BROWNE: I didn't follow the whole thing he was doing.

MR. DONNELLY: Just remember where we

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2 are. This is one where you did the D.E.I.S. and  
3 you had the hearing, and they're in the process,  
4 I think, if I'm right in my timeline, of  
5 preparing the F E.I.S. They are searching for  
6 how to address the issues that were raised, what  
7 do you need at a technical level to have in the  
8 F.E.I.S. That type of thing. Obviously the  
9 F.E.I.S. ultimately has to be to your  
10 satisfaction. They are trying to see what  
11 changes they can make to try to address some of  
12 the issues along the way.

13 MR. GALLI: That was the big public  
14 hearing. I missed that one. We told the public  
15 when we had the hearing it was this amount of  
16 units, it was this recreation court.

17 MR. HINES: There was not a lot of  
18 people in attendance. There was like four  
19 people.

20 MR. DONNELLY: I don't know that if you  
21 increase it by 4 units on 126-unit project, that  
22 that's such a dramatic change that you would feel  
23 some need to re-open to public comments. There's  
24 no rule that the project can't change over time.  
25 There's a request that sets forth a number of



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things.

MR. GALLI: Put them on.

CHAIRMAN EWASUTYN: What's happening, and I think we're realizing more and more, is the market conditions change, people are revising their plans to see what they have that may be saleable based upon these conditions.

That being said, I'll move for a motion to set up The Polo Club for the 23rd of October work session.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself.

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Surprise me at our meeting of  
November --  
MS. HAINES: November 1.  
CHAIRMAN EWASUTYN: -- November 1st  
with an idea if you want to have a quarterly site  
inspection.  
I'll move for a motion to close the  
Planning Board meeting of the 18th of October.  
MR. GALLI: So moved.  
MR. PROFACI: Second.  
CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli. I have a second by Joe Profaci.  
I'll ask for a roll call vote starting with Frank  
Galli.  
MR. GALLI: Aye.  
MR. BROWNE: Aye.  
MR. MENNERICH: Aye.  
MR. O'DONNELL: Aye.  
MR. PROFACI: Aye.  
CHAIRMAN EWASUTYN: And myself. So  
carried.  
  
(Time noted: 10:25 a.m.)

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

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DATED: October 25, 2007

