

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

SPOONER SUBDIVISION
(2005-52)

East side of Lakeside Road
Section 50; Block 1; Lot 49
R-3 Zone

- - - - - X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: November 1, 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
KENNETH MENNERICH
EDWARD T. O'DONNELL, JR.
JOSEPH E. PROFACI

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: WILLIAM HILDRETH

- - - - - X

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

SPOONER SUBDIVISION

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. I would like to
welcome you to the Town of Newburgh Planning
Board meeting of the 1st of November.

At this time we'll call the meeting
to order with a roll call vote.

MR. GALLI: 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.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

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

MR. COCKS: Bryant Cocks, Planner,
Garling Associates.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

CHAIRMAN EWASUTYN: At this time I'd

SPOONER SUBDIVISION

3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

like to turn the meeting over to Joe Profaci.

MR. PROFACI: Please rise.

(Pledge of Allegiance.)

MR. PROFACI: If you could turn off your cell phones, please. Thank you.

CHAIRMAN EWASUTYN: The first item of business this evening is the Spooner Subdivision. It's a public hearing for a two-lot subdivision located on the east side of Lakeside Road. It's in an R-3 Zone and it's being represented by William Hildreth.

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 Spooner Subdivision for a two-lot subdivision on premises the east side of Lakeside Road in the Town of Newburgh, designated on Town tax map as Section 50; Block 1; Lot 49. Said hearing will be held on the 1st day of November at the Town Hall

SPOONER SUBDIVISION

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 24, 2007."

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

MS. HAINES: The notice of hearing was published in The Sentinel on October 26th and in The Mid-Hudson Times on October 24th. The applicant's representative sent out fifteen registered letters and twelve were returned. The publications and mailings are all in order.

CHAIRMAN EWASUTYN: Thank you.
For those of you here for the first time, Michael Donnelly, our Planning Board Attorney, will explain to you where we are in the process and the purpose of a public hearing.

MR. DONNELLY: There are two public hearings on this evening's agenda. Both of those are subdivisions. A subdivision is the laying out of a piece of land to divide it into smaller parcels. The purpose of the public hearing is

SPOONER SUBDIVISION

5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for the Planning Board to hear from members of the public any comments or concerns that the Board Members themselves or the various consultants may not yet have recognized. After the applicant makes the presentation, the Chairman will ask those who wish to speak to come forward. When you do so would you please tell us your name, spelling it for the Stenographer, and give us an idea of where you live in relation to the project so we can understand your perspective. I'll ask you to address your comments to the Board, and if you have questions the Chairman will direct those to the applicant's representative or to one of the consultants as the case may be.

CHAIRMAN EWASUTYN: Thank you.
Bill Hildreth, please.

MR. HILDRETH: Good evening. My name is William Hildreth, I'm the land surveyor that prepared this subdivision plan that's before the Board this evening. This property is just under an acre, 96/100s of an acre, on the east side of Lakeside Road about 1,000 feet north of Route 52.
The property consists of two single-

SPOONER SUBDIVISION

6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

family residences, both built on one lot that have been there in the position and use that they have been in for more than seventy years as far as I can tell. It was inherited by the applicant who desires to sell it. In order to sell it he decided to subdivide it and put each residence on its own lot, which made sense. In order to do that we had to get some variances from the Zoning Board of Appeals because of some zoning bulk conditions that couldn't be met. We received those variances in February and we're now back before the Board for consideration of subdivision approval.

On this lot there is an existing fence that runs between the two houses, and that fence is being used as the new subdivision line.

Each house currently has its own water hookup and sewer hookup to Town facilities and its own access to Lakeside Road. There are no improvements required or proposed as part of the subdivision.

Should the subdivision be approved you won't be able to tell by driving by. It looks like two lots now which is why we used the fence

SPOONER SUBDIVISION

7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for the subdivision line.

Other than that, there are no issues in terms of zoning or improvements. Everything is all hooked up, all the utilities. They're individual residences as they stand now, we're just subdividing the lot.

CHAIRMAN EWASUTYN: We'll open the meeting up to the public for their comments. Sir.

MR. ANDERSON: 1,000 feet north of --

MR. HILDRETH: Roughly. Do you know the area? Do you know where the apartment buildings are on the west side of the Lakeside Road --

MR. ANDERSON: Yeah.

MR. HILDRETH: -- the big apartment?

MR. ANDERSON: Yeah, yeah.

MR. HILDRETH: This is across --

MR. ANDERSON: The Lakeside House?

MR. HILDRETH: Yes. This is across the street and just a little bit north of that.

MR. ANDERSON: I know where it is then. Approximately, yeah.

THE REPORTER: Can I have your name,

SPOONER SUBDIVISION

8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

please?

MR. ANDERSON: Gordon Anderson, 226
Gardnertown Road.

CHAIRMAN EWASUTYN: Any additional
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this time I'll
turn it over to our consultants for their
recommendations and final comments. Pat Hines?

MR. HINES: We have no outstanding
comments on the project. As the applicant's
representative said, both buildings are existing
and no improvements are proposed. All of our
comments had been addressed previously.

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: We have no further
comments. The ZBA variance was granted in May of
2006 and we gave them a negative declaration on
July 20, 2006.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect?

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Frank Galli?

SPOONER SUBDIVISION

9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GALLI: No additional comment.

MR. MENNERICH: No questions.

MR. O'DONNELL: No.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Before I move for a motion to close the public hearing, is there anyone here this evening who would like to raise a question or comment?

(No response.)

CHAIRMAN EWASUTYN: Okay. I'll move for a motion from the Board to close the public hearing for the two-lot subdivision for the Spooner Subdivision.

MR. O'DONNELL: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ed O'Donnell. 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. MENNERICH: Aye.

MR. O'DONNELL: Aye.

SPOONER SUBDIVISION

10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike Donnelly, Planning Board Attorney, can you give us conditions?

MR. DONNELLY: The resolution will be for both preliminary and final approval. There should be two conditions. The first is referencing the ZBA granted variance. The second is the requirement of the payment of fees in lieu of parkland.

CHAIRMAN EWASUTYN: Having heard the conditions for approval, I'll move for that motion.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. 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. MENNERICH: Aye.

SPOONER SUBDIVISION

11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you, Bill, for your patience.

MR. HILDRETH: Thank you. It was worth
it.

(Time noted: 7:09 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

LANDS OF BRYANT
(2007-22)

74 Cronomer Heights Drive
Section 75; Block 1; Lot 46
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: November 1, 2007
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The next item of business this evening is the lands of Bryant. It's a public hearing for a two-lot subdivision located on Cronomer Heights Drive in an R-3 Zone. It's being represented by John Cella.

At this time 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 lands of Bryant for a two-lot subdivision on premises 74 Cronomer Heights Drive in the Town of Newburgh, designated on Town tax map as Section 75; Block 1; Lot 46. Said hearing will be held on the 1st day of November at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 24, 2007."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Thank you.
Dina Haines.

MS. HAINES: The notice of hearing was published in The Sentinel on October 26th and in The Mid-Hudson Times on October 24th. The applicant's representative sent out fifteen registered letters and twelve were returned. The publications and mailings are all in order.

CHAIRMAN EWASUTYN: Thank you.
Jonathan.

MR. CELLA: Thank you. The proposal is a two-lot subdivision of a 3.3 acre parcel on the southern end of Cronomer Heights Drive.

Presently there's one existing residence. We're adding an additional building lot for a single-family home.

Both lots are serviced by individual wells and septic systems.

The project plans depict all improvements.

The parcel is zoned R-3 and the subdivision will conform to all bulk regulations.

CHAIRMAN EWASUTYN: Thank you.
Questions or comments from the public?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No response.)

CHAIRMAN EWASUTYN: Okay. At this point I'll turn to our consultants for their recommendations and final comments.

Pat Hines, Drainage Consultant?

MR. HINES: This project is here tonight for a preliminary approval based on the original submission which identified fill in the area of the septic system and revised submission which identified shallow depth of the groundwater. We're recommending the lot be submitted to the Orange County Health Department for review of the septic system. It needs preliminary approval to get to the Health Department.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant addressed all of our previous comments. As he mentioned, he meets the requirements of the Zoning Code. We have no issue.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I have no comments.

1
2 CHAIRMAN EWASUTYN: Comments from
3 Planning Board Members. Frank Galli?
4 MR. GALLI: No additional.
5 MR. MENNERICH: No questions.
6 MR. O'DONNELL: I have no questions.
7 MR. PROFACI: Nothing.
8 CHAIRMAN EWASUTYN: Is there anyone
9 here who would like to speak on this project?
10 (No response.)
11 CHAIRMAN EWASUTYN: Okay. At this
12 point then I'll move for a motion to close the
13 public hearing for the two-lot subdivision for
14 the lands of Bryant.
15 MR. PROFACI: So moved.
16 MR. GALLI: Second.
17 CHAIRMAN EWASUTYN: I have a motion by
18 Joe Profaci. I have a second by Frank Galli.
19 Any discussion of the motion?
20 (No response.)
21 CHAIRMAN EWASUTYN: I'll move for a
22 roll call vote starting with Frank Galli.
23 MR. GALLI: Aye.
24 MR. MENNERICH: Aye.
25 MR. O'DONNELL: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Mike Donnelly, Planning Board Attorney, can you give us the conditions for preliminary approval?

MR. DONNELLY: There will be a requirement that the applicant demonstrate that they have obtained Orange County Health Department approval before final approval can be granted. There will ultimately be two additional conditions in the final resolution. One is the review of a private roadway easement and maintenance agreement, and secondly is the payment of fees in lieu of parkland.

CHAIRMAN EWASUTYN: Thank you. Having heard the conditions for preliminary approval, I'll move for that motion.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

LANDS OF BRYANT

18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

MR. CELLA: Thank you.

(Time noted: 7:15 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

NORTHEAST REALTY HOLDING, L.L.C.
(2006-15)
Corporate Boulevard
Section 95; Block 1; Lot 69.2
IB Zone

----- X

SITE PLAN

Date: November 1, 2007
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: TROY WOJCIEKOFSKY

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Our next item of business this evening is Northeast Realty Holding. It's a site plan located on Corporate Boulevard, it's zoned IB and it's being represented by Troy --

MR. WOJCIEKOFISKY: Wojciekofsky.

CHAIRMAN EWASUTYN: Thank you, Troy.

MR. WOJCIEKOFISKY: I'm Troy Wojciekofsky, Fuss & O'Neill, as Mr. Chairman said representing Northeast Holding.

We're before the Board tonight with a request for a referral to the Zoning Board of Appeals.

This project, as you may recall, received subdivision and site plan -- conditional site plan approval about a year ago, October 2006, for a hotel use and a warehouse use. The subdivision has been filed. I think the site plan -- the conditions still have to be met before that part is finally approved.

The variance that we feel that we need is for the use of the hotel. The tenant at this point is pursuing an extended stay type of hotel which has efficiencies or kitchens in the rooms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Zoning Code, Section 185-27 D(1), permits up to 25 percent of the rooms to contain these kitchenettes. We're hoping that 100 percent of the rooms can have these kitchenettes. We feel we need a variance from the ZBA for that.

I don't know if the Board has any questions. The project is off of Corporate Boulevard, it's a 12-acre parcel. It's probably still fresh in your minds to a certain extent.

CHAIRMAN EWASUTYN: Troy, how many units will be receiving this use?

MR. WOJCIEKOFISKY: I don't have the count of the units. We haven't gotten to that stage at this point. It's my understanding that the number of rooms should be consistent with the number of rooms that were approved initially. At this point we're -- we haven't gotten too far with the project at all until we can find out if we can get past this hurdle of the 25 percent maximum. We really want to pursue that. It's likely there will be some, you know, minor tweaks to the footprint that we would likely have to come back before your Board for an amended approval of some sort.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Bryant Cocks, our Planning Consultant, had the opportunity to review this.

Bryant, would you like to comment?

MR. COCKS: As the applicant mentioned, Section 185-27 D(1) does state that they are allowed 25 percent of the units to have kitchens or kitchenettes in them. As of right now they didn't come in with any building layout or footprint issues so they'll have to come back for amended site plan approval if that happens.

Right now they're approved for 140 units. At this time it's going to stay the same. They might convert some of the space into conference or office rooms.

Referral to the ZBA for the 25 percent is what the applicant is asking. That's it at this time.

CHAIRMAN EWASUTYN: Okay. Mike Donnelly, Planning Board Attorney?

MR. DONNELLY: I'll issue that letter if that's your resolution.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members. Frank Galli?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Did you want to mention the letter from Creighton, Manning concerning the impact on traffic?

CHAIRMAN EWASUTYN: I would appreciate it if you would read that into the formal business.

MR. MENNERICH: The letter is dated October 26, 2007. It's addressed to Mr. John Ewasutyn, Planning Board Chairman, Town of Newburgh. "Dear Mr. Ewasutyn, Creighton, Manning Engineering has completed a review of the Northeast Realty Holding site plan, last revised October 6, 2006 prepared by Fuss & O'Neill in their transmittal requesting a variance from Town Code to provide an all unit -- all suites hotel. Based on our review we offer the following technical comments: The trip generation of the previous hotel and an all suites hotel are comparable based on 140 proposed units. The previous hotel was estimated to generate 80 trips in the p.m. peak hour. An all suites hotel is expected to generate 77 trips during the p.m.

1
2 peak hour conservatively, assuming full occupancy
3 of all rooms. No additional traffic impacts are
4 expected from this change. If you have any
5 questions regarding the above comments, please do
6 not hesitate to contact our office. Respectively
7 Submitted, Kenneth Wersted, Project Engineer."
8 CHAIRMAN EWASUTYN: Thank you.
9 Ed O'Donnell?
10 MR. O'DONNELL: Karen, did we do ARB on
11 this?
12 MS. ARENT: Yes.
13 MR. O'DONNELL: Is that going to stay
14 the same? I assume so. You're not going to
15 change the overall structure of the building?
16 MR. WOJCIEKOFISKY: At this point we
17 don't believe so. Of course if we do we'll have
18 to come back and do the whole --
19 MR. O'DONNELL: Can we look at that
20 when you come back for this revised approval?
21 MS. ARENT: We should look at that
22 again.
23 MR. O'DONNELL: Let's do that. I can't
24 remember yesterday much less --
25 MR. WOJCIEKOFISKY: I wasn't here a year

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ago for this company.

MR. HINES: They may not come back unless the footprint of the building changes. If they don't modify the building they won't be back. They're just getting to the ZBA.

MS. ARENT: But if the outside of the building changes they have to come back.

MR. HINES: Right.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No, thanks.

CHAIRMAN EWASUTYN: I'll make a motion to the Board to refer this site plan for Northeast Holding to the Zoning Board of Appeals based upon Code 185-27 D(1) which only allows 25 percent of the units of the hotel to be set up as suites and the applicant is requesting 100 percent.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. WOJCIEKOFISKY: Thank you very much.

(Time noted: 7:22 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

LANDS OF SUMMER KIM PHASE II AT LONGVIEW FARMS
(2006-39)
End of Barbara Drive
Section 20; Block 1; Lot 1
AR Zone

----- X
26-LOT SUBDIVISION
6 LOT LINE CHANGES

Date: November 1, 2007
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: HAMILTON STAPLES

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The next item of business this evening is the lands of Summer Kim Phase II at Longview Farms. It's a 26-lot subdivision and 6 lot line changes. It's located on the end of Barbara Drive in an AR Zone. It's being represented by Ham Staples.

MR. STAPLES: If I may, Mr. Chairman. Tom DePuy was supposed to do the presentation tonight but unfortunately he has a scheduling conflict and he's running slightly late. I apologize for Tom's delay.

CHAIRMAN EWASUTYN: Thank you.

MR. STAPLES: Members of the Board and Consultants, this plan reflects the overall design which was modified pursuant to a work session which we attended earlier -- actually late this summer. We've made the modifications based on the consultants' comments and also input from Jim Osborne and Darrell Benedict with regard to the Summer Kim stream crossing we had there with the existing flood plain permit for the box culvert that was field installed. Basically we've modified the plans to reflect 26 new lots and approximately I believe 6 lot line changes to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

accommodate the contiguous plan.

This plan entrances from Holmes Road through the subdivision on Barbara Drive which will actually intercept the connector road that will ultimately connect Merritt Lane as shown on the plan. It also shows Dara Drive Road which will connect Summer Drive through Holmes Road and then up to Harcourt Cosman Drive on the Hickory Shadow and Rocky Heights Subdivision.

All the sites are serviced by individual wells and septic systems for sanitary consisting of the 26-lot subdivision.

CHAIRMAN EWASUTYN: Thank you, Mr. Staples.

I'd like to turn to Pat Hines, Consultant, for his comments and recommendations.

MR. HINES: Our first comment is the applicant is aware of the issue regarding the grading that has been constructed servicing the previous subdivision. We need Darrell Benedict and Jim Osborne's sign off on that.

The bridge was constructed, as we discussed at work session, with sidewalks on either side and a 28-foot wide roadway width. As

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

we discussed during the flood plain development issue, ultimately we'll need Jim and Darrell's sign off on that.

The project requires approval from the Health Department for the septic systems after preliminary.

There's buried sand filters shown on the lot line of a piece of property shown to be transferred to Bento.

MR. STAPLES: Yes.

MR. HINES: I don't know that Mr. Bento wants to own those. Maybe that lot line can be modified to keep those with this parcel. I think that needs to be resolved for the long-term operation and maintenance of those water quality improvements.

A flood plain development permit will be required for construction of the stormwater management facilities. The two detention ponds that are within the flood plain.

Drainage district formation will be required for the operation and maintenance of those detention ponds.

Our previous comments regarding

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

drainage on Barbara Drive have been addressed. Additional catch basins were installed during a previous subdivision in that area which weren't depicted on these plans but have now been shown on the latest set of plans.

There's a drainage easement in the area that I have a question on that the applicant's engineer can answer.

We received a new stormwater management report with an addendum addressing our previous comments. That satisfactorily addresses each of those comments.

We're recommending that the project receive a negative declaration at this time based on the drainage issues being resolved.

We're just looking for timing of that connection that you had mentioned to Merritt Drive.

I know there's grading and drainage improvements proposed in this subdivision. It almost makes sense to make that connection sooner rather than later to the revised Merritt Drive. I don't know if you have any input on that.

MR. STAPLES: We can certainly do that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

because the sand filters and stormwater quality pond being here in parcel K. I mean we can make that improvement without -- it's been profiled, the engineering is done.

MR. HINES: I'm just wondering why you're waiting. If you're doing the grading and doing the drainage --

MR. STAPLES: If you want it done we'll do it.

MR. HINES: I don't necessarily want it done. What are your plans and when is it going to get done?

MR. STAPLES: I think it's a matter of economics. If the Board would like it done we have no problem doing it.

MR. HINES: It connects that all together.

MR. STAPLES: If I may just add one comment. The drainage district -- I forgot to preface this in my presentation. This entire project, the cumulative project, is already in the drainage district. That was formed and --

MR. HINES: That's fine.

MR. STAPLES: Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: I seem to remember that.

MR. O'DONNELL: The magic question is when?

MR. STAPLES: Excuse me?

MR. O'DONNELL: When? You decided that you would do it for us, so when?

MR. STAPLES: This connector road?

MR. O'DONNELL: Yeah.

MR. STAPLES: If you want it we'll do it when we do the project.

MR. O'DONNELL: Is there any particular time you think it should be done?

MR. HINES: Most of the work is being accomplished under this phase of the project. The grading is being done, the stormwater management improvements are being done. It's a matter of subbase and paving.

MR. O'DONNELL: When would you like it done?

MR. HINES: The project functions without it but I think the neighborhood would work better with it. While this roadway is being constructed it makes sense.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Would it make sense to do it prior to issuing the first certificate of occupancy, for the first home to be built, or how would you like to do it?

MR. STAPLES: Well what I'd like to do is -- this has actually been sectioned now. So we have in the -- we have two sections. Section II -- section I being the minor subdivision, the first four lots that we did. Section II would be the road connector from Holmes Road to Summer Drive at the Palmerone subdivision with one, two, three -- four lots and the stormwater parcel A. That is section II. Section III would be the balance of the subdivision. So with Pat's approval and the Board's approval I would propose to do it with this second section of the major subdivision, which would be section III.

MR. HINES: The lot line changes then get accomplished during the first filing of the --

MR. STAPLES: I believe so.

MR. HINES: We need to make sure.

MR. DONNELLY: I think we should do that all now. This roadway is going to be bonded

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

before the plat is filed.

MR. HINES: When you say section, are you proposing to file this in phases?

MR. STAPLES: Yes. Sections.

MR. HINES: That's two different --

MR. STAPLES: Maybe Mike can help us out. We did a lot of research under the old phasing criteria and that really doesn't exist in State law anymore I guess.

MR. DONNELLY: You can get your preliminary approval for the entire project and then come in and ask for individualized final approval. The Board would have to review those and see how you would go.

MR. HINES: That's fine. I just want to make sure that's what you're looking at and not getting the whole thing filed and then just building it in sections. It's going to be approved in phases.

MR. STAPLES: That's what we're looking for.

CHAIRMAN EWASUTYN: If he came in with individual approvals, that would be what he's describing now. So the third phase, that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

approval would coincide with the connecting road?

MR. HINES: Yes.

MR. DONNELLY: You're looking at them when the phases come in. I think Pat was assuming when this came in it was going to be a single phase project. Right now it's being considered for preliminary approval without phases. The applicant can always return with segmented or phased presentment for final approval, and at that time we would have to address the issues of construction timing and whether or not the phases work on a stand-alone basis. Whenever you have a phase you have to assume the possibility that the next phase doesn't get built. If the roadway connection is required, then you may be inclined not to grant the phasing. If it can stand without it you may wish to consider it. We're getting ahead of ourselves because those plans aren't before you now.

CHAIRMAN EWASUTYN: Ed O'Donnell, does that answer your question?

MR. O'DONNELL: I don't know. What are we expecting to do?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: In phase III the road will be constructed.

MR. STAPLES: As a correction, so everybody understands, section I was already done. We called section I the minor subdivision.

MR. HINES: The first four lots.

MR. STAPLES: That's already done. On this there would only be two sections. We did it for economics, for bonding, et cetera.

MR. O'DONNELL: When the second or third --

MR. HINES: The second portion of construction. When it comes back to you for final approval that roadway design will be on the plans.

MR. O'DONNELL: That's good.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm good, John.

CHAIRMAN EWASUTYN: While we have the opportunity to have you present and since you are developing a major portion of Town, what are conditions like right now as far as the selling of lots, the building of homes just based upon current market trends?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. STAPLES: At this point in time we're not really marketing lots. There's not too much need for --

MR. O'DONNELL: Demand.

MR. STAPLES: -- demand for lot sales obviously. I've switched gears myself. I'm now building houses on most of the property through my company. That's currently -- that would currently be the plan.

CHAIRMAN EWASUTYN: And do you have a fair amount of traffic at this point in time?

MR. STAPLES: Yeah, yeah. Actually, compared to other parts of the Town and other parts of the county we're doing quite well.

CHAIRMAN EWASUTYN: Good to hear. Bryant Cocks, Planning Consultant?

MR. COCKS: My first comment was regarding Town Board approval of road names. I don't know if you guys went --

MR. STAPLES: Summer Drive is an approved Town road name. I believe we talked about this a long time ago. I think one of Ed's comments was this road was initially named Dara Drive which was also an approved Town road. Ed

1
2 had a comment that he really didn't think it
3 would be appropriate to split, to have two
4 different corresponding road names off of this T
5 intersection here. What we proposed is to have
6 Summer Drive come completely through and this
7 Town road named Dara Drive, which those are two
8 Town road names. Obviously Barbara Drive has
9 been for probably thirty years, forty years a
10 Town road. So that would be the proposal.

11 MR. COCKS: We'll just need --

12 MR. STAPLES: I can get a copy of the
13 resolution.

14 MR. COCKS: Okay. I got a letter from
15 Jerry Canfield dated October 6, 2006 indicating
16 the plan is in conformance with the flood plain
17 development permit.

18 MR. HINES: That was the original one
19 for the bridge.

20 MR. COCKS: Okay. There were six lot
21 line changes as mentioned by the applicant.
22 We're going to do a spreadsheet and give it to
23 Mike Donnelly so those can all be included in the
24 resolution.

25 This project is above ten lots so it's

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

going to have to come in for ARB with the no look-alike provision in the design guidelines.

They also have to have side-loaded garages.

There were two house lots that were kind of facing the wrong way, lot 11 and lot 28. If you could just take a look at those and adjust them. They're kind of towards other people's houses.

No variances will be needed for the lots. They all meet zoning regulations.

The applicant addressed all of our previous comments. We have nothing further.

CHAIRMAN EWASUTYN: Would you recommend to the Board that they consider a SEQRA determination?

MR. COCKS: Yes. This is a Type I action because it's more than twelve lots in the County Agricultural District. It's going to have to be sent out to the Planning Department and the New York Department of Ag Markets to name a few. We think it should be ready for a negative declaration.

CHAIRMAN EWASUTYN: Did we not send it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

out on --

MR. COCKS: We sent it out to the Planning Department and the other agencies. We'll have to send the negative declaration.

MR. DONNELLY: You issued your notice of intent to serve as lead agency on September 21st. I think you should finalize that since no one has challenged that designation this evening, and, if you're prepared, to issue the negative declaration.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: The consultant addressed all previous comments. The only outstanding item will be the landscape cost estimate.

CHAIRMAN EWASUTYN: Frank Galli, Planning Board Member?

MR. GALLI: Not at this time, John.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No question.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Just one. Pat, in the work session we talked about the bridge. Is it inspected or not? Does it meet the Code?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: No. It doesn't meet the Town road width. That's the issue I have that they have to discuss with Darrell Benedict and Jim Osborne. It also has sidewalks on both sides.

MR. O'DONNELL: How did that happen?

MR. STAPLES: If I may, --

MR. O'DONNELL: You may.

MR. STAPLES: -- what happened is the highway superintendent -- when we did Hickory Shadow it became apparent, with Darrell's recommendation for asphalt curbs, that what we needed to do was to be at a 24-foot road width. What happened is when we came before the Planning Board on Palmerone we actually had the road approved at 28 foot for the Planning Board. So something got -- must have gotten lost there. I don't know. Darrell did approve Palmerone at 28 foot and we did have the plans approved with the Planning Board at 28 foot.

MR. HINES: Correct, because it had curbs.

MR. STAPLES: Right. We wanted to make it consistent. Obviously to have 30-foot roads

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

going to 28-foot roads, and obviously this being a connector road, that's why that was built to 28 foot. Then we had the issue with the sidewalks with Tom for safety, but --

MR. HINES: That whole issue, it's a Darrell Benedict/Jim Osborne issue. I just wanted the Board to be aware of it.

MR. STAPLES: It was only because of the curbing. Basically this being a 28-foot wide road, it just doesn't taper to have this be a 30-foot road.

MR. O'DONNELL: The Code calls for 30 foot?

MR. HINES: Yes.

MR. STAPLES: Actually, by Zoning, by Zoning by the Town spec it could be a 20-foot road.

MR. HINES: It depends on which road they select. It would be a smaller road. Right now it's a collector road with curbs, it would have to be the 30 feet.

MR. STAPLES: I felt it was extremely inappropriate. A 20-foot road was just -- it's just too narrow. It slows traffic. I understand

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the reasons behind that. To build a 20-foot road here would have been a travesty.

MR. O'DONNELL: Okay. That's enough.

MR. HINES: They've signed off on the construction issues related to the flood plain development permit. That's been going on for quite some time. There's a history with this one.

MR. O'DONNELL: I can see that.

MR. STAPLES: We shouldn't call it a bridge because it's really not.

If I could just say one thing, Pat. On the flood plain permit, we tried to submit -- actually we prepared the study and everything for section II, the work in there. The Code Compliance Department rejected our permit. With this action of the Planning Board, if the Planning Board would authorize us at this point in time because Mr. Canfield had thought it was premature because --

MR. HINES: They're also looking for indication from me, which I have just given.

MR. STAPLES: If that's acceptable I would like to submit that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: I think you can resubmit that to Mr. Canfield.

CHAIRMAN EWASUTYN: Thank you. Joe Profaci?

MR. PROFACI: I have nothing further, John.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Board to declare our intent for lead agency for the 26-lot subdivision.

MR. DONNELLY: Actually John, to finalize it because you did --

CHAIRMAN EWASUTYN: To declare ourselves lead agency for the 26-lot subdivision and 6 lot line changes for the lands of Summer Kim Phase II at Longview Farms.

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. MENNERICH: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this point I'll ask for a motion to declare a negative declaration for the 26-lot subdivision and 6 lot line changes for the lands of Summer Kim Phase II --

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: -- and set the 13th of December 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. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

carried.

I believe that's correct, Dina. We have a meeting on the 6th, the 13th. We have three meetings in December.

MS. HAINES: We do.

CHAIRMAN EWASUTYN: Thank you.

MR. STAPLES: Thank you.

(Time noted: 7:38 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

NEWBURGH PARK MOTORS EXPANSION
(2007-39)
200 Auto Park Place
Section 97; Block 2; Lot 11.2
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: November 1, 2007
Time: 7:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The next item of business this evening is Newburgh Park Motors Expansion. It's a conceptual site plan located at 200 Auto Park Place, it's in an IB Zone and it's being represented by Anthony Coppola.

MR. COPPOLA: Thank you, Mr. Chairman. I'm going to explain basically this project more as an architectural project than as a site plan. Basically I'll show the floor plans first, the front elevations and then the improvements to the site.

This is basically an expansion of the existing dealership at Newburgh Park Motors. It's an increase of the existing footprint of about 14,000 square feet. We're going to add approximately 10,000 square feet so the new footprint will be about 24,000 square feet, all basically on one story.

Basically the dealership is going to be entirely renovated along with these series of additions. Starting from the front, this is basically a proposed plan. The footprint of the existing building, the existing showroom and offices is approximately here. That front

1
2 showroom is being basically almost doubled in
3 size, coming around even to the existing service
4 wall over here. So the showroom is going to be
5 larger. That's going to offer us an opportunity
6 to completely renovate the front facade. I'll
7 show you that in a few minutes. We'll put more
8 cars in there, more offices, handicap accessible
9 bathrooms. Larger overall customer facilities in
10 terms of a waiting room we'll also be
11 incorporating kind of in the back wall adjacent
12 to that showroom. The showroom will be
13 substantially increased, and all the support
14 activities that go along with that.

15 There's an existing garage service bay
16 here right now that's approximately 7,000 square
17 feet. That will basically remain as is. Then we
18 are going to basically be adding a footprint to
19 the rear of approximately 82 feet wide by 46 feet
20 in depth. This additional service bay would be
21 primarily for trucks and larger vehicles. It
22 will be -- the bays will be wider and higher and
23 also offer a wash bay which we don't have in here
24 right now. So that bay service area remains and
25 this basically increases that service capability

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

significantly.

To go along with that we have been working on this concept for quite awhile, looking at how customers come to this facility for service, kind of what their experience is and kind of totally revamping that. So this area in here would be basically the customer drop off. Unlike now where you would kind of come and park your car, walk inside and then point to where your car is outside parked in the adjacent parking lot, this new arrangement basically allows people to drive right in through a series of overhead doors and basically park inside the facility. There would be a cueing area in here that would be capable of holding probably four or five cars. Customers can pull in, be inside and then basically the service people, the service techs could greet them, immediately go over to their car, if there are questions about the car or whatever they can be handled inside without basically walking out to the parking lot to show and communicate these things. So that I think is going to work. It will be an enormous improvement in this facility in terms of how

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

things are dealt with now and how things will be dealt with after this addition.

There will be a small retail area in there, a couple offices.

Basically to support all of this the last addition is basically a 39 foot by almost 71 foot one-story addition to hold parts and to support all these activities. So that footprint there is about 2,700 square feet.

On the facade we basically took an idea that Chrysler offered through their prototype. They of course offer a lot of these design services. That was the basic concept that we came up with here for the proposal of the building. So the existing kind of blue banding here and the Newburgh Park Motors sign, that's significantly lower right now than here. I think it's 12 foot to the underside of the blue and probably the blue is about 3 feet deep. That existing area is probably like 15 feet from grade. We're significantly higher than that.

We've introduced three areas here. One is kind of a monumental entrance and then two flanking glass retail areas that we actually

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

intend to park cars in. So they're going to project out from the face of the facade right now. There's a lot of glass there and visibility to the interior. Then we would put cars kind of tucked in those areas and then the center portion would be our entrance.

It's a complete makeover of what you're going to see now. Higher, more distinctive and I think really brings this whole dealership up to the present day. That's the concept for the facade.

We had submitted this elevation but this rendering was done since our submittal, so I'll get that to Karen.

On the site, I think this is the least exciting part of it, we're basically with all these additions putting these on areas that are already covered with blacktop. There's really no increase in the impervious area here at all with the expansion of the front and the two expansions in the rear. There's basically a large stormwater retention pond that services this whole complex already. That's basically addressed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

There's a few site improvements that we're doing here. Because of the sprinkler ordinance we are required to sprinkler the entire building as part of this, so that's going to involve a new main out to Route 17K. Fortunately the water is on our side of the street so we don't have to cross 17K. So new water service for that.

A new curb cut here off Auto Park Place. That's directly into the entrance that I explained before and into the retail area so customers can come directly right in there.

That's mostly it. There's a little opportunity to do landscaping which we really haven't developed in the front here. We just want to be careful about putting anything that's going to obstruct the view of the cars.

I think that's it.

CHAIRMAN EWASUTYN: Nice presentation.

MR. COPPOLA: Thank you.

CHAIRMAN EWASUTYN: I'll turn to Pat Hines for his comments.

MR. HINES: We have a couple comments. The jurisdictional fire department should get a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

copy of the plans for their review.

A flow sign-off letter from the City of Newburgh for the increase in flow of sanitary sewer from the site will be required.

We concur with the fact that all the areas to be disturbed are paved under the existing condition and that the existing stormwater management facilities will be utilized. That's acceptable.

The water main needs to be detailed for the sprinkler line per Town Code which turns off potable water to the structure if the sprinklers are turned off.

I noted for the Board and we discussed at work session the gravel parking area shown to the rear, how that's going to function, whether that should be paved. Typically the Board does not permit gravel parking areas to be utilized. The lower right-hand corner there shows gravel parking.

MR. COPPOLA: Okay. We'll take a look at that.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COCKS: This expansion is approximately 10,000 square feet. The existing parking fits about 286 spaces and that's going to remain, they're just going to rearrange them throughout the site.

Really the only site plan difference besides the bigger building envelop is a landscape island that's being broken in half to provide for the access drive going in.

Most of the area that the new part of the building is going on is just drive aisles, so they're not really losing much parking there. It's truck loading spaces. All these features are going to be rearranged and they're still going to meet the Code.

That's pretty much it. Most of this project is going to be architectural review.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: The tree line should be shown more accurately on the site plan drawing.

If you can just think about some way to perhaps upgrade the Route 17K corridor, a way to make it visually pleasing. Maybe if it's just

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

some brick pavers or some kind of interesting design displaying the cars. Maybe just see what you can think of, that would be greatly appreciated.

MR. COPPOLA: You're talking about the area right in front of the lot line? Okay.

MS. ARENT: Or maybe taking some of the pavement that the cars are sitting on and making it brick pavers. Some kind of interesting like urban kind of design.

MR. COPPOLA: Okay.

MS. ARENT: If you can come up with something and make that street scape more appealing, that would be greatly appreciated.

There's two rows of parking five feet apart in the back of the site. I was just wondering if that could be just curbed and made into a tree island or something. It's not shown on your drawings. It's right on the property line towards the back.

MR. COPPOLA: We'll look at it.

MS. ARENT: Just show the street trees and the gravel area adjacent to the existing building. That was it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. O'DONNELL: Nothing.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: We received comments from Ken Wersted, our Traffic Consultant. He feels that there won't be any impact based upon this enlargement. He did ask a question: Where will the delivery of the new cars take place?

MR. COPPOLA: The delivery of the new cars? Well, they have to come in the showroom. I'm not -- you're talking about when it comes off a tractor trailer?

CHAIRMAN EWASUTYN: I believe that's what he's saying.

MR. COPPOLA: John, can you help me with that? When your tractor trailer comes in --

CHAIRMAN EWASUTYN: I'll give you a copy of his review just so you can -- if you have any questions. If you can't answer now you may want to speak to him.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COPPOLA: Thank you. They are asking where --

MR. BIRKENSTOCK: It wouldn't change the way we've been doing it for years. It comes in --

MR. COPPOLA: Here's your entrance here.

MR. BIRKENSTOCK: They come in the back of the property and unload in this private driveway. They get in and out.

CHAIRMAN EWASUTYN: If you'll take the opportunity maybe to respond to Ken in writing and give us a copy of that.

MR. COPPOLA: Sure.

CHAIRMAN EWASUTYN: Mike, I believe we will have to refer this to the Orange County Planning Department. They're within 500 feet of the State road.

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: The next question I'll bring to the Board's attention so we can come to a decision tonight, would the Board want to hold a public hearing on this?

MR. GALLI: No.

NEWBURGH PARK MOTORS EXPANSION

62

1
2 CHAIRMAN EWASUTYN: Ken?
3 MR. MENNERICH: No. I don't think it's
4 necessary.
5 CHAIRMAN EWASUTYN: Ed O'Donnell?
6 MR. O'DONNELL: No.
7 CHAIRMAN EWASUTYN: Joe Profaci?
8 MR. PROFACI: No.
9 CHAIRMAN EWASUTYN: At this point I'll
10 move for a motion from the Board to grant
11 conceptual site plan approval for the Newburgh
12 Park Motors expansion and to refer it to the
13 Orange County Planning Department.
14 MR. O'DONNELL: So moved.
15 MR. PROFACI: Second.
16 CHAIRMAN EWASUTYN: I have a motion by
17 Ed O'Donnell. I have a second by Joe Profaci.
18 Any discussion of the motion?
19 (No response.)
20 CHAIRMAN EWASUTYN: I'll move for a
21 roll call vote starting with Frank Galli.
22 MR. GALLI: Aye.
23 MR. MENNERICH: Aye.
24 MR. O'DONNELL: Aye.
25 MR. PROFACI: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: And myself yes. So carried.

Anthony, you know that at a point in time we could never make final approval until we get a flow acceptance letter from the City of Newburgh.

MR. COPPOLA: That's right. I'll start that immediately.

CHAIRMAN EWASUTYN: Thanks. I guess at this point what would be the next step in the process, Karen?

MS. ARENT: If he could think about how to create a more interesting street scape along 17K and just present that with the final plans and the architecturalals.

CHAIRMAN EWASUTYN: Who will be responsible for getting this off to the jurisdictional fire department?

MR. COPPOLA: We'll do that. I mean that's fine. Well, we'll call for the contact info.

CHAIRMAN EWASUTYN: Who would that be?

MR. GALLI: Goodwill.

CHAIRMAN EWASUTYN: You're working on

NEWBURGH PARK MOTORS EXPANSION

64

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the City flow acceptance letter to Jim Osborne?

MR. COPPOLA: Yes.

CHAIRMAN EWASUTYN: You'll finalize
your ARB and get them to Karen. Once we have all
the information we'll set it for the next agenda.
Okay?

MR. COPPOLA: Very good. Thank you.

(Time noted: 7:55 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

NOAH ESTATES
(2007-27)
Rock Cut Road
Section 86; Block 1; Lot 95
R-2 Zone

----- X

FIVE-LOT SUBDIVISION

Date: November 1, 2007
Time: 7:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: MATTHEW SCOPTEUOLO

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The following item of business is Noah Estates. It's a five-lot subdivision located on Rock Cut Road in an R-2 Zone. It's being represented by Mr. Scopteuolo.

MR. SCOPTEUOLO: Matthew. She's not here because the baby seems not to be sure when it wants to come out and join us in this great land. I tried to do my best but --

CHAIRMAN EWASUTYN: Okay.

MR. SCOPTEUOLO: I think she answered all the comments before the last trip to the hospital and then she was sent home, so --

CHAIRMAN EWASUTYN: Okay. Then we'll follow our normal procedure.

Pat Hines, your comments.

MR. HINES: We have comments from the Orange County Department of Public Works. Just today I received responses to them from the applicant's representative. A final sign off from them will be required.

There were questions of the topography being depicted on the plans. I have received plans from the applicant's representative depicting that topography which we previously

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

requested.

Water quality swales have been incorporated into the private road for stormwater management. Long-term operation and maintenance of those swales will be incorporated into the private road agreement.

The wetland boundary encumbrance has been received from the DEC dated April 2007.

We'll need Mike Donnelly's approval of the private road access and maintenance agreement.

We reviewed the septic and wells previously and found them acceptable.

We're recommending a negative declaration. A public hearing would be required.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks, Planning Consultant?

MR. COCKS: As Pat mentioned, there's no topography shown. He received a set of plans with them. I have them at this time. He mentioned they were forwarding to the Planning Department and the DPW. We got those responses. I haven't even taken a look at them, I just got them today.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

They showed street trees on the plans and the lot layout was adjusted. The house on lot 5 was moved away from the property line. There's wetlands on the back of the site. The houses will not impact these.

They currently meet all zoning. We have no further comments.

CHAIRMAN EWASUTYN: Thank you. Karen Arent, Landscape Architect?

MS. ARENT: I for some reason did not receive new plans. If she could just send them to me. I know I addressed some of the questions that she had but I just need a set of plans to review everything.

My comments were minor in nature so it wouldn't affect the declaration.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. O'DONNELL: Nothing.

MR. PROFACI: No, thank you.

CHAIRMAN EWASUTYN: Having heard the recommendations from our consultants, I'll move

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to declare a negative declaration for the
five-lot subdivision Noah Estates and set the
13th of December for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. 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. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. SCOPTEUOLO: Thank you.

MR. O'DONNELL: You did good.

(Time noted: 7:58 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

LANDS OF STEINER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

LANDS OF STEINER
(2007-38)
Corner of Frozen Ridge Road & Stacey Lee Drive
Section 106; Block 2; Lot 2.2
AR Zone
----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: November 1, 2007
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE
----- X
MICHELLE L. CONERO
10 Westview Drive
Wallkill, New York 12589
(845)895-3018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The next item of business is the lands of Steiner. It's a conceptual sketch plan for a two-lot subdivision located on the corner of Frozen Ridge Road and Stacey Lee Drive. It's in an AR Zone and it's being represented by Ken Lytle.

MR. LYTTLE: Good evening. The proposal in front of you tonight is a two-lot subdivision. One of the lots will retain the existing residence and will retain its existing frontage and road access from Frozen Ridge Road. The other lot will access off of Stacey Lee Lane.

The septic systems have been designed according to standards.

Adjoining wells have been shown on the lots. Adjoining septic systems were located but were far outside of the limits. We can add those to the plans, it's not a problem.

I understand there's additional topography they would like to have on lot 2 to see what happens, and the septic has to be located on lot 2. It's outside of our separations, that's why we didn't do it. We can put that on there.

Lot 1, again we'll retain the road

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

maintenance and assign them to the agreement for Stacey Lee Lane.

Lot 2 as this is depicted will totally cut that off and will have its own access. Existing access will remain on Frozen Ridge Road.

If anybody has additional comments.

CHAIRMAN EWASUTYN: This subdivision had been before us one other time --

MR. LYTLE: Yup.

CHAIRMAN EWASUTYN: -- and at that time I think it was reviewed and discussed that the slopes were so steep and such that -- I'll let Pat Hines speak on that.

MR. HINES: We reviewed the septic systems. They're shown constructed on slopes in excess of 15 percent. Actually, in excess of 20 percent. Those don't meet the current guidelines for septic systems.

MR. LYTLE: I believe actually in the area where we show them is right at 20 percent between the contours. We showed a minor grading to get that down to 15 percent. That's why the comment about the shallow trenches, the detail for the fill on the lower side.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: So you're going to have a combination shallow trench and conventional septic system?

MR. LYTLE: Yeah.

MR. HINES: I'm not convinced the septic system meets the guidelines. I know there's a usable area. It will be submitted to the Orange County Health Department for approval of the septic system design.

I think Bryant will comment on the usable area on the lot based on the slopes.

Mike Donnelly's comments regarding I think the current existing house has access via the private road.

MR. LYTLE: Its current access is off Frozen Ridge but it does pay into the fees and maintenance of Stacey Lee Lane.

MR. DONNELLY: Did I hear you say you're going to shut that off?

MR. LYTLE: Off the existing house. The current access is off Frozen Ridge. In doing the subdivision it will cut access --

MR. HINES: There will be no connection to the private road.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. LYTLE: The new proposed lot actually will maintain and continue the maintenance agreement of Stacey Lee Lane.

CHAIRMAN EWASUTYN: Do you remember the history of how it was that the original house -- the original subdivision, which was done by -- do you remember who?

MR. LYTLE: No, I don't. I have the maps at the office.

CHAIRMAN EWASUTYN: The original subdivision was done by Ed Soto. It was actually done by Vince Doce. Stacey Lee Drive is named after Vince Doce's daughter.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: The original subdivision called for all homes to access Stacey Lee Drive.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: I'm just curious how it was that the existing home decided to make a curb cut the way it did.

MR. LYTLE: I have no idea. I know the original plans and the old subdivision maps, they all show the access at the point we show it here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

How that got approved and -- I guess Darrell gave them the okay for doing it. We can try to find out.

CHAIRMAN EWASUTYN: It really did drift from what we approved at the time.

MR. LYTLE: A major difference, yes.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: If you can show the 5,000 feet of usable area on there. There's some grading. I know there's a retaining wall in there. I still don't think there's 5,000 feet there. The slopes at one point are almost 28, so --

MR. LYTLE: We can show you a small area if you want us to show that.

MR. COCKS: We're going to need to see that before it moves forward.

You mentioned the topography on lot 1 also.

You mentioned the maintenance agreement.

If you can get the 5,000 feet, you meet all setbacks and the other zoning requirements. Whatever septic systems and drainage on that lot

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

because the slopes will be a main issue.

MR. LYTLE: Okay.

CHAIRMAN EWASUTYN: Comments from Frank Galli?

MR. GALLI: If the original subdivision has the driveway coming off of Stacey Lee instead of Frozen Ridge, do they have to take that driveway out of there?

CHAIRMAN EWASUTYN: I refer that to Mike Donnelly.

MR. DONNELLY: I think we should see what the highway superintendent did and see if it was approved. I think it would be unfair if another town agency authorized it to require it to be relocated. If no one has, I think you have the authority to require it to return to what was originally approved, unless you want to amend that.

MR. GALLI: That's the only question I had.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No other questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing further, John.

CHAIRMAN EWASUTYN: I think before we could grant conceptual approval I think you'll have to resubmit your subdivision maps to satisfy any questions and comments from our consultants.

MR. LYTLE: I'll try to get some information from Darrell.

CHAIRMAN EWASUTYN: Some kind of letter from Darrell.

MR. LYTLE: All right. Thanks.

(Time noted: 8:04 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

- - - - - X

In the Matter of

ORANGE LAKE VISTA EAST
(2004-70)
East & West Side of Rock Cut Road
Section 47; Block 1; Lot 1.1
R-1 Zone

- - - - - X

SIX-LOT SUBDIVISION

Date: November 1, 2007
Time: 8:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

APPLICANT'S REPRESENTATIVE: ROBERT HAGOPIAN

- - - - - X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: The last item of business we have this evening is Orange Lake Vista East. It's a six-lot subdivision located on the east and west side of Rock Cut Road in an R-1 Zone and it's being represented by Robert --

MR. HAGOPIAN: Hagopian.

CHAIRMAN EWASUTYN: Excellent maps. You have by far the most pleasing visual maps that I've ever looked at. So descriptive, so detailed, easy to follow. Great novel. The detail and just -- he's got great maps.

He gives the history and everything. I've never seen maps where they show you the location of the failed perk tests.

MR. HAGOPIAN: I believe all information should be provided to the Board and consultants can say here is the bad, here is the good, are we comfortable with that. We try not to hide anything.

CHAIRMAN EWASUTYN: Do you want to make your presentation, please.

MR. FOWLER: Mr. Chairman, Members of the Board, my name is Art Fowler, F-O-W-L-E-R, I'm the owner of Double E Enterprises, L.L.C. and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

our project is Orange Lake Vista East.

I just want to go over the scope of the project first and I'll turn over the technical presentation to Bob. Currently we're -- previously we were in here with Orange Lake Vista West and Orange Lake Vista East. West would be on the west side of Rock Cut Road. Orange Lake Vista West will not proceed any further. I sold that property and that subdivision won't go forward. Orange Lake Vista East is what's left on Orange Lake. The last time we were in here we had a nine-lot subdivision with an access lot on Orange Lake. We had, at your request, presented it to the Orange Lake Civic Association. We had reviews with the DEC. As a result of our -- as a result of a couple things, one of which was Orange Lake Civic Association, I think we've addressed all they wanted to in this plan. There was no technical reason to take it from a nine lot to a six lot other than my desire, because I live a couple hundred feet from here, to make a better project of this and to take it down to a six lot which I feel gives us more open space and gives us more protection for the lake. The last

1
2 time we were in here the nine lots -- some of the
3 lots were not contiguous to the lake which
4 required an access lot. Currently these are --
5 with this design every lot is contiguous with the
6 lake. The access lot is something that we
7 desire for the project to make it easier for the
8 homeowners of all of these lots to have access to
9 the lake. It was also something that the DEC was
10 pleased with because it keeps more activity down
11 on this end of the lake.

12 I did present this to Jay Coppola, who
13 is here tonight, who presented it to the Orange
14 Lake Civic Association as you see it. Even
15 though this isn't a public meeting, I welcome you
16 to ask Jay any questions about that meeting you
17 would like to ask him about.

18 The other thing that is new on here is
19 we have a dry hydrant design for the project that
20 I've presented to Charlie Piper who has taken it
21 to the fire commission. It's something we want
22 to do for the lake whether this subdivision goes
23 forward or not. We do have an application in to
24 the DEC to do this. Bob can walk you through any
25 question you have about that design. As far as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the access lot, the plan is for the lot to be owned by all -- by the other six lots and the taxation to be tagged to their lots so there's no problem collecting from the association in the future.

That's pretty much the scope of the project. At this point I'll turn it over to Bob for the technical.

MR. HAGOPIAN: To add to that, what we have proposed here is a 600-foot long road. It connects to Rock Cut at the same location that was previously proposed.

Further, we have a walking path so that if the homeowners of the subdivision would like to enjoy the outdoors or if it's just a beautiful day out, they have the opportunity, which would be secured by an easement, to travel down a walking path that travels through lot 6 and can meander all the way down to the boat ramp area. So if they want to just get out and do some walking they can do that. That's proposed to be only for this subdivision and that is why there's a proposed fence along the north edge of the property. We originally proposed it to be a six-

1
2 foot high fence and that was found to be not so
3 favorable, so we reduced it to four foot.
4 There's a proposed break-away gate so that at
5 most times it can be kept closed and locked to
6 prevent some undesirable people or children
7 accessing and creating a hangout down by the boat
8 ramp. So that that would be kept locked at most
9 times unless it's being used. Then it's designed
10 as a break-away so that if there's an emergency
11 vehicle or the fire department needs to make a
12 rescue they can just drive right through. The
13 gates break and they can get their emergency
14 equipment to the lake to do what they need to do.

15 I think Art had indicated that we have
16 proposed a dry hydrant which is actually located
17 outside the gates so that if the fire department
18 needs to replenish a water truck due to a fire,
19 they have that access there.

20 Right now we have an application with
21 DEC, we've met with them a few times. I'm
22 waiting to hear review comments back. They are
23 very supportive of this design because what it
24 would do is prevent individual homeowners from
25 creating their own path through the wetland

1
2 buffer into the wetlands trying to get to the
3 lake. The proposal includes access to the lake
4 for all the individuals of the subdivision.
5 Any questions?
6 CHAIRMAN EWASUTYN: Comments from Board
7 Members before I turn to our consultants. Frank
8 Galli?
9 MR. GALLI: Who is going to be
10 responsible for the dry hydrant?
11 MR. HAGOPIAN: There will be an
12 easement given to Orange Lake Fire Department
13 which they are going to accept maintenance of the
14 hydrant.
15 MR. GALLI: They are?
16 MR. HAGOPIAN: Yes.
17 CHAIRMAN EWASUTYN: What is a dry
18 hydrant?
19 MR. HAGOPIAN: The dry hydrant is a
20 hydrant that doesn't have water in it until they
21 pump it. You have to put a pumper truck on it.
22 It actually sucks water out of an area in the
23 lake that's like a concrete container, like a dry
24 well if you will in reverse with stones around
25 it. This is easier for them to maintain because

1
2 they don't need a diver to do that because of the
3 rock containment around the concrete. The fire
4 department does have a copy of the map. They
5 brought it before the fire commission. They
6 reviewed it for technical data. We weren't
7 certain about their equipment, could they pump
8 that far, et cetera. They have given the plan
9 their blessing, which is something they actually
10 requested us to do for our existing neighborhood.

11 MR. GALLI: If you want to see one,
12 there's one on Parr Road.

13 CHAIRMAN EWASUTYN: Really?

14 MR. GALLI: You go up, take a left --

15 MR. HAGOPIAN: On page 8 of the plan
16 there's a detail here which is providing
17 information about the dry hydrant. Typically all
18 you would see is a little stub with an end cap at
19 the end where a fire truck can connect. It's a
20 commonly used adapter where a fire truck can
21 connect. It's going to be drawing water from
22 some distant point where there's a good volume of
23 water. In this particular case it's in the lake
24 surrounded by stone. It's a seepage pit type of
25 construction. Within the chamber there's a

1
2 screening device, a length of screen, so that,
3 you know, the trucks are going to be pumping you
4 don't want leaves and things to get in. The
5 stone around it will be protecting a lot of the
6 chamber from debris. Also, this is proposed to
7 be extended above the water level so that
8 everyone can see it. It's not a hidden object
9 for boaters to, you know, crash into or, you
10 know, come into an accident with. Also, if
11 there's ever a need for maintenance, that the
12 screen does get clogged over several years,
13 someone can get into the access hatch, go in
14 there, replace the screen if it maybe decays due
15 to corrosion, or even, hopefully not, zebra
16 mussels and other items like that can attach
17 themselves to the screen. In other words, just a
18 big seepage pit with a lot of stone around it
19 with the ability to provide lots of water for the
20 need of a fire truck.

21 MR. FOWLER: Just as a reminder, we
22 don't have Town water on that side of the lake.
23 That's why they asked for it.

24 CHAIRMAN EWASUTYN: Ken Mennerich?

25 MR. MENNERICH: I do like this layout

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

better than the previous layout.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I have nothing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing. Thank you,
John.

CHAIRMAN EWASUTYN: One or two minor
comments. We will need a detail of the stockade
fence, the four-foot fence. We don't have that.

I did speak to Bob going back several
months ago. You may or may not have
communicated. I would like to receive a letter
from you asking that Orange Lake West no longer
be identified in our rolls. At the same time I
would like to receive a letter from you releasing
the escrow that's associated with that. There is
money that will be refunded to you. If you would
like that money --

MR. FOWLER: I'll probably move that
money into that site.

CHAIRMAN EWASUTYN: You can't make that
kind of transfer. It's more involved bookkeeping
wise. We've had requests but bookkeeping,
it's --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FOWLER: Okay. He did tell me, I just haven't done it.

CHAIRMAN EWASUTYN: It's at your convenience.

The only other comment I just mentioned and in just reviewing these plans which are great, you show the length of a boat using that ramp as being 28 feet. Do you really expect a boat to be 28 feet?

MR. FOWLER: No.

CHAIRMAN EWASUTYN: Did I read it correctly?

MR. GALLI: I think it was on page 8. On the left-hand side on the bottom there's a picture of a boat.

MR. HAGOPIAN: We have a picture of the boat. I'll see where we have the 28 feet. It may be a typical boat. However, just keep in mind looking at the detail that the point of release is showing the tires still on tracks. In other words, if it was a longer boat you can travel back --

CHAIRMAN EWASUTYN: I just couldn't imagine a boat --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: That would be difficult for the lake. Most lake boats in a lake are much shorter than that.

MR. HAGOPIAN: I thought he was saying if it was a bigger boat would it still function. It might be slightly over design. I think I had a number of resources where we pulled that information from but --

MR. ANDERSON: My question is would this be or would it grow into public access to the lake?

MR. HAGOPIAN: Right now it's proposed for these six individual lots and that's it.

MR. ANDERSON: Still private property for the lots.

CHAIRMAN EWASUTYN: Thank you, Mr. Anderson.

We'll turn to Pat Hines for his comments.

MR. HINES: Our first comment concerns the 3.1 acre parcel proposed for the lake access lot. I guess ownership of that seems problematic to me. I don't know. Is there a homeowners association or --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FOWLER: We'll do a homeowners association and try to work with the Town for the taxation to go back to -- it will be owned individually by the lots. There's a way of making -- it's up to my lawyer to do this. There's a way for each individual lot to own a portion of that lot and the taxes are tagged to their own home. In other words, their assessment would go up by whatever amount they own of that.

MR. HAGOPIAN: It would be undesirable for the county to have that as a separate parcel and a separate tax parcel due to the fact that if the homeowners association were to fail to pay taxes the county doesn't want to own it. I don't think anybody wants the county to own it. In that light, the applicant would like to have the taxes pushed off upon the individual lots and have that more or less tax free, however the homeowners association would be responsible for maintenance and so forth.

MR. DONNELLY: You give us that proposal and we'll look at it.

MR. HAGOPIAN: All right. We'll write that up in narrative form.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HINES: The break-away gate you reference, I suggest you give the fire department a key. No one is going to drive a half a million dollar fire truck through a gate.

MR. HAGOPIAN: They have the bolt cutters. Universal key.

MR. HINES: Just identify DEC permits. You identify the four-foot fence. I didn't know if it was a six foot. It's certainly not for privacy at four foot high.

The construction of the walkway from the cul-de-sac to the lot, there's no details for that or what it's going to be constructed of.

MR. HAGOPIAN: Right now it's being proposed as more of a nature path. If it's found that it's used so often that it's wearing out, it's no longer grass, what could happen is maybe put a wood chip type of base and that would be -- it's more desirable to keep it natural. You walk through the path going to -- down to the boat ramp area as more of a nature walk.

MR. HINES: I'm also just wondering if that would work better being part of that lot that you were talking about rather than having

1
2 lot 6 -- one of the residential lots owns that
3 right now and the other five lots have the
4 ability to cut across their lot. I can picture
5 some Hatfield and McCoy type issues there. Just
6 a suggestion. You can work that out as we go.

7 My comment 6 was the suggestion that
8 you meet with the Orange Lake homeowners, Orange
9 Lake Civic Association. You've done that. I
10 guess we can hear from them at the public
11 hearing.

12 I have clean-up items on the stormwater
13 management report. I know your engineer has
14 those and can certainly address them.

15 The DEC application and Army Corp
16 permits, if you could copy the Planning Board on
17 any submissions to those two agencies that
18 require the permits so we know where you're at
19 with those.

20 MR. HAGOPIAN: We just recently on
21 September 11th sent them the new plan that we
22 supplied to this Board. Once we receive comment
23 back from them we can give you that. I do want
24 to point out the DEC can not, as you probably
25 know, give an approval without a negative

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

declaration from the Planning Board.

MR. HINES: You'll need an Army Corp permit for that work too; correct?

MR. HAGOPIAN: Looking at the disturbances --

MR. HINES: I don't think you're building a dock without a permit.

MR. HAGOPIAN: Actually, no. There is no change to the wetlands. It's all in the buffer.

MR. HINES: You're building a boat dock. You can't build a boat launch without an Army Corp permit.

MR. HAGOPIAN: I'll look into that.

MR. HINES: I have a comment for Ken Wersted. The 26-foot radius at the cul-de-sac for the access, people are intending to bring their boats there and take their trailer back to their house? There's no staging area for boats, cars and trailers?

MR. HAGOPIAN: Correct.

MR. HINES: That will have to be spelled out in any kind of agreement, that they can't leave their boat there. The first one in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

would block it off.

We have some comments on the septic systems that can be addressed.

I have a comment that now that it's down to six lots is there a desire to make this a Town road rather than a private road? I know the highway superintendent doesn't like a lot of these 600-foot long roads for maintenance.

MR. FOWLER: I haven't given that thought. We can go either way probably.

MR. HINES: Just 600 feet serving six lots. It may be better off a private road than --

MR. GALLI: With a Town road they can't have a gate.

MR. HINES: The gate is around the corner there.

MR. GALLI: The gate is on the --

CHAIRMAN EWASUTYN: South Street.

MR. HINES: I would suggest you talk to the highway superintendent and see if he wants to have that for maintenance responsibility. I know he doesn't really like cul-de-sacs to start with.

Orange County Highway requires a permit

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

for access to the County roadway.

Standard notes. The county is going to require standard notes that no construction can commence until such time as a valid permit.

The curtain drain, we're questioning whether you really need that plastic liner in there.

MR. HAGOPIAN: The purpose of the curtain drain, I think as you understand, is that we need to capture as much water for water quality treatment from the entire site, so to convey the water down through here. If we were to put an open channel system in, you're going to have a one-on-three slope, a bottom area. You're taking a very wide area. The curtain drain divines to a very small amount and it has a very large capacity because we have a very large pipe.

MR. HINES: I'm okay with the curtain drain. I think you're overkill on the plastic liner.

MR. HAGOPIAN: It's just an extra level of protection to ensure that if any sewage water blended with the soil, even though typically it takes only about four feet to reduce the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

pathogens 98 percent, or 99 percent actually, it's just a level of -- extra level of insurance that there will never be sewage there.

MR. HINES: I think you're going to have issues during construction. That's fine if you want to do it.

That's the extent of our comments. There's cleanup on the septic, cleanup on the stormwater management.

MR. HAGOPIAN: Okay.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: There are two big issues with the lake access lot. In the Zoning Code, Section 185-48.3 B, there needs to be vegetative screening from the residential lots to this lot. That's all wetlands and buffer up there, so I don't know if that is even possible to put in any screening.

MR. HAGOPIAN: Wouldn't that qualify -- 100 feet of DEC buffer being protected qualify as full screening because it's -- it is a wooded area. Knowing that there's 100 feet of wooded area between this lot and the other lots, wouldn't that suffice for the Code?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COCKS: I actually asked Karen to see if there was enough screening. That's kind of her department. I was asking if there was going to be enough natural screening there that it wouldn't need it. I'm not really sure if it's going to be enough. That is a requirement in the Zoning Code.

The other one is that any lot that's over 500 feet from the access has to have a parking spot. So there's two lots that are over 500 feet from that lot.

MR. HAGOPIAN: Would that be non-contiguous lots? In other words, if the lot did not have direct access to the lake, then they would be required to have a parking spot. Since every single one of these lots are contiguous, meaning touching the lake, there is no requirement for that.

MR. HINES: While he's looking that up, I know that you said that the lake access lot was going to prevent anyone from putting in their own access. Is that going to be deed restricted so that they can only use that lake access lot? You could conceivably have them --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HAGOPIAN: DEC told us that they would not be issuing permits to these individuals if there was an opportunity for them to have access to the lake. If that's --

MR. FOWLER: By creating the access lot it gives them a reason not to accept the application in their words.

CHAIRMAN EWASUTYN: Are you willing to put a deed restriction on there prohibiting that?

MR. FOWLER: Access -- it depends. If they want to walk to the lake, I don't want to stop them from walking to the lake. For the boat launch I can do that.

MR. HINES: Restricting docks and boat access, that's what I'm looking for.

MR. FOWLER: There is a zoning law in place now as it relates to docking and mooring that kind of prevents it as well.

MR. HINES: Because of the width of the lots.

MR. FOWLER: There's terminology about usable lake frontage.

Did I say that right?

MR. COPPOLA: You said it exactly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

right.

MR. COCKS: Section 4, where the lots or dwelling units provided lakefront access more than 500 feet from the lakefront access lot, one off-street parking space shall be provided on the lakefront access lot for each lot or dwelling unit, whichever number is greater, to be served by the lakefront access lot.

MR. HAGOPIAN: We'll have to look into that.

MR. FOWLER: We had parking. We took it out because it was an issue with the civic association, people looking over at parked vehicles over there. That's why we did that.

MR. COCKS: I don't really think there should be parking spaces over there either. It's in the Code so you need a variance.

CHAIRMAN EWASUTYN: Mike Donnelly, do you care to bring us along?

MR. DONNELLY: I'm not familiar. We look at that section so infrequently I'll have to take a look at it.

MR. FOWLER: Maybe, Jay, you can help us with the interpretation. You helped write it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COPPOLA: I did. He read it correctly. I brought that issue up when you had more lots and you came up with the same answer.

MR. HAGOPIAN: That's my interpretation of it.

MR. COPPOLA: It was an interpretation and I bowed to that until it got to legal.

MR. HAGOPIAN: Was there an interpretation from a legal perspective?

CHAIRMAN EWASUTYN: We'll look at that.

MR. DONNELLY: 185-

MR. COCKS: 185-48.3, and that's at 4.

CHAIRMAN EWASUTYN: While you're taking the time to review that; Bryant, is it okay if I move to Karen Arent?

MR. COCKS: Actually I had a couple other comments. Just lots 4 and 5, it seemed like the houses were facing sideways. I was just saying I think you would have a better view if the backs faced out instead of the sides.

MR. HAGOPIAN: The house can be rotated. Right now just keep in mind the plan in front of you is to demonstrate each lot can stand alone by itself. The house orientation can

1
2 change depending on the desire of the purchaser.
3 The way it's laid out was in mind -- my
4 particular view is that people who like to drive
5 to their house like to see the front of their
6 house when they drive up to it. At the same
7 time, if they want to have a lake view they can
8 design the house to have a kitchen or whatever
9 room they want the lake view in to be on a
10 particular side of the house. Again, it can be
11 oriented however. The lots are large enough to
12 twist them around and so forth. Hopefully that
13 would satisfy your concern.

14 MS. ARENT: I'm not sure Jerry allows a
15 twisting. You might just check with the building
16 inspector.

17 MS. HAGOPIAN: What's that?

18 MS. ARENT: You might just check with
19 the building inspector to make sure you're
20 allowed to move the houses around.

21 MR. HINES: You can move it.

22 MR. HAGOPIAN: There's a building
23 envelop shown. As long as the house can
24 comfortably fit in the building envelop I think
25 we would satisfy the Board's concerns.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. COCKS: The survey sheet in the next application has to be signed and sealed and dated.

The bulk tables should reflect each individual lot, not just the minimum requirements.

The DEC wetland boundary validation should be signed and dated.

MR. HAGOPIAN: I believe we provided the Board a copy of the DEC validated map.

CHAIRMAN EWASUTYN: We did have it.

MR. HAGOPIAN: We don't want to trouble DEC with every submission to run over and say sign these new maps. I think we have one. Hopefully that can be shared with you.

MR. COCKS: We definitely need one for final approval.

CHAIRMAN EWASUTYN: We have one in the file.

MR. HAGOPIAN: The final map will be signed.

MR. COCKS: That was about it.

MR. HAGOPIAN: Would it be possible to -- the surveyors, for lack of a better word, are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

funny in the fact they don't like to sign and stamp maps unless that's the final map.

MR. HINES: Normally the one for the public hearing is required to be stamped, --

MR. HAGOPIAN: Just the public hearing?

MR. HINES: -- realizing they don't want fifteen sets of stamped revisions out there.

CHAIRMAN EWASUTYN: That's raised many times. We've heard this.

Karen Arent, Landscape Architect?

MS. ARENT: This plan is much more sensitive than the previous plan. You saved large areas of wooded buffer along Rock Cut Road making that road -- preserving the character of that road very nice.

Not parking any of the trailers and picking up all that space for parking, and the lake access lot is also a big improvement over the other plan.

I sent you comments that you have to put like all the tree preservation notes on the plans, to stake the clearing limits and write notes on the drawings to make sure that all the trees are located prior to construction. That

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

needs to be done before you get a building permit.

MR. HAGOPIAN: Okay.

MS. ARENT: I was wondering if lots 4 and 5, the driveways could be shared to reduce the clutter at the end of the cul-de-sac because you have those three driveways right in a row? If it's possible to make a shared driveway instead of the three driveways.

MR. HAGOPIAN: We can give that consideration. There's a few preferences. My personal feeling is different sometimes than others. When you have shared driveways some neighbors are great together and some are just neighbors and they don't get along. Then you have plowing issues, maintenance, potholes or what have you. Sometimes it's just easier to keep them separated and let them do what they want. That kind of goes along with the private road issue. From a homeowner's perspective it's great to have the Town provide the services even if they have to impose additional taxes. You know the road is --

CHAIRMAN EWASUTYN: Let's hold off on

1
2 this decision until we hear back from Darrell as
3 far as what he recommends. If it's a private
4 road; then Karen, this will be something that
5 would be all the responsibility of the people on
6 the private road. If it becomes a Town road,
7 we'll ask Darrell to comment on that also.

8 MS. ARENT: Sure. I was wondering if
9 the homes -- if you would just think about the
10 homes on lots 1 and 2, you might want to move
11 them just a little tiny bit closer.

12 MR. HAGOPIAN: I really can't with the
13 building envelop.

14 MS. ARENT: I'm sorry. I was just
15 trying to get a more usable backyard because it's
16 so tight with the drainage ditch right behind it.

17 I agreed with Bryant that the houses on
18 4 and 5, it would be nicer parallel to the lake
19 just because the front of the houses are sloping
20 down and it would be difficult to even put a
21 walkway in. They would have to put a porch or
22 build steps, plus they'll be able to have a walk-
23 out basement.

24 MR. HAGOPIAN: We can re-orient the
25 house.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. ARENT: That something that could be house specific.

I was just wondering if the disturbance limit line can be shifted on lot 3 to the stonewall so the stonewall could be preserved as well as the trees around it?

MR. HAGOPIAN: Okay. Yes. We can check into that and follow the stonewall.

MS. ARENT: I don't think you need the turnarounds for the houses. I think that the driveways that are close to the road, if you could just back right out onto the road rather than having the big turnaround right in front of the house. That's something else. Most houses in a neighborhood like this you just go right out onto the road. I thought that big turnaround was -- it would look much prettier without that.

I didn't know -- like I know we went out here and looked at trees. I didn't know if you knew where the trees were where the turnaround is being proposed and if it's possible to save them.

MR. HAGOPIAN: Yeah. I can show the trees that were talked about on the plan.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. ARENT: That would be great. I didn't know what the green hexagonal symbol near the turnaround represents.

MR. HAGOPIAN: Is it on this plan?

MS. ARENT: It's right next to the boat launch.

MR. HAGOPIAN: What trees? On page --

MS. ARENT: I looked on your legend and I didn't see it.

MR. HAGOPIAN: The landscape plan identifies the trees. They are labeled -- on page 7 of 10 there's a landscape plan.

MS. ARENT: I still don't know what it is.

MR. HAGOPIAN: Maybe you're not looking at the right plan.

MS. ARENT: Is this hexagonal this whole area?

MR. HAGOPIAN: Oh, that. That's just -- that's open space for -- next to the boat ramp just to remain as wooded and look natural.

MS. ARENT: Why would that be any different than any of the other areas? Like that would just be within your clearing limit line.

ORANGE LAKE VISTA EAST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

111

That's confusing. I had no idea what that meant.

MR. HAGOPIAN: We can remove that from the plan.

MS. ARENT: That would be good. Just make sure the clearing limit line is around that and that would be staked and all the trees there would be saved.

MR. HAGOPIAN: Okay.

MS. ARENT: I was wondering if the path that goes to the boat launch, I know it would go into the buffer but if that could be curved. People aren't going to walk like you're showing. If you curve it it would keep people on one path rather than having people make their own path. I would just ask maybe the DEC in the meeting with them if you could possibly do that.

MR. HAGOPIAN: I can ask them but I know their answer will be we expect you to do everything you possibly can to stay out of the buffer.

MS. ARENT: I just think people are going to walk through the buffer anyway.

Show the street trees. Your landscape list must include proposed sizes. You can also

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

write a note on your drawing that if there's a tree in good condition that is near the road, that that existing tree can be substituted for a street tree.

MR. HAGOPIAN: You did see the street trees we're proposing and the clusters you and I spoke about?

MS. ARENT: I did see that. We just need to make sure you put the sizes.

MR. HAGOPIAN: The sizes.

MS. ARENT: I want to make sure it's one for every forty feet. Did you calculate that?

MR. HAGOPIAN: I'll do the calculation and confirm it. I believe I did but I'm not certain at this time.

MS. ARENT: I just had a question for Bryant. I've been out to the site and I know that there's enough screening for these lots. I didn't know if -- would these houses have to be screened as well from the lake access?

MR. COCKS: No. The boundaries between the adjoining -- between the lakefront access lot and the adjoining --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. ARENT: These aren't adjoining because there's a public space here. All right. That's it. So I think the screening issue is not a problem. I think it's well screened.

CHAIRMAN EWASUTYN: Mike, did you have an opportunity to --

MR. DONNELLY: I'll read had section and tell you. It says where the lot, then it's plural lots, or dwelling unit or units that are provided with lakefront access, I've added that phrase to make it more readable, are more than 500 feet from the lakefront access lot, one off-street parking space shall be provided on the lakefront access lot for each lot or dwelling unit to be served by the lakefront access lot. So what I think that means is for each of the lots, how ever many there are, that are 500 feet away from the lakefront access lot, you need to add one parking space for each of those lots on the lakefront access lot.

MR. HAGOPIAN: Okay. Is that something the Board can waive or is that a --

MR. DONNELLY: That would need to go to the Zoning Board for a variance. I don't think

1
2 it's waiveable by the Planning Board. I don't
3 see that authority in here.
4 MR. COPPOLA: There's a clause that you
5 can't.
6 MR. DONNELLY: You can not or can?
7 MR. COPPOLA: The Board.
8 MR. DONNELLY: Can or can not?
9 MR. COPPOLA: Can not.
10 MR. DONNELLY: It would be unusual in
11 an ordinance provision for there to be waiver
12 authority.
13 MR. HAGOPIAN: We have to put the
14 parking spaces in or go to the ZBA?
15 MR. DONNELLY: Yes.
16 MS. ARENT: Two spaces.
17 MR. O'DONNELL: You might want to think
18 about the ZBA as a good alternative. Those
19 parking spaces are going to wind up being used by
20 somebody else other than these homeowners.
21 MR. FOWLER: I can see an argument who
22 gets to use the two spaces. That's originally
23 why we had a space for everybody but we took it
24 out because it became a parking lot.
25 MR. COCKS: If you want I can write a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

recommendation note if they do want to get referred.

CHAIRMAN EWASUTYN: I would have Mike Donnelly make the recommendation like he normally does.

Let's see what other questions we have. Frank, any additional questions?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Okay.

MR. O'DONNELL: How did you resolve the deed restrictions? Have you made up your mind as to what you're going to do there, Art?

MR. FOWLER: For the access?

MR. O'DONNELL: Yes.

MR. FOWLER: We can do a deed restriction for -- we can put a deed restriction for launching but we don't want to stop people from walking through there for sure. Like I said, there is already -- in the Town Code there's already an ordinance in there that says that they can't dock or moor boats in the -- in order to dock or moor boats it's regulated by the usable lake frontage. The usable lake frontage is defined as anything that's not wetlands or

1
2 buffer. In this case -- in our case it's the
3 whole lake.
4 MR. O'DONNELL: So every one of the
5 lots goes right to the lake?
6 MR. FOWLER: Right.
7 MR. O'DONNELL: You probably can
8 envision one of the homeowners having their
9 little canoe hidden in the bushes.
10 MR. HAGOPIAN: I don't think we're
11 concerned about canoes. We're more concerned
12 about people -- what a lot of people do on the
13 lake right now is they just back over lawns and
14 they're in. We could restrict launching from
15 anyplace. You can't restrict any launching other
16 than at the access lot.
17 MR. DONNELLY: I think in the
18 maintenance and use agreement you're going to
19 need to prepare, use of the lakefront access lot
20 would be the logical place to include proposed
21 appropriate restrictions for access across the
22 lots themselves.
23 MR. HAGOPIAN: Okay. We can do that.
24 CHAIRMAN EWASUTYN: Ken Mennerich?
25 MR. MENNERICH: Art, if somebody is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

going there to launch their boat, they're going to have to launch their boat and then they're going to have to take their vehicle and trailer out of the lake access lot back to their house presumably; right?

MR. FOWLER: Which is no different than anybody else who uses an access lot now on the lake. There's no provisions for parking, unless they park on the street of course. Since I live there I know what goes on on the lake. They're probably going to end up with a docking or mooring provision that meets the Town Code to do that. They're going to put their boat in and dock or moor it. Some people go down and have to take the trailer, park it on the road or take it back to their house, come back at the end of the day and get it. That's the normal process.

Wouldn't you say, Jay?

MR. COPPOLA: Exactly.

MR. FOWLER: Our only other alternative would be to put back in the parking for a trailer, which nobody else really wanted to see even though we restricted them from storing them. Some of the comments we had last time is we don't

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

want to see a bunch of shrink-wrapped boats over there all winter long.

CHAIRMAN EWASUTYN: Anything else? Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: At this point we're asking the applicant -- we have to come to a decision on the 500-foot distance. We may have to refer you to the Zoning Board of Appeals.

MR. HAGOPIAN: Okay.

CHAIRMAN EWASUTYN: I think we would want a clarification for that. There's some revisions that have to be made to the maps.

MR. HINES: They have septic and drainage comments.

We also want you to reach out to the highway superintendent to see if he wants that as a Town road. If it's a private road the lot lines will run to the center line of the private road.

CHAIRMAN EWASUTYN: At some point in time I guess you have to get Town Board approval for the name.

MR. HAGOPIAN: Are we in a position to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ask for a negative declaration?

MR. HINES: I think we need to know the answers to those questions.

MR. HAGOPIAN: The Town road specifically or --

MR. HINES: The parking areas, the drainage and the septic is what I have. Bryant has some other comments. I think if you address the comments and resubmit we'll be well on the way towards that.

MR. HAGOPIAN: Okay.

CHAIRMAN EWASUTYN: Thank you.

You'll let us know if you want Mike Donnelly to prepare a letter of referral to the ZBA also.

MR. FOWLER: I would like him to.

CHAIRMAN EWASUTYN: You want to be referred?

MR. FOWLER: Sure.

CHAIRMAN EWASUTYN: Okay. So you want us to make a motion now to refer you to the ZBA?

Mike, do you want to give us the language for that?

MR. DONNELLY: The referral would be

1
2 for a variance from the requirement of Section
3 185-48.3 A(4) that requires that provision of
4 parking on the lakefront access lot for each lot
5 that is more than 500 feet from that lakefront
6 access lot. How many such lots are there?
7 MR. HAGOPIAN: A total of six.
8 MR. DONNELLY: That are 500 feet away?
9 MR. HAGOPIAN: That are 500 feet away.
10 MR. COCKS: Two.
11 MR. DONNELLY: I'll include that number
12 in the letter.
13 MR. FOWLER: Let me ask you this: May
14 I point at the map for a moment? What if we
15 took -- I don't know what it does to the acreage.
16 What if we made the access lot go down around
17 here, then they're all within 500 feet.
18 MR. HINES: Are you cutting off the
19 lake frontage?
20 MR. FOWLER: No.
21 MR. HAGOPIAN: In other words, if you
22 had a 50-foot offset following the property line
23 making every lot adjacent to the lakefront access
24 lot.
25 MR. HINES: Are you cutting off the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

access to the lake?

MR. FOWLER: No.

MR. HAGOPIAN: No.

MR. DONNELLY: You are also then going to have to provide screening, and you need a variance.

MR. HAGOPIAN: There's an existing 100 foot buffer of DEC screening that's protected. That would save the time and work with the Zoning Board.

MR. FOWLER: I just thought that was a simple solution.

MR. HAGOPIAN: It was clever.

MR. DONNELLY: Why don't you look and see and tell us what you need. Now that I think about it, I don't know we can do the referral until we've done SEQRA. This is not a setback variance for a single-family home. SEQRA has to be closed out first. I think you want to decide whether you're going to go that route or the variance route and we can refer at the time of the declaration of significance.

MR. HAGOPIAN: If we were to go this route --

1
2 CHAIRMAN EWASUTYN: May I say
3 something? At this point I think where we're
4 going and where we should be going is to try and
5 design the project at this point in time. We
6 have some ideas that are floating out there. I
7 think if you put your heads together and come up
8 with something and we'll approach it at a later
9 time. There's a point that you get what do you
10 think about this and then we start designing a
11 project and it's too late in the evening. It's
12 not the proper forum.

13 MR. HAGOPIAN: I was trying --

14 CHAIRMAN EWASUTYN: I'm not trying to
15 shortcut it because we're getting to a point
16 where you asked for our recommendations, you got
17 our recommendations from our consultants and I
18 would like to move it forward.

19 MR. HAGOPIAN: Do you have an objection
20 to me working directly with the attorney or the
21 consultants?

22 CHAIRMAN EWASUTYN: That's for the
23 Board. I'll poll the Board on that. Frank?

24 MR. GALLI: For what purpose?

25 MR. HAGOPIAN: To better understand the

1
2 definitions of the Code as far as if there were a
3 design would it meet the Code. We don't want to
4 come and waste the Board's time and say if we
5 design this thinking it's going to meet the Code
6 and find out it doesn't.

7 MR. DONNELLY: That part is easy. If
8 you do that you don't trigger this. There may be
9 other layout issues that I think the more
10 technical consultants would have to look at
11 before -- sometimes that solution solves one
12 problem but creates others. I think you need to
13 look at that.

14 MR. HAGOPIAN: All right. Is it
15 possible I can meet with --

16 CHAIRMAN EWASUTYN: I think what we're
17 saying now is try and come up with something and
18 we'll take it from that point forward.

19 MR. HAGOPIAN: Okay.

20 CHAIRMAN EWASUTYN: I think that's what
21 Frank was saying. Work on it, come up with
22 something. We're not looking to delay you but
23 we're not going to sit back and try and create --

24 MR. GALLI: He can get all the
25 information he needs out of the Code books.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HAGOPIAN: Would the Board object if I met with Pat Hines?

CHAIRMAN EWASUTYN: I think at this point we're saying work on your own, come up with something and then we'll review it that way. Please. I think apparently that was something that was discussed with the Orange Lake Civic Association and it was an area that was left undecided at the time. It's still an undecided point right now. You're going to have to decide something and work on it. I'm not looking to stall you but we just don't work like that here. We just don't go back and forth.

MR. HAGOPIAN: Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:44 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

LANDS OF CONNOLLY
(2007-11)

Final Conditional Approval

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

LANDS OF CONNELLY

127

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: We have a few items of Board business. I'll turn the meeting over to Dina Haines, Planning Board Secretary.

Dina.

MS. HAINES: The first item we have is the lands of Connelly. As of October 1, 2007 we did receive the Orange County Planning Department approval, so we want to go ahead and get the final conditional approval.

CHAIRMAN EWASUTYN: That's what we were waiting for.

MR. DONNELLY: There would be two conditions of the resolution, that a revised private roadway easement and maintenance agreement be submitted and of course the payment of parkland fees.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final approval for the two-lot subdivision of the lands of Connelly subject to the conditions that Mike Donnelly has just stated.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:47 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

STEWART AIRPORT STUDY COMMITTEE

E-mail from Cliff Browne dated 10/22/07

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

1
2 We received an e-mail from Cliff
3 Browne in reference to his need to have
4 participation by the Town Board in the
5 development of the Stewart Airport Study
6 Commission. He is in Oklahoma right now. I
7 did leave him a message that we received a
8 response back from the supervisor, Wayne
9 Booth. As of today Wayne actually got a
10 letter from Patty Clark, senior
11 advisor for the aviation department for the
12 Port Authority, and they're inviting Wayne
13 Booth to be part of the Think Tank Committee
14 for the development of the Port Authority.
15 We'll be part of a group that will comprise
16 thirty individuals from several different
17 governmental agencies. I think Cliff's
18 concerns have been addressed and there will
19 be representation from the Town.

20 MR. GALLI: Wayne said it on the bottom
21 when he faxed it back he would be interested.
22 That's good enough for us.

23 MR. O'DONNELL: He's going to be on the
24 committee?

25 CHAIRMAN EWASUTYN: Yes.

STEWART AIRPORT STUDY COMMITTEE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GALLI: The supervisor of each town.

(Time noted: 8:50 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X
In the Matter of

ELM FARM
(2000-09)
Six-Month Extension Until May 21, 2008

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

ELM FARM

134

1
2 CHAIRMAN EWASUTYN: Dina, the next item.
3 MS. HAINES: We received a letter from
4 Daniel Sullivan dated October 22nd, it's
5 regarding Elm Farm. He's requesting a six-month
6 extension of the preliminary approval. The
7 current one expires November 21st and with the
8 six-month extension it would extend it until May
9 21st of 2008.
10 CHAIRMAN EWASUTYN: Okay. I'll move
11 for that motion to grant the extension.
12 MR. O'DONNELL: So moved.
13 MR. PROFACI: Second.
14 CHAIRMAN EWASUTYN: I have a motion by
15 Ed O'Donnell. I have a second by Joe Profaci.
16 Any discussion of the motion?
17 (No response.)
18 CHAIRMAN EWASUTYN: I'll move for a
19 roll call vote starting with Frank Galli.
20 MR. GALLI: Aye.
21 MR. MENNERICH: Aye.
22 MR. O'DONNELL: Aye.
23 MR. PROFACI: Aye.
24 CHAIRMAN EWASUTYN: Myself yes. So
25 carried.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Time noted : 8:52 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

ORANGE COUNTY TRUST
(2007-03)

Type II Action

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: We missed one item.

MS. HAINES: I skipped it by accident.

Due to the fact that Orange County Trust is actually a Type II action we want to go forward with it and set it up for the public hearing on December 6.

CHAIRMAN EWASUTYN: Okay. What we realized was as a Type II action I think the project is 2,500 square feet and anything 4,000 under qualifies it for a Type II.

MR. DONNELLY: Under 4,000.

CHAIRMAN EWASUTYN: We still fundamentally declare a negative declaration.

MR. DONNELLY: Once it's Type II it's exempt. You're still going to keep this on track with the other.

CHAIRMAN EWASUTYN: Yes. I'll move to set this up for December 3rd for a public hearing.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Discussion?

MR. PROFACI: Is it the 6th?

CHAIRMAN EWASUTYN: The 6th.

MR. O'DONNELL: Walgreen's is going to
be the same night?

CHAIRMAN EWASUTYN: Correct. Thank
you. I'll do that one more time. I have a
motion by I believe Ken Mennerich, a second by
Frank Galli. We had it for discussion. I stand
corrected, it's the 6th of December. Any further
comments?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

carried.

(Time noted: 8:55 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

MID-VALLEY MALL
(2001-13)

Cohesive Signage Plan
E-Mail from Karen Arent dated 10/25/07

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:55 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN EWASUTYN: Why don't you
read Board business, the next one.
MS. HAINES: We have an e-mail from
Karen dated October 25th regarding the Mid-Valley
Mall and its cohesive signage plan.
CHAIRMAN EWASUTYN: I think we
discussed at work session we would set this up
for the Planning Board consultants' meeting.
MS. ARENT: Yes.
CHAIRMAN EWASUTYN: Bryant, the date on
that?
MR. COCKS: November 23rd I believe.
MS. HAINES: The 27th.
CHAIRMAN EWASUTYN: I'll move for a
motion to set the Mid-Valley Mall up for a
consultants' meeting for November 27th to discuss
the cohesive signage plan.
MR. MENNERICH: So moved.
MR. GALLI: Second.
CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. I have a second by Frank Galli.
Any discussion of the motion?
MR. O'DONNELL: Go ahead, Ken.
MR. MENNERICH: Is somebody going to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

tell them they're supposed to be here?

CHAIRMAN EWASUTYN: That would be a good idea.

MS. ARENT: I can call.

MR. O'DONNELL: Also, are they going to submit to us in writing what they want to do or what they want us to partake in?

MS. ARENT: It's the signage guidelines.

CHAIRMAN EWASUTYN: Will this be an example where they submit something to us or we send something to them setting the tone?

MR. GALLI: I think we ought to set the tone.

MR. O'DONNELL: I think the tone ought to be set by the developer or his representative and tell us what they want to have discussed at the meeting.

MR. HINES: This is strictly for signage.

MR. O'DONNELL: I understand that. We talked this morning or whenever it was about these consultants' meetings and we were going to ask the developer to write down what should be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

discussed. Why not start with this guy.
MR. HINES: He doesn't want to come.
MS. ARENT: He's confused.
MR. O'DONNELL: We'll send the letter.
CHAIRMAN EWASUTYN: Maybe we ought to set the tone. He's been waiting for an answer. I agree with Ed O'Donnell, let's send him a direction as to what we want from him.
MS. ARENT: I'll ask him for elevations, views of the building. Okay.
CHAIRMAN EWASUTYN: I had a motion by Ken Mennerich. I had a second by Frank Galli. Any further discussion of the motion?
(No response.)
CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.
MR. GALLI: Aye.
MR. MENNERICH: Aye.
MR. O'DONNELL: Aye.
MR. PROFACI: Aye.
CHAIRMAN EWASUTYN: Myself. So carried.
(Time noted: 8:58 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

THE MARKET PLACE
(2004-54) (2007-35)

November Consultant's Meeting
E-Mail from Deborah Post dated 10/26/07

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 8:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. HAINES: We had an e-mail from Deborah Post dated October 26th. The Market Place would like to get on the November 27th consultants' meeting as well.

CHAIRMAN EWASUTYN: All right. We'll open it for discussion before I move for a motion. Who is going to be -- we have an outline from Deborah Post in her e-mail as to what she wants to discuss. Are we in agreement with that.

MR. HINES: This is regarding the ZBA or --

CHAIRMAN EWASUTYN: That's where this whole conversation really went from A to B to Z to Ed saying we really ought to formalize it.

Deborah Post is -- what she wants to discuss at the next following meeting in her memo is the street scape for sidewalk details, common landscape areas and hard scape. They also want to discuss the site plan for the lighting plan, landscape plan and updates and referral to the Town Board regarding bond amounts. Subdivision application referral to the ZBA, conceptual elevation for big box stores, unifying themes,

1
2 adherence to design guidelines and an update on
3 other New York DOT, Army Corp., DEC, Town of
4 Newburgh. Is that a full plate agenda?
5 MR. HINES: That's a full plate.
6 MR. O'DONNELL: How long is that
7 meeting going to be?
8 MR. GALLI: All day.
9 MS. ARENT: We should schedule a couple
10 hours for that one.
11 MR. MENNERICH: Ed was going to work
12 with the consultants to come up with a list and
13 they were going to kind of outline --
14 MR. HINES: The process.
15 MR. MENNERICH: Yeah.
16 CHAIRMAN EWASUTYN: What I'd like to do
17 is set The Market Place for the consultants' work
18 session of the 27th of November and also to
19 schedule this for a formal Planning Board meeting
20 on the 19th of December.
21 MR. PROFACI: So moved.
22 MR. O'DONNELL: Second.
23 CHAIRMAN EWASUTYN: I have a motion by
24 Joe Profaci. I have a second by Ed O'Donnell.
25 Any discussion of the motion?

THE MARKET PLACE

148

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

(Time noted: 9:02 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

QUARTERLY SITE INSPECTION

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 9:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

QUARTERLY SITE INSPECTION

151

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. HAINES: It wouldn't be Board business if we didn't have the quarterly site inspection.

CHAIRMAN EWASUTYN: I guess no one wants to go on a quarterly site inspection.

MR. O'DONNELL: I'll go.

CHAIRMAN EWASUTYN: What date would you like to go? Do you want to pick a date?

MR. GALLI: Saturday, like the 16th?

CHAIRMAN EWASUTYN: Fine. Do you want to do that?

MS. HAINES: The 17th is a Saturday.

CHAIRMAN EWASUTYN: Let's do November 17th. Okay? We'll meet at the Town Hall at what time?

MR. GALLI: The following weekend is Thanksgiving. We can go to Saturday if you want.

MR. O'DONNELL: A week from Saturday?

CHAIRMAN EWASUTYN: The 10th. We'll meet at the Planning Board office at what time?

MR. O'DONNELL: 8 o'clock.

CHAIRMAN EWASUTYN: Speak to Cindy and find out how we arrange to get the senior bus brought over. All right?

QUARTERLY SITE INSPECTION

152

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. O'DONNELL: Dina, send us an e-mail.

(Time noted: 9:04 p.m.)

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

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

DATED: November 10, 2007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

----- X

In the Matter of

DRURY HEIGHTS
(1994-41)

Executive Session to discuss pending litigation

----- X

BOARD BUSINESS

Date: November 1, 2007
Time: 9:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT

----- X

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

1
2 MR. DONNELLY: Do you want to talk
3 about that stipulation at all?
4 CHAIRMAN EWASUTYN: Please. Thank you.
5 Should we enter into executive session?
6 MR. DONNELLY: I think we should. It's
7 a litigation matter.
8 CHAIRMAN EWASUTYN: I'll move for a
9 motion to enter into executive session to
10 discuss --
11 MR. DONNELLY: The Drury Heights
12 litigation.
13 CHAIRMAN EWASUTYN: -- the Drury
14 Heights litigation.
15 MR. DONNELLY: Yes.
16 MR. GALLI: So moved.
17 MR. MENNERICH: Second.
18 CHAIRMAN EWASUTYN: I have a motion by
19 Frank Galli. I have a second by Ken Mennerich.
20 I'll ask for a roll call vote starting with Frank
21 Galli.
22 MR. GALLI: Aye.
23 MR. MENNERICH: Aye.
24 MR. O'DONNELL: Aye.
25 MR. PROFACI: Aye.

1
2 CHAIRMAN EWASUTYN: And myself yes. So
3 carried.
4 (The Board entered into Executive
5 Session at 9:05 p.m.
6 The Planning Board meeting resumed at
7 9:14 p.m.)
8 CHAIRMAN EWASUTYN: I had a motion by
9 Frank Galli and a second by Ed O'Donnell to enter
10 out of executive session. At this point I'll
11 turn to Mike Donnelly, Planning Board Attorney.
12 MR. DONNELLY: During the course of
13 executive session one action was taken and that
14 was to authorize the Chairman to sign a
15 stipulation of settlement that the Town Board has
16 asked to us review, and when that is in final
17 form I'll ask the supervisor and the town
18 attorney to deliver it to John for signature.
19 CHAIRMAN EWASUTYN: Thank you.
20 I'll move for a motion to close the
21 Planning Board meeting of the 1st of November.
22 MR. O'DONNELL: So moved.
23 MR. PROFACI: Second.
24 CHAIRMAN EWASUTYN: I have a motion by
25 Ed O'Donnell. I have a second by Joe Profaci.

DRURY HEIGHTS

156

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 9:15 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

DATED: November 10, 2007

