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

----- X

In the Matter of

JPJR HOLDINGS, LLC  
(2011-19)

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

----- X

ELEVEN-LOT SUBDIVISION

Date: December 5, 2013  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
MARK EDSALL  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JOHN BODENDORF

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of December 5, 2013.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Supervisor.

MR. EDSALL: Mark Edsall, McGoey,

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JPJR HOLDINGS, LLC

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Hauser & Edsall, Engineers to the Planning Board.

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

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on tonight's agenda is an eleven-lot subdivision, JPJR Holdings, project 2011-19, located on Rockwood Drive, Route 32, Chestnut Drive -- Chestnut Lane, Section 75, Block 1, Lot 36.2, located in the R-3 and B Zone, being represented by Michael Bodendorf.

MR. BODENDORF: Actually John Bodendorf.

MR. PROFACI: John. Okay.

MR. BODENDORF: Good evening. When we were here last in September we had a public hearing. I believe the only major item of concern at that time was we hadn't received the City sewer flow acceptance letter yet. We since received that, so we're back before you tonight

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to request that you consider granting the subdivision approval with any conditions that are deemed appropriate.

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

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: None.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Okay. Mark Edsall on behalf of Pat Hines. Pat had outlined his comments.

MR. EDSALL: Pat provided a list of some final corrections that he recommends be added to the plans presented for a stamp of approval if the Board so acts. He's listed them in his comments with today's date.

He identifies the fact that the stormwater drainage district and also an encumbrance with an easement needs to be addressed per Mike Donnelly's comments.

Also he feels that there should be a

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condition that a drainage district approval from the Town Board should be in place before a stamp of approval.

A split rail fence has been added to the plan but the detail needs to be added.

There needs to be a guide rail at the road intersection. That needs to be properly depicted.

Drainage easements along the front of the properties. Pat recommends that the drainage from the rear of lots 7 and 8 can be conveyed along the front of the lots. He feels that would be appropriate to go to the drainage district.

He's just acknowledging that Central Hudson easement, the operation and maintenance will be ongoing with Central Hudson, and they've given him clearance on that aspect.

Bonding for stormwater and sediment control is a requirement, and that cost estimate should be prepared by the applicant's representative and submitted as part of the final submittal.

A note should be added to the plan indicating that building permits will not be

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issued until the stormwater improvements and facilities have been installed.

The common driveway access maintenance agreements should be submitted for review and acceptance.

And last, Pat is just noting that the City of Newburgh flow acceptance letter has been received and it should be on file with the Board.

CHAIRMAN EWASUTYN: Mark Edsall, thank you.

Jerry Canfield, Code Compliance, do you have anything to add to that?

MR. CANFIELD: No. Just a question for clarification. It just dawned on me we're going to build the stormwater management facilities first prior to issuance of the building permit.

MR. DONNELLY: There were some improvements along the roadway that had to be made before driveways or a building permit could be issued. I assume that might mean that the ponds had to be put in place as well. I think specifically the improvements along the road is what we talked about.

MR. EDSALL: I think what Pat is

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attempting to do is have the stormwater improvements in so that when they begin doing all the clearing for the development of the lots, those facilities are in place to protect from erosion prevention issues.

CHAIRMAN EWASUTYN: Are you thinking about inspection fees and --

MR. CANFIELD: Yes. Yes, John. Thank you.

CHAIRMAN EWASUTYN: Mike Donnelly, would you summarize then the conditions of approval.

MR. DONNELLY: The resolution is for preliminary and final subdivision. You'll recall we discussed at the last meeting that the County Planning Department had issued a report letter with a binding recommendation that you consider an alternative layout that, and I quote, "Takes into account the parent parcel constraints and the existing neighborhood." You had discussed, and I included in your resolution, your rationale for not following that recommendation on the ground that you're fully familiar with the neighborhood and you reject the finding of the

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Planning Department that the proposed layout is inconsistent, and you make a finding that the subdivision layout is appropriate and does take into account the parent parcel constraints.

In terms of conditions, we'll need a sign-off letter from Pat Hines on the items in his December 3rd letter.

I don't think there are any other agency approvals now that we have the City of Newburgh.

Highway superintendent for driveways. They're all off the private road; right?

MR. BODENDORF: That's right.

MR. DONNELLY: We don't need that then.

We will need the drainage district creation approval from the Town Board. I noted specifically within that that there are some easement areas that cross some of the lands to be dedicated. You'll have to specifically reach agreement with the Town on whether that dedication is going to work and be acceptable in view of that.

Moreover, you'll need to discuss with the Town Board whether they're going to require

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access to any of the rain gardens shown on the plan. It would be appropriate to do that at the time you discuss the drainage district. I think there are rain gardens; right?

MR. BODENDORF: No. We got away from that plan. Everything is in one spot.

MR. DONNELLY: I'll take that one out. I went back to it because I do have the highway superintendent's approval in here. Are there any driveways on the Town road that need the highway superintendent's approval?

MR. BODENDORF: They're all off of Rockwood. Is that a Town road?

MR. CANFIELD: Yes, it is. They are but they'll be done at the time of each permit. We require a sign off from the highway department.

MR. DONNELLY: Okay. We need a drainage easement, as Mark Edsall mentioned, across lots 7 and 8 in order to allow that stormwater to go to the stormwater management facility as part of the drainage district approval. You should discuss that, and ultimately the form of those easements will have to be approved by the Town attorney.

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Construction of all stormwater improvements identified on the plans, including stormwater management facilities and the drainage swale along Rockwood Drive, must be completed before any driveways are built and before any building permits for a habitable structure are issued.

Clearing limits must be clearly marked in the field before the commencement of any site work.

We will need three common driveway easement and maintenance agreements to be submitted and reviewed by myself.

Some of the house locations are shown at or very near the edge of allowable building envelopes, therefore we'll need foundation staking in the field.

You have more than ten lots. This approval is, therefore, subject to Architectural Review Board approval pursuant to Section 185-59 E. That is, in the first instance, handled by the building department. If there is not enough variety, that can be brought to the Planning Board for further review.

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We will need a stormwater improvement and security inspection fee.

As Mark mentioned, you'll have to prepare the cost estimate. It will be forwarded on to the Town Board after Mark and Pat review it.

We will need offers of dedication as part of the submission packet for the drainage structures.

And finally, the Planning Board has made a determination that park and recreational facilities are inappropriate in this subdivision but they are needed, therefore you'll need to pay a fee in lieu of parkland. The current fee is \$2,000 per lot. You have ten new lots so the fee will be \$20,000.

CHAIRMAN EWASUTYN: John, do you have any questions?

MR. BODENDORF: No. I have no issue with any of the proposed conditions. There are some clarifications I'll need. I guess I should probably talk to Pat directly.

MR. EDSALL: Yes.

MR. BODENDORF: And as far as the

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JPJR HOLDINGS, LLC

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easement, you know, encumbrances, do I deal with the Town attorney?

MR. DONNELLY: Yes. When you submit your package seeking approval of the drainage district, what we're saying in the resolution is you have to discuss with them the issues of the existing easements that encumber the land you want to offer for dedication. And secondarily, you want to make sure the easement for drainage along lots 7 and 8 are appropriate in the Town Board's view.

MR. BODENDORF: Okay.

MR. EDSALL: Mr. Chairman, just a clarification. I believe the easement Pat was looking for benefited 7 and 8 but in effect, for the drainage running from those lots, it would actually be all along the front lots of Rockwood. I would say 1, 2, 3, of course it crosses 4 and 5.

MR. DONNELLY: I'll say for the benefit of 7 and 8.

MR. EDSALL: All the lots along Rockwood Drive.

MR. BODENDORF: We were going to show

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the entire frontage of Rockwood.

MR. EDSALL: That's exactly what he  
desired.

CHAIRMAN EWASUTYN: Comments from Board  
Members. John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No further comments.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No comments.

MR. MENNERICH: No comments.

MR. GALLI: No additional.

MR. CANFIELD: John, just one question.  
Does the Board need to take action to waive the  
architectural review?

CHAIRMAN EWASUTYN: I think what Mike  
is saying is we'll leave it up to the discretion  
of the building department, and if the building  
department finds that it's monotonous in design  
they'll come back to the Planning Board.

MR. DONNELLY: I think that's our  
standard condition.

MR. CANFIELD: Okay. I was just  
questioning if they needed to take an action.

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CHAIRMAN EWASUTYN: No.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant preliminary and final subdivision approval for the eleven-lot subdivision on Rockwood Lane known as JPJR Holdings subject to the conditions presented by the Planning Board Attorney, Mike Donnelly, in the resolution this evening.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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Happy holiday and thank you for your  
time.

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

(Time noted: 7:16 p.m.)

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

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

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DATED: December 18, 2013

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

----- X

In the Matter of

FICHERA SUBDIVISION AND LOT LINE CHANGE  
(2013-23)

Mountain View Avenue & Stonewall Lane  
Section 4; Block 1; Lots 54.1, 60 & 61  
RR & AR Zone

----- X

TWO-LOT SUBDIVISION & LOT LINE CHANGE

Date: December 5, 2013  
Time: 7:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
MARK EDSALL  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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Wallkill, New York 12589  
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MR. PROFACI: The next item on tonight's agenda is the Fichera subdivision and lot line change, project 2013-23. It's a two-lot subdivision and lot line change going from three lots to five lots. It's an initial appearance. It's located on Mountain View Avenue and Stonewall Lane, Section 4, Block 1, Lots 54.1, 60 and 61, located in the RR and AR Zone, being represented by Charlie Brown.

MR. BROWN: This is three lots totaling about sixteen acres. Two of them contain residences. The ones that I have highlighted here in orange are owned by Mary Fichera. The one in yellow is owned by Anthony Fichera.

I did have both proxies in the application packet for both of those.

The proposal is to -- they're on an existing private road called Stonewall Lane. The road does deviate from the existing right-of-way into lot 61 -- I'm sorry, lot 60. Part of the proposal is we're actually widening out that right-of-way to seventy feet from the end of lot 1 to the end of the right-of-way.

We're creating two new lots. This is in

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the AR -- I'm sorry, the RR Zone where the development is. That's two-acre zoning. The lots will be served by individual wells and septics. They will be accessed off the existing private road.

We're here for comments from the consultants and the Planning Board.

CHAIRMAN EWASUTYN: At this time we'll turn to Mark Edsall for their comments on behalf of Pat Hines.

MR. EDSALL: Pat has made his initial review and there's some initial review comments listed for tonight. Pat wanted to make sure that the file was complete with all the owners' consents. There are multiple names, different Ficheras, several in fact, and there's only one acknowledgement on the plan. So that should be expanded to include all involved parties and the file should be complete.

MR. BROWN: We've got two owners. The other son is actually the applicant. His lot is also accessed off of the private road but we're not affecting his lot at all. There are the two proxies in the application package. I will again

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add Anthony to the owners' consent note. There's only two owners of the affected lots.

MR. EDSALL: As long as the affected lots meet the modification and any changes to the private road configuration are included, and Mike can verify those issues.

The buildable area, 10,000 square foot buildable area, needs to be shaded on the plans.

MR. BROWN: Okay.

MR. EDSALL: There seems to be a zoning issue in the bulk table for lot 1 depth. That needs to be double checked to ensure that there's not a need for an area type variance.

MR. BROWN: I'd like to address that right now.

CHAIRMAN EWASUTYN: Please.

MR. BROWN: Lot 1 is actually a corner lot. It does meet the zoning. We just have the width and depth reversed. I will clean that up on the bulk table.

MR. EDSALL: I wasn't sure where you measured it and why the numbers were what they were.

CHAIRMAN EWASUTYN: Jerry, at a quick

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glance do you agree with that?

MR. CANFIELD: Yes, it is a corner lot.

CHAIRMAN EWASUTYN: Thank you.

MR. EDSALL: Continuing, comment number 4. Lot 54.2 is marked as 54.2 on the plan. The well for that lot seems to be out in the road right-of-way. That was an encroachment that was a concern.

The private road easement access documentation should be submitted for Mike Donnelly's review, and at the same time it could be determined if there are any parties affected that need to provide consent forms.

Lot 4, the parcel all the way in the westerly -- southwesterly corner is 5.65 acres. It's a parcel not proposed for building at this time. Pat is suggesting that the note be not only corrected in it's spelling but expanded to indicate that any development would require subsequent Planning Board approval.

A reminder under comment 7 that deep tests and perc tests must be performed within the areas of the septic system. There's quite a few that appear there were preliminary tests done and

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then when the preliminary design was prepared the sanitary systems are in a different area of the lot. So they would have to be retested.

Septic system notes must be modified to comply with the Town's standard notes. They're identified under comment 8.

Obviously when you get to preliminary status, the metes and bounds for all the right-of- ways and all the lot division lines need to be added to the plans.

Pat is noting that there's a seventy foot right-of-way being created, as Charlie indicated. The question, I guess on our own end, is if there needs to be a shifting of the right-of-way does that make more sense than creating a seventy foot right-of-way? That would be a determination after discussion with the applicant.

MR. BROWN: Yeah. That ties into comment number 4, the well on the lot which is actually in the right-of-way, which I assume is why the road deviates out of the right-of-way, probably to get around that well. I asked Mike would it be all right if we just gave them an

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FICHERA

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easement in the right-of-way, or, as Mark said, do we move the right-of-way over at that point.

MR. DONNELLY: Is there an existing recorded private roadway easement and maintenance agreement?

MR. BROWN: Recorded, no. They do have an agreement.

MR. DONNELLY: Let's do it right, it's not encumbered with another easement, put the road where it works and we'll carry it over with the new private roadway easement and maintenance agreement. That way if we want to move a well or create an easement --

MR. BROWN: Okay.

MR. DONNELLY: If that's doable.

MR. BROWN: We'll grant an easement for the well, and instead of widening the right-of-way to seventy foot, move it over twenty feet.

MR. DONNELLY: Can you do it in a way you won't need to get the easement for the well?

MR. BROWN: No. Then we have to get Skufel included as a property owner and move their property line. I would rather give them an

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easement. They're the only one on the road that's not part of the family.

MR. EDSALL: They would actually be picking up land.

MR. BROWN: Sorry?

MR. EDSALL: They would be picking up whatever offset you have, ten, fifteen, twenty feet of land.

MR. BROWN: I would rather give them an easement for their well than move their property line. That would get a little complicated. We have another party in the action and the Ficheras, they're pushing to get this done pretty quick. If that's okay. We've done easements for wells in the past when they're existing. It will be outside the right-of-way. I mean the right-of-way will be shifted over. This property here will be owned by Anthony Fichera.

MR. DONNELLY: So the well location won't be in the right-of-way but it will be on the Fichera property?

MR. BROWN: Correct. We'll provide an easement for that.

And the only other response I had as

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FICHERA

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far as the septic system, Mark is right, we did a lot of preliminary testing, and actually, because of that well we had to move it over.

We do have our perc tests in the vicinity or in the areas of the septic systems. The deep tests we did do were very consistent and we're scheduled 11:00 tomorrow to get the additional deep tests in the area of the proposed septic.

MR. EDSALL: Pat's last comment on the second page is consistent with a lot of the discussion. It has to do with the new access and maintenance agreements. That wraps all into the shifting and adjustments.

MR. BROWN: Right.

MR. EDSALL: That's the end of his preliminary comments.

CHAIRMAN EWASUTYN: We had discussed at the work session a note and what the note should reference for lot number 4.

MR. DONNELLY: One of the notes was, Charlie, that in the event that you -- put it this way: No building permit will be issued for other than a single-family home for lot number 4

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without Planning Board approval.

MR. BROWN: Also we would need a septic design. We've done that in the past also. The septic design would have to be provided.

MR. DONNELLY: That you could do through the building department. Any further subdivision or construction of a two-family home --

MR. BROWN: Right. Okay.

MR. DONNELLY: -- would require either a subdivision or a site plan approval. I think that will satisfy Jerry. So no buildings permit is going to be issued for anything other than a single-family home for that lot. Obviously you'd have to demonstrate the well and septic is appropriate.

CHAIRMAN EWASUTYN: Joe, are you okay with that?

MR. PROFACI: I'm fine with that. That makes sense now.

MR. MENNERICH: That lot would also be tied into the maintenance agreement?

MR. DONNELLY: Yes. All of that has to be.

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MR. BROWN: Actually, Mike Fichera, the applicant's wife is Cynthia Fichera. She's an attorney. I've already given her an outline of the agreement. She's going to do that with Mike and get in touch with you. They're on that.

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

MR. CANFIELD: Just one thing. Charlie, on lot 2 there's some above-ground steel tanks. Are they to be removed?

MR. BROWN: It looked like -- yeah, they're going to be removed. They look like very old abandoned oil tanks. They weren't really there. They've been using them for target practice. They're full of holes. There's no oil in them.

MR. CANFIELD: Could we put a note they're to be removed?

MR. BROWN: No problem.

MR. FOGARTY: There's also two in lot 1 as well.

MR. BROWN: Yeah. I don't know what those are. I will find out about it. The ones on lot 2 were definitely used for target practice. I

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know that because we were back there doing the soil testing and we could see all the holes in them. I'll find out about that. It could be in use. I do see there's two oil fill nozzles. I'll inquire about that. In the event they're in use -- I'll say in the event they are not, they'll be removed.

MR. FOGARTY: Fine.

CHAIRMAN EWASUTYN: Did you receive the notice of the adjoining property owners from Pat Hines?

MR. BROWN: Yes, I did.

CHAIRMAN EWASUTYN: So you know to post the property and do the necessary announcements.

MR. BROWN: We're going to get the public hearing now? We don't post it until we schedule a public hearing.

CHAIRMAN EWASUTYN: You have to have that posted within ten days of first appearing before the Planning Board.

MR. DONNELLY: It's different notices. One is the adjoiner notice.

CHAIRMAN EWASUTYN: The adjoiner notice has to be mailed within ten days. Right. The

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notice goes in the mail.

MR. BROWN: In other words, we mail that notice to all property owners within 500 feet within ten days of today?

MR. DONNELLY: Yes.

MR. BROWN: No problem. Thank you very much. Have a good holiday.

(Time noted: 7:26 p.m.)

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

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

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DATED: December 18, 2013

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

- - - - - X  
In the Matter of

LONGVIEW FARMS  
(2006-39)

Request for a Six-Month Extension of Conditional  
Preliminary Approval

- - - - - X

BOARD BUSINESS

Date: December 5, 2013  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
MARK EDSALL  
GERALD CANFIELD

- - - - - X

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

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MR. PROFACI: We have one item of Board Business, Longview Farms, project 2006-39.

The applicant is requesting a six-month extension of conditional preliminary approval which will run from December 14, 2013 to June 14, 2014.

CHAIRMAN EWASUTYN: I'll make a motion to grant the extension for Longview Farms as presented by Joe Profaci.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to close the

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LONGVIEW FARMS

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Planning Board meeting of December 5, 2013.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, seconded by Ken Mennerich. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:28 p.m.)

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

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

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DATED: December 18, 2013