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

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In the Matter of

SUNNYSIDE DEVELOPMENT
(2005-17)

North of Route 17K and Fletcher Drive
Section 93; Block 1; Lot 60.2
R-1 Zone

----- X

PUBLIC HEARING
SIXTEEN-LOT SUBDIVISION

Date: June 21, 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.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- MARK SARGENT

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of June 21, 2007. At this time I'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 to the public.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

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

MR. COCKS: Bryant Cocks, Planning Consultant with Garling Associates.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. SARGENT: Mark Sargent, Traffic

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Engineer.

CHAIRMAN EWASUTYN: Okay. At this point I would like to turn the meeting over to Joe Profaci.

MR. PROFACI: Please rise and join us in saluting the flag.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off all cell phones.

CHAIRMAN EWASUTYN: The first item of business we have this evening is Sunnyside Development. It's a public hearing for a sixteen-lot subdivision located north of Route 17K and Fletcher Drive, it's in an R-1 Zone and it's being represented by Andrew Fetherston.

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 Sunnyside Development for a thirteen-lot subdivision on

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premises Route 17K and Fletcher Drive in the Town of Newburgh, designated on Town tax map as Section 93; Block 1; Lot 60.2. Said hearing will be held on the 21st day of June at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated June 4, 2007."

MS. HAINES: That was published in The Sentinel and The Mid-Hudson Times newspaper.

MR. GALLI: There were twenty-three mailings and twenty-one were returned. All the mailings are in order.

CHAIRMAN EWASUTYN: Thank you. At this time I'll turn to the Planning Board Attorney, Mike Donnelly, to inform the public as to the meaning and the purpose of a public hearing.

MR. DONNELLY: There are three public hearing on the agenda this evening. All three of them relate to subdivisions. Subdivisions are layouts of property that are divided in lots for

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the purpose of development. All three of these applications have been pending before the Board for some time, in most cases for a year or more. The purpose of the public hearing is for the Planning Board to hear from the public before it takes any action on these projects. The Planning Board would like to hear from you and for you to bring to the attention of the Board issues that the Board or its various consultants may not be aware of or may not have thought of.

The hearings in each case will begin with a presentation by the applicant's representatives, and at the conclusion of that the Chairman will ask those that want to speak to address the Board. We would ask you to raise your hand and you will be identified. We ask you to state your name, spelling your name please if you would for our Stenographer, and giving your address so that we have some idea where you live in relation to the project so we know what perspective you bring. We would ask you that you address your comments to the Board, and if you have a question and it's easy enough to be answered the Chairman will ask either the

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applicant's representatives or one of the consultants to try to answer that question.

CHAIRMAN EWASUTYN: Thank you, Mr. Donnelly.

Mr. Fetherston, would you make your presentation.

MR. FETHERSTON: Mr. Chairman, Members of the Board, Andrew Fetherston, Maser Consulting. I'm representing Sunnyside Development, the applicant for this project.

The project is located north of Route 17K. Stewart Airport is right here. Directly cross from that is a thirty-one acre parcel of land, it's actually three separate lots, where we're looking to do a sixteen-lot residential subdivision. As I said, it's located on the north side of Route 17K. The zoning is R-1. The parcels are on both sides of Fletcher Drive. This is Route 17K, this is Fletcher Drive, and then Fletcher Drive makes a turn and proceeds across Route 84.

The parcel right now is a wooded parcel. There's fifteen-and-a-half acres of wetlands which we believe to be under the

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jurisdiction of the Army Corp of Engineers.

The average lot size is 1.27 acres.

We're proposing to construct a road which would start at Fletcher Drive, approximately 250 feet north of the existing Lloyd Road, make a circuitous route through the property and terminate at what is now the dead end of Lloyd Road. So Lloyd Road would then be a continuous loop.

We're proposing -- as far as stormwater goes, stormwater mitigation, we're proposing three detention basins on the property to meet both the Town and the State requirements. We're proposing a water main extension. Where the water main terminates at Lloyd Road, what would be brought through the parcel to reconnect up to the existing main on Fletcher Drive.

We're proposing within the subdivision a fifty-foot wide right-of-way, however down at the entrance only forty foot is possible. I'll note that June Road, Dene and also Lloyd Road, the existing portions are all forty-foot wide right-of-ways.

We're proposing to bring sanitary sewer

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from Route 17K into the parcel all by gravity to service most of this subdivision. Some of these lots will require pumps where the grades won't permit a gravity system. There's approximately 2,800 linear feet of sewer required to sewer this parcel.

The wetland disturbance we've minimized, by locating the road in this portion, to less than a tenth of an acre for the roadway crossing and just slightly above a tenth of an acre where the sewer would be constructed, and then the wetlands would be restored above that.

That's it, Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you. At this time I would like to turn the meeting over to the public for their comments. As Mr. Donnelly said earlier, if you'd please raise your hand, give your name and your address for the Stenographer.

Ma'am.

MS. LEWIS: My name is Patricia Lewis, I'm at 6 Lloyd Road. My question was that the entrance to your development starts where?

MR. FETHERSTON: This is the intersection of Fletcher Drive and Lloyd. Lloyd

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continues up and presently dead ends at this point. So our road is going to continue Lloyd from its present dead end, come back around approximately 250 feet north from where it intersects Fletcher Drive presently. In looking for a re-connection point we were limited to three points where the applicant's property actually touches Fletcher Drive again. Two of the parcels presently have driveways on them so we were proposing to connect where really no improvements exist presently.

CHAIRMAN EWASUTYN: Ma'am.

MS. MUNOZ: Elaine Munoz, I live at the end of June Road. That's not going to affect our road at all? There's no connections?

MR. FETHERSTON: There's no connection, no improvements planned at June Road. We had our wetlands ecologist go out and we're finding that this parcel is not suitable for development. It's wetlands. That's what we believe it is.

MR. HINES: There's a stormwater management facility located in that area being proposed.

MR. FETHERSTON: That's at the end of

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Dene. Close, yeah.

MR. MUIR: My name is Wilbur Muir, I live right on Fletcher. Is this going to affect dramatically the traffic on Fletcher Drive? It's getting pretty heavy out there.

MR. FETHERSTON: Fletcher is presently a through road, as you're aware, from 17K out to Meadow Hill. There's sixteen lots proposed. The density is greatly reduced by the new zoning imposed by the Town. The zoning previously was R-3 where the minimum lot size was approximately what the existing houses are, about 1,250 -- 12,500 square feet. That was increased by an action of the Town Board to 40,000 square foot minimum lot size. Our original submittals before the Town were for much larger, much greater densities, a much larger number of homes when the zoning district was R-3. Since the change we have had to greatly cut back because of the zoning.

MR. MUIR: I have another question. Like I said, I live right on Fletcher. I was approached by Hillside Homes that's going to do this and they want to run their sewer line right

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2 through the middle of my backyard.
3 MR. FETHERSTON: Right.
4 MR. MUIR: I have a concern about being
5 able to build anything in that area because that
6 sewer line is going to be in the middle of my
7 backyard.
8 MR. FETHERSTON: That's right. My
9 client is seeking a utility easement. The reason
10 we tried to get this route is to avoid
11 constructing a pump station which would be owned
12 by the Town. It's preferable to try and get it
13 by gravity with no electricity and no great deal
14 of maintenance would be required. If that's
15 acceptable to the owners of those parcels; yes,
16 there would certainly be an easement across your
17 property, utility --
18 MR. MUIR: The problem is it's right
19 across my entire backyard. They say it would be
20 a twenty-foot easement.
21 MR. FETHERSTON: A twenty-foot easement
22 but the pipe is just an eight-inch diameter pipe.
23 It's for future maintenance.
24 MR. MUIR: I can't build on that area?
25 MR. FETHERSTON: That's correct.

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That's correct.

MR. MUIR: I'm not too happy with that.

MR. FETHERSTON: Understood.

CHAIRMAN EWASUTYN: What would be the alternative if you couldn't get the easement then?

MR. FETHERSTON: Well, what we were looking at was -- the grade rises. The low point is about at Dene, the low point of the area, and then it rises on Fletcher Drive. I think it was -- I looked at it years ago. I think it was about twelve foot of rise. So the sewer would be excessively deep at that point. Maybe twenty feet deep. Then we would have to go down the State highway for about four hundred and fifty feet to connect up to the next manhole. I don't know that we could hit that manhole because it would be also -- this would be -- a straight line would be a shorter distance. This would be a longer distance by approximately five, six hundred feet. That's the difficulty, the perpetual maintenance of a pump station, the cost to the Town for operation. It would eliminate going through backyards.

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MS. LEWIS: If that dead end is no longer a dead end would people go through Lloyd to get out to Meadow Hill?

MR. FETHERSTON: No. Lloyd is just going to be a loop. It's going to start at Fletcher and terminate at Fletcher, about two hundred and fifty foot apart. The only way to get to Meadow Hill would be as it is today, Fletcher Drive all the way out. That's it. June Road and Dene Road are going to remain as they are, dead ends.

CHAIRMAN EWASUTYN: Elaine.

MS. MUNOZ: What are the approximate size of the homes you want to build there?

MR. FETHERSTON: I honestly don't know right now. I would have to check with the applicant. Right now with the market instabilities I don't know what he would be proposing to build.

The thought of course would be to bring more than -- yeah, just about a half a mile of sewer, which could possibly benefit users along its path as well as facilitate future improvements by the Town, but to bring in that

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amount of sewer, the homes would have to pay for that as well as the infrastructure for the roadway and the water extension. There's significant cost here. The sewer isn't located right at our front door, it's quite a few thousand feet away.

MS. LEWIS: How is this going to impact the animals in the area, the deer?

CHAIRMAN EWASUTYN: Just for matter of the record, if you would raise your hand then I can identify you because there is a Stenographer and that way if anyone wanted to read the minutes they could reflect on that process. Thank you.

MR. FETHERSTON: What we frequently do before we even start up a project, when the survey is coming in and we're doing our initial looks we'll send a fax up to New York State DEC, we'll ask them for any records of endangered species, classifications of any streams in the area. If there are any protected streams, that would require additional permitting or mitigation, as well as if the DEC has any wetlands in the area. That came back negative, so then therefore we believe that the

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2 eleven-and-a-half acres of wetlands on the
3 property is going to be under Federal
4 jurisdiction, the Army Corp of Engineers. We've
5 yet to get an acknowledgement of that fact back
6 from the Army Corp but that will be something
7 we'll have to get to satisfy the Planning Board.

8 CHAIRMAN EWASUTYN: Elaine.

9 MS. MUNOZ: If this is approved and
10 it's going to go ahead, how long is this all
11 going to take? Speaking of noise and --

12 MR. FETHERSTON: Right.

13 MS. MUNOZ: -- equipment and stuff.

14 MR. FETHERSTON: I would say it's
15 probably a two-year process. The sewer would
16 have to go in primarily, otherwise you couldn't
17 build any homes, then the roadway. The
18 stormwater facilities would be built to catch any
19 of the muddy runoff before it would leave the
20 property as required by the State. They'll
21 probably then come in to improve the roadway,
22 install the utilities under the road which would
23 be the sewer, the water main and the drainage
24 systems, and then what normally happens is as the
25 lots are purchased they're built. In this market

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2 right now it's hard to tell how long it would
3 take to go through and build all the homes. Some
4 of them may remain wooded for a period of time.
5 If they were to be built now, the market is poor.

6 CHAIRMAN EWASUTYN: The gentleman in
7 the back.

8 MR. McDERMOTT: David McDermott. Would
9 you please show me where the sewer line is
10 proposed to go because I was blocked when you
11 were doing it earlier? Could you tell me how you
12 plan to go about acquiring the easement through
13 the property?

14 MR. FETHERSTON: I'm the engineer. I'm
15 preparing the plans and the reports and taking
16 the applicant, my client, through the process
17 with the Town and the State and the other
18 agencies involved. My client I'm aware has tried
19 to -- has notified a number of the property
20 owners, and I'm not certain which ones, to seek
21 an easement through these properties for the
22 purpose of constructing that sewer. That sewer
23 we believe would be dedicated to the Town and
24 then be a Town-owned easement. The route is from
25 a sewer manhole that exists on Route 17K. About

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2 four hundred and fifty feet south is where that
3 sewer is that we can hit by gravity. We need a
4 certain elevation in order to reach it. As I
5 said before, Fletcher Drive rises and then Route
6 17K is a mild slope going down also. I colored
7 up our route to try to make it a little bit
8 easier to see where the gravity sewer system is
9 proposed. Some of the homes -- these are lower
10 than Fletcher Drive. These homes would require
11 individual sewer pump stations in order to eject
12 their sewage to the gravity line. There would be
13 no municipal pump station with this alternate if
14 you will, this alternate route.
15 MR. McDERMOTT: And the easement would
16 be acquired how?
17 MR. FETHERSTON: Purchased. They would
18 have to be purchased.
19 MR. McDERMOTT: Who is going to
20 determine the value of the property you seek to
21 take?
22 MR. FETHERSTON: Like any real estate
23 deal, I'm assuming it would be a bargaining.
24 This is what the applicant -- I think it would
25 come back and forth a number of times.

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2 MR. McDERMOTT: Thank you.
3 CHAIRMAN EWASUTYN: Additional comments
4 from the public?
5 (No response.)
6 CHAIRMAN EWASUTYN: While the public is
7 deciding if they have any additional comments,
8 I'll turn to our consultants. As I said earlier,
9 the Planning Board has experts who make
10 recommendations to the Planning Board and they
11 advise us.
12 At this time I'll turn to Pat Hines to
13 advise us on drainage. He also looks at sewer,
14 water lines.
15 MR. HINES: We've reviewed the project
16 with regard to stormwater management facilities.
17 There are three proposed detention pond
18 facilities, two on the north side of Fletcher
19 Drive and one larger one on the balance of the
20 parcel, there's a large balance parcel down on
21 the east side of Fletcher Drive. We have some
22 technical comments in to the applicant's
23 representative that we're awaiting for them to
24 address.
25 Right now conceptually we're fine with

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the stormwater management arrangements. There is additional information we are seeking to prove that they meet the Town and State regulations for that. We'll be reviewing that in the future.

As far as the sewer goes, we have, and I know the applicant's representative knows and every one of my comments to date has questioned the availability of the property to install the sewer main. That will be a private negotiation between the developer and those property owners. The alternative is to put in a municipal pump station which could convey the sewage along Fletcher Drive and out to 17K. The applicants have stated they believe they can obtain those easements. It's up to the property owners whether or not they want to grant those easements in those locations or in other locations. There may be some changes. The gentleman stated the easement is right in the center of the property. I know there's a pool in that area also.

MR. FETHERSTON: Yes.

MR. HINES: There may be the ability to slightly modify that layout. Certainly that's a private matter beyond the Planning Board. We'll

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be waiting for the applicant to come back to see if they have secured those necessary easements to construct that.

We have a comment letter dated 3 May with some other technical comments that we're awaiting the applicant to respond to.

The plans are in sufficient shape now that they can be sent to the outside agencies. It requires DEC approval for the sewer extension, Health Department approval for the water main extension. There will be a need to establish a drainage district for the operation and maintenance of the stormwater management pond, that's a Town Board action that they'll have to seek. There is the Army Corp wetlands issue out there and there's thirteen acres --

MR. FETHERSTON: Eleven-and-a-half acres.

MR. HINES: -- eleven-and-a-half acres of wetlands areas that are under the jurisdiction of the Army Corp. They'll need a nationwide permit to disturb the wetlands that they've identified. The rest of those wetlands will be protected from development, which is the reason

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2 why there's a rather large parcel on the east
3 side of Fletcher Drive, the majority of that
4 being Federal wetlands.

5 I also will note that the -- there are
6 thirteen lots proposed on the west side of
7 Fletcher Drive and three on the east side. The
8 notice I think said thirteen total. This is
9 actually a sixteen-lot subdivision that we're
10 looking at tonight.

11 We're comfortable moving the project
12 towards preliminary approval and to send it to
13 the outside agencies.

14 CHAIRMAN EWASUTYN: Thank you. Mark
15 Sargent, Traffic Consultant.

16 MR. SARGENT: Our office reviewed the
17 road cross section and in consideration of the
18 number of units we have no concern regarding
19 traffic. We're satisfied that the project can
20 provide reasonable access.

21 CHAIRMAN EWASUTYN: Karen Arent,
22 Landscape Architect.

23 MS. ARENT: I reviewed the project for
24 visual impacts. This project has a lot of wooded
25 areas, so one of the best ways to minimize the

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visual impacts is to preserve as much of the wooded area as possible.

The consultant will put notes on the grading plan to require tree protection fencing to be installed on the disturbance limit line before construction begins.

I also reviewed the street trees. The street trees are in accordance with the Town code.

The stormwater management areas have to be landscaped in accordance with the DEC requirements.

The project will need a landscape bond.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: As the applicant mentioned, this site actually went through a zone change. When the project originally came in I believe it was forty-four lots, now it's been scaled back to sixteen which severely reduces the impact on the surrounding neighborhood and the environment.

We reviewed the lot layout and it currently meets all zoning. The applicant has met all of our previous comments and we have

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nothing further.

CHAIRMAN EWASUTYN: Wilbur.

MR. MUIR: Could you show me where the lots are on the east side?

MR. FETHERSTON: 14, 15 and 16 are here. This entire area, as Pat Hines had mentioned, are all wetlands from what we believe. It's yet to be confirmed by the Army Corp. We did not find wetlands in this area so we're proposing three lots there. Those are actually pretty large lots. Number 14 will actually take ownership of the entire lot. No real further development could ever be done there.

UNIDENTIFIED SPEAKER: How big is that lot?

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

MR. ABRAMS: Sorry. John Abrams.

MR. FETHERSTON: Six-and-a-half acres.

CHAIRMAN EWASUTYN: I'll turn to Board Members for their comments. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

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CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I have no questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: At this time I'll turn to our Planning Board Attorney, Mike Donnelly, to review with us where we are in the process.

MR. DONNELLY: I prepared a draft preliminary resolution. For the benefit of the public, the preliminary resolution is a resolution that authorizes this applicant to proceed to the other agencies from whom it must get approval before this subdivision could move forward.

The conditions of that would be a sign-off letter from Pat Hines as well as Karen on the issues raised in their memorandums, the wetland delineation by the Army Corp. These are the items that would be required before final approval. Orange County Health Department, Realty subdivision and water main extension, DEC stormwater SPDES and sewer main extension, Town Board for drainage district. The final plans

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2 will have to show street trees. Approval of the
3 Town -- actually the roadway name is the same so
4 it doesn't need to be -- well, they'll have to
5 approve the roadway name that loops through.
6 We'll leave that.
7 MR. FETHERSTON: Yeah. It's
8 questionable how you want to handle that.
9 MR. DONNELLY: We'll defer it to the
10 Town Board. City of Newburgh sewer allocation
11 approval. There's a common driveway easement and
12 maintenance agreement that will be required. We
13 had discussed imposing a requirement that certain
14 of the lots have their foundations staked in the
15 field prior to construction because they are
16 close in some cases to the building envelopes.
17 MR. FETHERSTON: Mike, could I ask just
18 one question? The common driveway, what is that
19 for?
20 MR. DONNELLY: I thought there was one
21 on there.
22 MR. FETHERSTON: There was previously.
23 There no longer is.
24 MR. DONNELLY: That's gone now. I'll
25 take it out.

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MR. FETHERSTON: Thank you.

MR. DONNELLY: The sewer easement that we already spoke of. This is more than ten lots and therefore prior to final approval the Board wants to see architectural renderings for the various models that will be proposed to be built. There will be a requirement that clearing limits be marked in the field. At the time of final approval there will be a requirement of a landscape security, stormwater improvement security, a water main extension security, a sewer main extension security, Town road security. There is no private road. Of course the offers of dedication and the payment of parkland fees.

CHAIRMAN EWASUTYN: Before I make a motion from the Board to close the public hearing, are there any further comments from the public? Elaine.

MS. MUNOZ: Like I said, I live at the end of June Road. That whole loop area, is that going to go up? I'm concerned about water runoff. Where we live is very wet to begin with. Will it make it worse?

SUNNYSIDE DEVELOPMENT

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MR. FETHERSTON: We did a drainage study that was submitted to the Town. A lot of the drainage is following -- there's a wetlands path that I guess during periods of the year becomes a stream. We're actually intercepting all of our roadway runoff and sending it into the detention basin to reduce the impacts and to bring it down to no greater runoff than presently exists. That's required by the State. They also provide water quality benefits. Pollutants are to be trapped in those. Those three basins located here, here and here will be dedicated to the Town and maintenance performed by the Town. When we go before the Town Board to seek a drainage district, all of these homes will be taxed in this drainage district to pay a fee so that the Town can maintain this. It's no additional burden on the existing property owners.

CHAIRMAN EWASUTYN: Any further comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for the

SUNNYSIDE DEVELOPMENT

1 28
2 sixteen-lot subdivision for Sunnyside
3 Development.
4 MR. MENNERICH: So moved.
5 MR. PROFACI: Second.
6 CHAIRMAN EWASUTYN: I have a motion by
7 Ken Mennerich. I have a second by Joe Profaci.
8 Any discussion of the motion?
9 (No response.)
10 CHAIRMAN EWASUTYN: There being no
11 discussion of the motion, I'll move for a roll
12 call vote starting with Frank Galli.
13 MR. GALLI: Aye.
14 MR. MENNERICH: Aye.
15 MR. O'DONNELL: Aye.
16 MR. PROFACI: Aye.
17 CHAIRMAN EWASUTYN: Myself yes. So
18 carried.
19 We heard the conditions for preliminary
20 approval from Mike Donnelly in the resolution.
21 Would anyone like to hear them be restated again?
22 (No response.)
23 CHAIRMAN EWASUTYN: Having heard those
24 conditions I'd move for a motion to grant
25 preliminary approval for the sixteen-lot

SUNNYSIDE DEVELOPMENT

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subdivision for Sunnyside Development.

MR. GALLI: So moved.

MR. O'DONNELL: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'd like to thank the public for coming out this evening. If there are any questions you have before you leave, Mike Donnelly will respond to them for you.

Thank you.

MR. FETHERSTON: Thank you, Mr. Chairman.

(Time noted: 7:32 p.m.)

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CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

LANDS OF SECURE PROPERTIES MANAGEMENT
(2006-19)

Lakeside Road
Section 28; Block 1; Lot 18.2
R-1 Zone

----- X

PUBLIC HEARING
SIX-LOT SUBDIVISION

Date: June 21, 2007
Time: 7:33 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.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

LANDS OF SECURE PROPERTIES MANAGEMENT

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CHAIRMAN EWASUTYN: The next item of business this evening is the lands of Secure Properties Management. It's a public hearing for a six-lot subdivision located on Lakeside Road in an R-1 Zone and it's being represented by Jim Raab.

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 Secure Properties Management for a six-lot subdivision on premises Lakeside Road in the Town of Newburgh, designated on Town tax map as Section 28; Block 1; Lot 18.2. Said hearing will be held on the 21st day of June at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Planning Board of the Town of -- by order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman,

LANDS OF SECURE PROPERTIES MANAGEMENT

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Planning Board Town of Newburgh. Dated June 4, 2007."

MS. HAINES: The notice was printed in The Sentinel and The Mid-Hudson Times newspapers.

MR. GALLI: Twenty-one receipts were returned. The mailings are all in order.

CHAIRMAN EWASUTYN: Jim, would you give your presentation, please.

MR. RAAB: Yes, Mr. Chairman. As stated in the notice of public hearing, this is a six-lot subdivision located on the easterly side of Lakeside Road. The lake is over to this side. There was at one time three bungalows, only one of which is not part of this property that existed on this side of the road. Another house that was part of the same property is over here. It's being refurbished at the time.

The new road, which would be approximately 600 feet long, is a private road that will go right through the middle of that property. It will serve one, two, three, four, five -- six lots of which size lot 1 will be 40,000 square feet, lot 2 will be 40,000 square feet, lots 3, 4, 5 and 6 will all be over 5 acres

LANDS OF SECURE PROPERTIES MANAGEMENT

1 34
2 in size. I shouldn't say -- will be 67,000 square
3 feet, 69,000 square feet, 82,000 square feet and
4 97,000 square feet.
5 They will be served by Town sewer and
6 Town water but it will be a private road.
7 We will be disturbing a very small
8 portion of wetlands located in here to cross over
9 to get to the lots in the back. We won't be
10 exceeding the allowed tenth of an acre that's
11 allowed to be disturbed.
12 That's pretty much it.
13 CHAIRMAN EWASUTYN: Thank you. At this
14 point we'll look for questions or comments from
15 the public. If you'd raise your hand and give
16 your name and your address, please.
17 MR. PACE: Donald Pace, 405 Lakeside
18 Road. Has there been any consideration given to
19 the fact that there will be increased traffic
20 flow? The traffic from Gardnertown Road towards
21 52 tends to be very fast and there are a lot of
22 children that are living on the road. There's a
23 possibility of accidents and injury to the
24 children.
25 MR. RAAB: It's only a six-lot

LANDS OF SECURE PROPERTIES MANAGEMENT

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2 subdivision and normally we don't address those
3 types of issues, only because, you know, that's
4 what it is. A six-lot subdivision generates --
5 the amount of trips it generates isn't
6 considerable.

7 CHAIRMAN EWASUTYN: Ken Wersted, our
8 Traffic Consultant, would you like to speak on
9 the --

10 MR. HINES: Mark Sargent.

11 CHAIRMAN EWASUTYN: Excuse me. Thank
12 you.

13 UNIDENTIFIED SPEAKER: I have a
14 question.

15 CHAIRMAN EWASUTYN: Sir, I'm
16 acknowledging Donald Pace. He had a question and
17 the applicant was offering to make a response.
18 We have a traffic consultant who makes
19 recommendations to the Planning Board. If you'll
20 allow us to continue on with the meeting we'll
21 acknowledge you later on.

22 Mark Sargent, please.

23 MR. SARGENT: From a traffic
24 engineering standpoint we would agree with the
25 response that the applicant gave. Subdivisions

LANDS OF SECURE PROPERTIES MANAGEMENT

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2 six lots, ten, fifteen lots like that have little
3 or no impact from a traffic standpoint. We're
4 more concerned with access, how is the visibility
5 from the proposed driveway, can you enter safely
6 onto the road. The level of traffic, according
7 to the procedures that we use to analyze traffic
8 impacts and operation, just isn't -- it isn't
9 significant.

10 CHAIRMAN EWASUTYN: If you'd give your
11 name and your address, please.

12 MR. ABRAMS: John Abrams, 370 Lakeside
13 Road. There's a huge piece of property behind
14 that piece of property. Would there be any
15 granting of an access from the end of that road
16 to then get into land behind that property which
17 would then increase the size of the subdivision?

18 MR. RAAB: As far as I know at this
19 time there's been no proposal of that nature.
20 There was last year, I'll be perfectly honest
21 with you. The owners of this property were
22 approached by the owners from behind but they
23 were contract buyers that backed out, okay.
24 There's presently nobody in line to purchase the
25 Disano property at this time.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. ABRAMS: Would there be a connection or a possible connection down the road?

MR. RAAB: Again, we haven't been approached by any new buyers of the property. That's all I can tell you at this time.

MR. ABRAMS: Mr. Chairman, --

CHAIRMAN EWASUTYN: John.

MR. ABRAMS: -- would there be a possibility of the Town granting an extension of that road to go back to that property in the back?

CHAIRMAN EWASUTYN: I personally don't have an answer for that but I'll refer to Pat Hines.

MR. HINES: What is currently proposed is a private road which does not meet the Town of Newburgh specifications for a Town road. The construction of the roadway proposed now is too narrow and has a roadway section which would not comply. If it was to be extended the roadway would have to be modified into a Town road. Complicating that, if they sell off these individual lots the Town requires each of the

LANDS OF SECURE PROPERTIES MANAGEMENT

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2 individual lots owned to the center line of the
3 private road, so each of the six lots would then
4 have to grant permission for it to become a Town
5 road and those upgrades be proposed.

6 The other issue is that right behind
7 the houses on lots 5 and 6 is another area of
8 Federal jurisdictional wetlands which is
9 indicated in green on Mr. Raab's map. So that
10 may bring them closer to the permit threshold.

11 Just looking at the topography over
12 onto the Disano lot, it gets very steep towards
13 the back and the Town road -- maximum Town road
14 grade permitted is ten percent. The topography
15 to the rear of this parcel and then onto the
16 Disano's I think is the one you're looking at
17 looks like it would maybe not be practical to
18 build a Town road through there.

19 So there are several factors. This
20 subdivision alone may prevent any future
21 extension of that road. In fact, six privately
22 owned parcels which may impact the potential for
23 Town road development. The existing topography
24 doesn't look conducive to that either, which is
25 maybe why that proposal went away fast.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. ABRAMS: I know they had done a lot of surveying in the back, a huge amount of it.

MR. HINES: I think it was supposed to come off another road on the side there --

MR. RAAB: Valley View.

MR. HINES: Valley View Drive was looked at.

MR. RAAB: They weren't looking for access, they were looking for an easement for sewer and water.

MR. ABRAMS: I live on 370 Lakeside and have young children and these cars are just barreling down Lakeside Road, I can't tell you.

MR. RAAB: You can tell me. I live on Union Avenue. I know what you're talking about. Thank God they put no turning up here. It slowed it down quite a bit.

CHAIRMAN EWASUTYN: Sir.

MR. ANDERSON: Anderson here. The private road you're talking about, where it meets Lakeside Road, would that be opposite numbers 403, 405, 407, somewhere in there?

MR. RAAB: It would be just south of Sabrakas.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. ANDERSON: Okay.

MR. RAAB: Is that good enough for you?

MR. ANDERSON: That meets those numbers
that I spoke of.

MR. RAAB: I thought so. I wasn't
sure. I know Sabrakas lives right there.

CHAIRMAN EWASUTYN: Donald.

MR. PACE: Another question. Being
somewhat familiar with that property, it had
rental houses on it for quite a few years.

MR. RAAB: Yeah.

MR. PACE: There was a lot of debris
and trash that was dropped in the back. Has any
consideration been given to pollution and its
possible impact on the lake itself? Disturbing
that in the construction process could cause
runoff that goes down to the lake. The front
part of it is above the lake height. I was
wondering if that's being considered.

MR. RAAB: You're talking about the
debris that was back in here. Not all of it but
a good portion of it was removed when they burnt
the bungalow down.

MR. PACE: Back behind that.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. RAAB: Right here. The last bungalow?

MR. PACE: Below that. There's a house that's still under construction that's kind of --

MR. RAAB: That's right here.

MR. PACE: Right behind that house on that lot there was a lot of trash dropped in there that I don't think was removed when they removed the trash near those three --

MR. RAAB: It was mentioned during the phase I environmental that was done on the property when it was purchased by Secure Properties. I mean it's obviously going to get removed when they develop the lot but it wasn't any concern during the phase I environmental.

CHAIRMAN EWASUTYN: Pat Hines, can you look at that as far as the topography and the potential for runoff or drainage towards Orange Lake?

MR. HINES: As far as runoff to the lake is concerned, there's a large detention pond structure located to the rear of the proposed house on lot 1. It's actually located on lot 2 between the first house and the first wetland.

LANDS OF SECURE PROPERTIES MANAGEMENT

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It's actually on the other side. Yeah, behind that house there. There's a large stormwater management pond proposed to collect runoff and treat it for quality and quantity. It's going to be a wet pond in order to collect the pollutants from the roadway and treat those prior to discharge to the Federal wetlands which drain to the lake. I think it's going to behoove the applicant to clean up the residential lots prior to selling them. I'm not aware of what kind of debris was on the lots. Certainly no one will be able to sell it as a lot with garbage.

MR. PACE: My concern was more the disturbance of that debris and that once it's disturbed in the back and water --

MR. HINES: I would assume the applicant is going to remove that. Mr. Raab?

MR. RAAB: Absolutely. It's more of a clean-up process. I'm not aware of any chemical contamination out there that would be a concern.

CHAIRMAN EWASUTYN: The gentleman here hasn't had an opportunity to speak. Jay.

MR. COPPOLA: Jay Coppola, 30 Tenbroeck Lane, Orange Lake. I'm a board member with

LANDS OF SECURE PROPERTIES MANAGEMENT

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Orange Lake Civic Association.

Two questions if I may, Mr. Chairman.

One is to Mr. Hines. We're in the process of attempting to get grants for the lake. The Town Board in the last board meeting wrote us a letter to support our efforts. The real problem is the chemicals that are coming into the lake feeding the weeds in the lake. One of the things I've been in front of the board with for close to four years now, three years at least, is the MS-4. My question to Mr. Hines, if I may direct it, is are we starting to adhere to the law that has really not been taken up by the Town as of yet? Town of New Windsor has adopted it. This Town has not. Will this filtration that you're talking about and the wet system meet that standard?

MR. HINES: Yes. That's the reason why years ago when we designed stormwater management facilities we used to design for water quantity control with little regard for pollutant loadings from sites like this. Now with the changes in regulations design standards now require -- detention ponds used to be dry and they filled up during storms, drained out after storms and

LANDS OF SECURE PROPERTIES MANAGEMENT

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2 looked like grass lawns in between. The
3 requirements are now that the designs incorporate
4 water quality improvements into the stormwater
5 management facilities. One of the easiest ways
6 to do that and probably the least expensive,
7 least maintenance intensive is to construct wet
8 ponds that act as biological filters. The
9 natural balance in those ponds takes up nutrients
10 that are pollutants, nitrogens and phosphates,
11 that you encounter due to residential
12 subdivisions, most of which the pollutants from
13 people fertilizing their lawns is the majority of
14 those runoff pollutants you get now. With the
15 installation of sewer systems around the lake,
16 the pollutant loadings from the septic tanks that
17 used to be encountered has been for the most part
18 eliminated, at least on this side of the lake.
19 There are some septic systems on the other side
20 of the lake still functioning, or not functioning
21 I guess. This will be tied into the Town's
22 collection system so there will be no septic
23 systems proposed from this subdivision.
24 The Town of Newburgh has been fairly
25 proactive in their MS-4 requirements. The Town of

LANDS OF SECURE PROPERTIES MANAGEMENT

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Newburgh was one of the first towns to have stormwater management ordinances before they were required. My office is currently working with the Town Board to update the stormwater ordinances per the DEC's model ordinance. We're reviewing projects under the current DEC standards for those requirements.

There is a rather large pond proposed even on this subdivision for six lots. The operation and maintenance of that will be borne by the individual lots on this project because of a private road. It will be included in the private road access and maintenance agreement and each of the individual lots will be responsible for the costs associated with the long-term maintenance of that pond.

CHAIRMAN EWASUTYN: Your second question?

MR. COPPOLA: I was going to have two parts to that. Mr. Hines just answered that. My second question is that of lake access. I don't know if this parcel was a large parcel that went to the lake.

MR. RAAB: It doesn't have lake access.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. COPPOLA: It does not have lake access. Okay. Thank you.

CHAIRMAN EWASUTYN: You're welcome. Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: While the public is considering the possibility of further comments, I'll turn to our consultants for their final review. Pat Hines.

MR. HINES: We have some comments, some of which are in our 23 March 2007 comments that we are awaiting a response from.

The first one is that we have reviewed the stormwater management report and the micro pool detention pond has been found to be sized acceptable for the project, and that the operation and maintenance will be included in the private road access and maintenance agreement.

We're looking for culverts crossing each of the driveways labeling the amount of Federal jurisdictional wetlands to be impacted at that crossing.

The pump station will be privately owned and a transportation corporation will need

LANDS OF SECURE PROPERTIES MANAGEMENT

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to be formed to operate that privately-owned pump station which will be done after approval.

The water main extension and sewer system servicing the site will need approval by the Orange County Health Department for water main extension, the DEC for the sewer system improvements. They will need to get preliminary approval prior to seeking those agency approvals.

That was the extent of our comments.

The project is in sufficient form for preliminary approval to seek those outside agency approvals.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Yes. We already looked at the site in regards to lot layout, driveway locations and access onto Lakeside Road. The applicant has met all our previous comments.

The only outstanding issue we have is adding a note regarding Army Corp of Engineer wetlands on the plan on the next submission.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: I looked at this project in terms of visual impacts. The way to minimize the

LANDS OF SECURE PROPERTIES MANAGEMENT

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visual impacts is maintain as much of the existing vegetation as possible, so the plan needs to show the areas of existing vegetation and disturbance limit lines and the appropriate notes on requiring safety fencing to be installed along the disturbance limit line before construction begins.

Another thing that would help minimize any potential visual impacts is to put street trees along Lakeside Road as well as street trees along the private road.

The two existing houses that are shown really close to the property line would need an easement so that they can be maintained, like a ten-foot easement.

MR. RAAB: Okay.

MS. ARENT: Fencing should be shown around the stormwater management basin and plantings in accordance with DEC guidelines should be shown in the stormwater management basins.

CHAIRMAN EWASUTYN: Mark Sargent, your office didn't review this because of the size but we appreciate your comments in reference to

LANDS OF SECURE PROPERTIES MANAGEMENT

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Donald Pace's concern about the impacts of traffic.

Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Just out of curiosity, how do you know that this parcel does not have lake rights?

MR. RAAB: We researched it pretty well. We researched it pretty well. We did an extensive title search on it. What happened was that at some point, I believe it was about twenty-five years ago, the Lays separated one side of the road from the other and the lake rights went with the westerly side of the road. The easterly side of the road got none.

MR. O'DONNELL: Is that something that's reported on the site plan or on the deed?

MR. RAAB: What it is is when the property was transferred it was transferred without lake rights. Once it's transferred without lake rights it's dropped.

LANDS OF SECURE PROPERTIES MANAGEMENT

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MR. O'DONNELL: Thanks.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing, thank you.

CHAIRMAN EWASUTYN: Mike Donnelly,
conditions for preliminary approval please.

MR. DONNELLY: Yes. Before final approval we need a sign-off letter from both Karen and Pat Hines' office on the issues they just outlined. A jurisdictional determination or wetlands permit from the Army Corp for the wetlands. You'll need approvals from the Orange County Department of Health for both realty subdivision and I believe water main extension, and the DEC for a sewer main extension. There's also a letter in the file that says that the New York State Office of Historic Preservation needs to review this, so you need a sign-off letter from them as well. Street trees, Town Board approval for the roadway name and approval by the Town Board of the transportation corporation that you need to create for the conveyance of sewer, City of Newburgh flow allocation letter and an out-of-district user agreement from the Town Board. We will need a private roadway easement

LANDS OF SECURE PROPERTIES MANAGEMENT

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and maintenance agreement as a condition of final approval, the access cross easement for maintenance purposes as mentioned by Karen. Clearing limits will need to be marked in the field. A landscape security and inspection, stormwater improvements security and inspection, water main and sewer main inspection and security, a private roadway inspection and security, and the payment of parkland fees.

CHAIRMAN EWASUTYN: Thank you. Any questions from the Board Members on that?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Comments from the public? Jay.

MR. COPPOLA: Jay Coppola. My statement is not from Orange Lake Civic Association but just personal. I think this is an improvement. What has been there for what, fifty years, has ended up a complete eyesore and I think what they are proposing now is nothing but a benefit. That's just my personal comment. Thank you.

CHAIRMAN EWASUTYN: You're welcome. Further comments from the public?

LANDS OF SECURE PROPERTIES MANAGEMENT

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John.

MR. ABRAMS: John Abrams. There was one piece of property, the farmhouse, the one in the middle of the subdivision that's proposed.

MR. RAAB: Talking about this one here?

MR. ABRAMS: Right. It was part of the whole parcel on the side and it had been subdivided.

MR. RAAB: We split it off last year.

MR. ABRAMS: Right. That person absolutely doesn't have permits, doesn't have anything, it's now locked up and basically can't finish the project of renovation. Do you know what's going on with that house at all?

MR. RAAB: No.

MR. ABRAMS: It doesn't have a septic system, it doesn't have a sewer hookup, nothing.

MR. RAAB: I really don't know anything about it at all other than it was sold shortly after we subdivided it off last year.

CHAIRMAN EWASUTYN: Mike .

MR. DONNELLY: It's not an issue before the Planning Board at this time, only this subdivision. The building department might know

LANDS OF SECURE PROPERTIES MANAGEMENT

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something about it if you want to ask them.

MR. RAAB: I'm sure code compliance has a fairly long list.

MR. ABRAMS: I mean it was ripped apart and then all of a sudden it stopped.

MR. RAAB: Yeah. Number one is I truly believe code compliance is probably the ones that had it locked up.

CHAIRMAN EWASUTYN: Thank you, John.

Any further comments from the public?

(No response.)

CHAIRMAN EWASUTYN: We appreciate your comments.

At this point I'm going to move for a motion to close the public hearing for the six-lot subdivision for the Lands of Secure Properties.

MR. MENNERICH: So moved.

MR. O'DONNELL: Second.

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

(No verbal response.)

CHAIRMAN EWASUTYN: I'll move for a

LANDS OF SECURE PROPERTIES MANAGEMENT

1 54
2 roll call vote starting with Frank Galli.
3 MR. GALLI: Aye.
4 MR. MENNERICH: Aye.
5 MR. O'DONNELL: Aye.
6 MR. PROFACI: Aye.
7 CHAIRMAN EWASUTYN: Myself yes. So
8 carried.
9 We've heard the conditions for
10 preliminary approval from our Attorney, Mike
11 Donnelly. The Board had an opportunity to
12 comment on them. At this point everyone seems to
13 be in agreement. That being the case, I'll move
14 for a motion to grant preliminary approval for
15 the Lands of Secure Properties.
16 MR. GALLI: So moved.
17 MR. O'DONNELL: Second.
18 CHAIRMAN EWASUTYN: I have a motion by
19 Frank Galli. I have a second by Ed O'Donnell.
20 Any discussion of the motion?
21 (No verbal response.)
22 CHAIRMAN EWASUTYN: I'll move for a
23 roll call vote starting with Frank Galli.
24 MR. GALLI: Aye.
25 MR. MENNERICH: Aye.

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MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I would like to thank everyone for coming out this evening.

(Time noted: 7:56 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: July 9, 2007

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

----- X

In the Matter of

LANDS OF LORENZEN WOODS
(2006-62)

Lorenzen Drive off East Road
Section 2; Block 2; Lot 21.221
RR Zone

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION & LOT LINE CHANGE

Date: June 21, 2007
Time: 7:57 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

LANDS OF LORENZEN WOODS

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CHAIRMAN EWASUTYN: The next item of business we have is the Lands of Lorenzen Woods. It's a public hearing for a three-lot subdivision and lot line change. It's located on Lorenzen Drive off East Road, it's zoned RR and it's being represented by Jim Raab.

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 Lorenzen Woods for a three-lot subdivision on premises Lorenzen Drive off East Road in the Town of Newburgh, designated on Town tax map as Section 2; Block 2; Lot 21.221. Said hearing will be held on the 21st day of June at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7:00 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of

LANDS OF LORENZEN WOODS

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Newburgh. Dated June 4, 2007."

MS. HAINES: The notice was printed in
The Sentinel and The Mid-Hudson Times newspapers.

MR. GALLI: John, there were thirty
mailings sent out, twenty-four were returned.
The mailings are all in order.

CHAIRMAN EWASUTYN: Mr. Raab, would you
give your presentation, please.

MR. RAAB: Yes, Mr. Chairman. This is
approximately a six-acre parcel located on a
private road, Lorenzen Drive which is off of East
Road, to the north side of East Road.

The main crux of this application is to
subdivide a f-acre parcel this side of the road
into three individual lots, lot 1 being
2.42 acres, lot 2 being -- it's more like 7 acres
of property, lot 1 being 2.42 acres, lot 2 being
2.41 acres and lot 3 being 2.52 acres. This is
2-acre zoning so they all exceed the zoning for
an RR Zone.

They will be served by individual wells
and septic systems. In this case they'll be
Elgin style septic sanitary disposal systems.

What we propose to do is to add a

LANDS OF LORENZEN WOODS

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2 cul-de-sac turnaround approximately a little bit
3 more than halfway up Lorenzen Drive so that there
4 is a place for emergency vehicles to turn around.
5 These driveways will be served by a common
6 driveway. Lots 2 and 3 will be served by a
7 common driveway off of Lorenzen Drive and lot 1
8 will be served by an individual driveway there.

9 That's pretty much it.

10 CHAIRMAN EWASUTYN: At this point I
11 would like to turn the meeting over to the public
12 for their comments. If you'd raise your hand and
13 give your name and address please.

14 MR. WAY: Bill Way, Tiffany Lane. My
15 only concern is the runoff from that hill. We
16 get an awful lot of water runoff. How far in off
17 East Road does the first house come?

18 MR. RAAB: About 600 feet. A little
19 bit more than 600 feet, the first house off East
20 Road. You're here, the house is up here 200 feet
21 away.

22 MR. WAY: Is that line here -- that
23 stonewall that's behind my house, there's a
24 rather large stonewall --

25 MR. RAAB: Right there. That's the

LANDS OF LORENZEN WOODS

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stonewall there. It's not the property line but that's the property line you're referring to.

MR. WAY: All right. This won't affect any of the wells or anything? I'm new at this. It won't affect the wells? I'm down 450 feet.

MR. RAAB: I know that. I know a lot about your subdivision, so --

MR. WAY: Okay.

CHAIRMAN EWASUTYN: Pat Hines, would you like to comment on some of Bill's questions?

MR. HINES: As far as drainage goes, this project doesn't meet the threshold. Much like we talked last time about it being too small to warrant a traffic study, this three-lot subdivision doesn't trigger the Town of Newburgh's stormwater management ordinance. The lot size range being approximately two-and-a-half acres, the development of which is all on the frontage due to the topography coming down to your house. There's a significant distance between any proposed development on these lots and the neighboring site of -- it's over 200 feet of property to remain.

I know Karen Arent is going to come

LANDS OF LORENZEN WOODS

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2 back and tell them they're going to have to stake
3 out the areas of disturbance, so 200 feet of
4 wooded area between your property line and then
5 your residence will remain intact. Any runoff
6 will be returned back to sheet flow and would
7 have no significant difference in runoff down the
8 site.

9 As far as the wells go, it's a question
10 that we always struggle with. The Zoning
11 Ordinance is in effect to take into consideration
12 the development on the site, the presence of
13 septic systems and wells, which is why the lot
14 sizes are the sizes they are in this portion of
15 the Town. Lots in excess of one acre typically
16 have much more infiltration over a year than
17 would be removed from the house or by the users
18 of the house, and then you have to remember that
19 most of the water is returned back to the ground
20 via the septic system. There's very little water
21 transported off of the site. As far as impacts
22 on the wells, there's no crystal ball that says
23 there won't be but the lot sizes in this area are
24 arranged such that there should not be any impact
25 on neighboring wells. These lots do comply with

LANDS OF LORENZEN WOODS

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the Public Health Law separation requirements
between the wells and septics and adjoining wells
and septics.

CHAIRMAN EWASUTYN: Additional comments
from the public? The gentleman in the back.

MR. MANSUETO: Peter Mansueto, 13 Tara
Lane. There's another subdivision going on right
-- where is it?

MR. RAAB: Here.

MR. MANSUETO: Where is Route 32?

MR. RAAB: This way.

MR. MANSUETO: Is Tara Lane on that
map?

MR. RAAB: No.

MR. MANSUETO: Private road.

MR. RAAB: That would be right back
here.

MR. MANSUETO: Right.

MR. RAAB: I know where you are. That
is nowhere near -- there's a property between you
-- between us and that road, that private road.

MR. MANSUETO: Okay. That road is
coming up from 32 with the other subdivision.

MR. RAAB: It was approved last year.

LANDS OF LORENZEN WOODS

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MR. MANSUETO: There's a bunch of stuff that's staked right on my rock wall. I was wondering if that subdivision is going to adjoin -- be right next to my property?

MR. RAAB: I'm not really sure. I can't really answer that question. I know it's very close. I know it's very close. I believe that there was another property --

Was there another property owned by you behind you that you sold.

MR. WOODS: No.

MR. RAAB: It's not sold. Mr. Lorenzen owns another property behind it. The property you're referring to is the property behind that. It's not very far away. It's about say 200 feet back here.

MR. MANSUETO: So the property behind their house isn't sold? My house is right behind theirs.

MR. RAAB: That's right.

MR. MANSUETO: So the subdivision is below that?

MR. RAAB: There's a lot of surveying going on there.

LANDS OF LORENZEN WOODS

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MR. MANSUETO: I saw that. I didn't know if it was part of this subdivision, because this is the first time I'm seeing the map, or it was part of the other subdivision.

MR. RAAB: I can't --

MR. MANSUETO: I know. I'm just saying I saw all the ribbons there and I was like what's going on.

MR. RAAB: It's not mine.

MR. MANSUETO: I didn't know if there was going to be a house right there. That's why I'm asking that question.

MR. HINES: John, there is another subdivision on that parcel adjoining this. It's the one that accesses off that road that's not constructed yet where we had the issue of the bonding of the parcels depending on each other.

CHAIRMAN EWASUTYN: Where John Tarolli was working?

MR. HINES: Correct. To answer your question, there is a proposed subdivision on that parcel before this Board right now not approved yet.

MR. MANSUETO: On the south side of

LANDS OF LORENZEN WOODS

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that present road?

MR. HINES: Yes.

MR. MANSUETO: Okay. And who is that property owned by right now? Is that --

MR. HINES: I believe so.

MR. RAAB: Is somebody subdividing your other property behind you?

MR. WOODS: Behind us?

MS. WOODS: The piece we own? No. Did they say they are?

MR. HINES: There's some connection. Maybe they're offering -- are they going to give you land?

MR. RAAB: There's a property -- they're between them and that.

MR. HINES: Okay.

MR. RAAB: Their parcel comes down along through there. It gets bigger as you get up in back.

MR. HINES: I believe there's a lot line change proposed to give a balance piece --

MS. WOODS: That funny little piece? He gave it to me.

MR. HINES: He gave it to you? That's

LANDS OF LORENZEN WOODS

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where the name came up.

MS. WOODS: To make a straight line I guess.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll take final comments from our consultants. Pat Hines.

MR. HINES: We have no outstanding comments. The applicant's representative has addressed our January comments on this. We have nothing outstanding.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: The only outstanding comment we have was regarding lot layout. The last time we discussed it there were just some weird property lines going on and coming off the cul-de-sac.

MR. RAAB: We changed that. We've changed that. It's a little less weird but it's still -- there's not a whole lot we can do about that.

MR. COCKS: That's what I was going to

LANDS OF LORENZEN WOODS

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say.

MR. RAAB: We needed to evenly split up the cul-de-sac.

MR. COCKS: Just a common driveway maintenance agreement for lots 2 and 3 also has to be submitted with the private roadway. That was all.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect.

MS. ARENT: Staking the disturbance limit line should be a note on the drawing.

MR. RAAB: I wrote it down.

MS. ARENT: Thank you.

CHAIRMAN EWASUTYN: Final comments from the public?

(No response.)

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

MR. GALLI: Jim, on that stonewall that Mr. Way mentioned, is that on his property or on the new property?

MR. RAAB: It's in between. It's not on the property line. It's a stonewall that --

MR. GALLI: Who owns it?

LANDS OF LORENZEN WOODS

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MR. RAAB: We do.

MR. GALLI: Is it going to be disturbed or is it going to stay?

MR. RAAB: We have notes the stonewalls have to be left -- when possible to leave undisturbed. The only place we plan on disturbing the stonewall is where we have to cross. We'll try to keep the rest intact. Stonewalls rock.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing for the three-lot subdivision and lot line change for the lands of Lorenzen Woods.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

LANDS OF LORENZEN WOODS

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(No verbal 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.

At this point I'll turn to Mike Donnelly, Planning Board Attorney, to give us conditions for final approval.

MR. DONNELLY: Karen, do you need to look at anything before the plan is signed in relation to the issue you spoke to? We need a sign-off letter from Karen, a private roadway easement and maintenance agreement, common driveway easement and maintenance agreement for lots 2 and 3. I believe we need cross-grading easements for the driveways.

MR. RAAB: Yes, I believe we do.

MR. DONNELLY: Is there any requirement of a landscape security and inspection fee here?

MS. ARENT: No.

LANDS OF LORENZEN WOODS

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MR. DONNELLY: A private roadway inspection fee and parkland fees.

MR. RAAB: Right.

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

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No verbal response.)

CHAIRMAN EWASUTYN: No discussion, 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. RAAB: Thank you very much.

CHAIRMAN EWASUTYN: Thank you for attending.

LANDS OF LORENZEN WOODS

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(Time noted: 8:10 p.m.)

CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

LANDS OF PICARD
(2006-43)
Intersection of Wells Road & Fostertown Road
Section 39; Block 1; Lot 20
R-2 Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION

Date: June 21, 2007
Time: 8:10 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

APPLICANT'S REPRESENTATIVE: WILLIAM HILDRETH

----- X

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

LANDS OF PICARD

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CHAIRMAN EWASUTYN: The following item of business this evening is the lands of Picard. It's a conceptual sketch plan for a two-lot subdivision located at the intersection of Wells Road and Fostertown Road. It's in an R-2 Zone and it's being represented by William Hildreth.

MR. HILDRETH: Good evening. This plan was referred to the ZBA by this Board back in October for a front yard setback pre-existing condition on the existing house, which we received.

This is a two-lot subdivision creating one new building lot. All of the aspects of the lot with respect to zoning comply.

Water and sewer are available through municipal systems.

The only hang up back in October was the front yard nonconformance which we lost the protection for when we applied for the subdivision. We received that variance so now we're back before the Board.

We had a couple comments back in October that we've addressed with notes and what

LANDS OF PICARD

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not. We feel it's fairly complete. We don't have any plans for any changes.

CHAIRMAN EWASUTYN: I'll turn to our consultants for their comments. Pat Hines.

MR. HINES: We have no outstanding comments. Mr. Hildreth did remind me we have the City of Newburgh flow acceptance letter in our packet. Our other comments have been addressed. The water and sewer details we requested are on the plans.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Our previous comments were in regards to placing notes on the plan regarding driveway restrictions only onto Wells Road and the preservation of the stonewalls and trees. The applicant has added those. He's addressed all of our comments.

We now have to send this to the Orange County Planning Department and the Highway Department for their review.

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

MR. GALLI: No.

LANDS OF PICARD

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MR. MENNERICH: No questions.

MR. O'DONNELL: No comments.

MR. PROFACI: No, thank you.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to conceptually approve the two-lot subdivision for the lands of Picard, to declare a negative declaration and to schedule the 2nd of August 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 verbal 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.

Bill, would you make it a point of providing plans to Bryant Cocks so we can

LANDS OF PICARD

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2 circulate this to the Orange County Planning
3 Department?

4 MR. HILDRETH: Yes.
5 How many would you need?

6 MR. COCKS: One for the Planning
7 Department and one for the Highway. Two total.

8 CHAIRMAN EWASUTYN: Dina, you'll enter
9 these motions.

10 MS. HAINES: Mm'hm'.

11 MR. HILDRETH: That's it. Thank you.

12
13 (Time noted: 8:14 p.m.)

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CERTIFICATION

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: July 9, 2007

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

----- X
In the Matter of

SHOPS AT UNION SQUARE
(2007-5)
Route 300 & Orr Avenue
Section 96; Block 1; Lot 6
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: June 21, 2007
Time: 8:15 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.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- MARK SARGENT

APPLICANT'S REPRESENTATIVE: CHRIS VIEBROCK

----- X

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

SHOPS AT UNION SQUARE

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CHAIRMAN EWASUTYN: The next item of business this evening is the Shops at Union Square. It's a conceptual site plan located on Route 300 and Orr Avenue, it's in an IB Zone and it's being represented by Chris Viebrock.

MR. VIEBROCK: Good evening. My name is Chris Viebrock, currently assistant project manager with Langan Engineering. I'm a licensed professional engineer in the State of New York.

I'm joined tonight by Mr. Ronald Fuerst, principal at Langan Engineering; Mr. Larry Wolinsky of Jacobowitz & Gubits, the project attorney; and Mr. Phillip Greeley of John Collins Engineering, the project's traffic consultant.

Just as a short little intro, the last time we were in front of the Board was March 29, 2007 with the initial concept plan subdivision -- submission. We presented this initial plan, we received comments from the Board's consultants and we went back and revisited the current plan and incorporated a lot of the comments into the current plan you see in front of you. At this time -- also, a traffic report was provided to

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1
2 the Board and also to the consultants for review
3 of a possible signalization at the intersection
4 of the new driveway and New York State Route 300.
5 That traffic report was prepared by John Collins
6 Engineering, Mr. Phillip Greeley.

7 At this time I would like to bring up
8 Mr. Greeley for a short, brief explanation of the
9 report and the findings.

10 MR. GREELEY: Good evening. Phillip
11 Greeley, John Collins Engineers. We prepared a
12 traffic impact study which looked at the traffic
13 generation for the proposal and looked at a
14 couple of different access alternatives. The
15 original proposal was for a full movement access
16 on Route 300 opposite Home Depot. As indicated,
17 we also have access from Orr Avenue and from the
18 Lowe's shopping center. As part of that traffic
19 study there were two scenarios that were looked
20 at. One was a full movement access with
21 signalization, and that would require
22 coordinating the signals along Route 300. The
23 second alternative was to not allow left turns
24 exiting from the site, similar to what is now in
25 effect at the Home Depot driveway. So it would

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be -- this is basically the same configuration that exists at Home Depot. Part of the logic of looking at that as an alternative was because then we would not have to have another traffic signal and you would use one of the other intersections for access to the site.

As part of that evaluation we looked at both scenarios in detail. We used some pretty conservatively high traffic generation estimates to see how that would function. Our conclusion was that either plan would work. We could accommodate either the full signalization, and that would require coordination along Route 300. If that wasn't approved either by the Town or the DOT, then we could get one of the other access plans which had access -- you know, no left turns exiting at the access to the property. Both of those plans we found to work.

The benefit of having the signal is it lessened the delays for left-turn vehicles and vehicles exiting. Without signalization the through traffic along Route 300 would be slightly better. That was really the conclusion of our evaluation. There were some other clean-up items

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1 82
2 internally in terms of circulation and cross
3 access. We had recommended some upgrading along
4 Orr Avenue regardless of which scheme was
5 pursued. I think that's pretty much it.
6 We've made a preliminary application to
7 New York State DOT. I know that your consultant
8 has reviewed it and made some recommendations.
9 That's pretty much where we are.
10 CHAIRMAN EWASUTYN: Thank you, Phil.
11 At this point I'll turn to Mark Sargent
12 who's made a recommendation to the Planning
13 Board, and I'll ask that he give an explanation
14 on that.
15 MR. SARGENT: Thank you. A colleague
16 of mine, Ken Wersted, reviewed this project and
17 we basically confirmed the analysis that Collins
18 Engineers did. It meets current traffic
19 engineering standards. We cannot support the
20 alternative that includes the new traffic signal.
21 We're recommending the alternative that would
22 limit access at that new -- limit turning
23 movements at that new driveway and have the site
24 accessed by the two existing traffic signals.
25 There was some discussion with the

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2 Planning Board earlier tonight recognizing that
3 there is a widening proposed, we believe on Orr
4 Avenue, how exactly would that widening occur on
5 one side or the other, and could the next version
6 of the plan show that because there was some
7 concern that it might encroach on the site side
8 and it wasn't clear with the lane widths out
9 there. We feel strongly that the access should
10 be limited at that new driveway and that the next
11 version of the plan should show the conceptual
12 widening.

13 MR. GREELEY: If I could just respond.
14 On Orr Avenue the widening would take place
15 primarily on the Hess side of the intersection,
16 the south side. The lane width coming out of Orr
17 Avenue is wide. Not wide enough for two lanes
18 currently but it's like a lane-and-a-half. So
19 the widening would take place. There is a
20 right-of-way, we did verify that and we will show
21 that on the next plan.

22 CHAIRMAN EWASUTYN: Mark Sargent, if
23 you have time to review with us the internal
24 circulation.

25 MR. SARGENT: It's not clear to me and

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1 84
2 our office looked at internal circulation in
3 great detail. I do know the conclusion of our
4 review was this plan has improved circulation
5 over the previous plan. I can't say that we are
6 comfortable with the current plan. It shows a
7 new -- a better alignment in that access road
8 that's parallel to 300 just behind the two front
9 buildings there right where Phil is pointing.
10 That's an improvement over the previous
11 alternative.
12 CHAIRMAN EWASUTYN: Okay. So that will
13 be looked at in the future submissions?
14 MR. SARGENT: Yes.
15 CHAIRMAN EWASUTYN: Chris.
16 MR. VIEBROCK: Thank you. In addition
17 to the traffic report we've also done great
18 strides in also providing a lot of additional
19 landscaping in response to Karen Arent's
20 comments.
21 We've also removed approximately 8,000
22 square feet of building in order to provide
23 better circulation. Before you may recall that
24 we had some one-way access lanes around the front
25 building. That building has been reduced in

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order to provide better circulation and also additional landscaping and sidewalks.

Some other features that have been improved on this plan: A bus stop, that was a highly recommended item, has been included in the central portion of the site in order to provide equal distance access for people using mass transit to the retail.

Additional street trees have been provided in accordance with Karen Arent's comments. We've now provided a plan that accounted for all the street trees in accordance with the ordinance.

Also in accordance with Karen Arent's comment a dry laid stonewall will be provided along New York State Route 300 approximately eighteen to twenty-four inches high.

We've also at this time received comments from the consultants on this current plan. We feel as though these comments are minor and that it should not affect the current conceptual site plan in front of you.

At this time we'd like to ask that this conceptual site plan be approved and forwarded on

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2 to all involved agencies and the Planning Board
3 to declare its intent for lead agency.
4 CHAIRMAN EWASUTYN: Thank you, Chris.
5 MR. VIEBROCK: Thank you.
6 CHAIRMAN EWASUTYN: At this point I'll
7 turn to Karen Arent for her comments, please.
8 MS. ARENT: One of the things is if you
9 could inventory the existing trees so we can
10 determine if they are worthy of preserving, the
11 ones that are shown on sheet O-1.
12 If you could extend the stonewall to
13 meet about -- if you extend the stonewall to meet
14 the planting in front of the Cosmo's, it's
15 probably about forty feet or so, to extend it
16 maybe fifty feet to cover over the existing
17 entrance that you're removing.
18 MR. VIEBROCK: Okay.
19 MS. ARENT: And to consider turning the
20 stonewall alongside this proposed parking --
21 proposed sidewalk and up about three spaces to
22 block views of the cars when you're traveling on
23 Route 300 south.
24 To consider putting another stonewall
25 entrance feature on the opposite side of the

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2 entrance drive to screen the stormwater
3 management basin.

4 To detail the stonewalls -- to show a
5 detail for the stonewalls. They should be three
6 feet high, two feet wide and constructed with
7 real stone.

8 One of my main concerns is the
9 landscape space you're showing in front of
10 proposed retail A and B, the Town of Newburgh
11 recently passed zoning guidelines and in those
12 guidelines there are ways that the buildings have
13 to be constructed so to avoid long, straight
14 facades and that they should be landscaped with,
15 you know, generous landscaping. There's not
16 enough room on this plan. One of my concerns is
17 that either the buildings have to shrink or
18 something else has to be figured out in order to
19 provide space for the facade articulation as well
20 as landscaping in front of it. This would mainly
21 be for the points with the entrances. You still
22 need a little bit of space on the other -- on the
23 east side of retail A for landscaping but that's
24 not as critical as the point with the entrances
25 to the building on retail A and B.

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1 88
2 All dumpsters and loading areas should
3 be screened from public points of view.
4 Just show lighting and to coordinate
5 that with the tree placement.
6 If you can develop some kind of
7 guidelines and a drawing just to illustrate the
8 proposed architecture.
9 We're aware that you might not have
10 tenants right now, but to have some idea of what
11 the flavor of the whole overall site is.
12 MR. VIEBROCK: A design scheme?
13 MS. ARENT: Yeah. Maybe some kind of
14 guidelines that you yourself would impose for
15 this plaza.
16 The sign that you plan to allocate
17 proposed signage for for each retail component
18 compared to what is allowed and to designate what
19 variances, if any, you might need as well as
20 showing like an allocated area on your facades,
21 building facades for the signage to be fit into.
22 To show tree protection fencing and
23 notes and that kind of stuff.
24 Another question I had was it would be
25 -- we would like to see some landscaping between

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2 the Lowe's site and proposed retail A and B. If
3 there's -- you're not showing enough space really
4 for the landscaping on your property. We didn't
5 know if the same owner also owns the Lowe's
6 property, that side could be landscaped instead.
7 That's another --

8 MR. VIEBROCK: Currently the Lowe's
9 site is owned by a different property owner.
10 There is a pretty significant landscaped area
11 already existing out there.

12 MS. ARENT: Can you show that on the
13 plan? There's a few trees. There's a couple
14 trees that are --

15 MR. VIEBROCK: I can show the existing
16 landscaped area.

17 MS. ARENT: Maybe we could just put
18 some trees, like align them with stripes in the
19 parking stalls to protect them. That's it.

20 CHAIRMAN EWASUTYN: Karen, you had a
21 comment as far as increasing the street tree
22 plantings along Route 300 where the stonewall is.

23 MS. ARENT: Yes. The street tree
24 plantings should be about forty feet on center
25 along Route 300.

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1 90
2 Also, to figure out a way to water the
3 parking islands with stormwater if possible or --
4 MR. VIEBROCK: One thing we can do is
5 provide curb cuts, kind of like in a sense for a
6 bio-retention type idea.
7 MS. ARENT: That would be fine.
8 MR. VIEBROCK: The water would come
9 into the islands and essentially feed the plants.
10 MS. ARENT: If you could maybe arrange
11 that so it could go into a gravel trench and
12 maybe gravel underneath so that it doesn't
13 overwhelm the plantings and act as a storage.
14 MR. HINES: He can provide the detail.
15 MS. ARENT: That would be great. That
16 really helps the plants survive in those tough to
17 grow areas.
18 CHAIRMAN EWASUTYN: Chris, are you
19 prepared to amend your site plan based upon the
20 comments received from Karen?
21 MR. VIEBROCK: Yes. We believe the
22 comments are minor enough that the site plan will
23 not significantly change.
24 CHAIRMAN EWASUTYN: Bryant Cocks, do
25 you have anything to add?

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2 MR. COCKS: Yes. We made a couple
3 comments about the drive aisle in there. We
4 would really like to have a straight line from
5 Orr Avenue. It's going to be a lot less
6 convoluted.
7 We would just like to see -- the
8 parking is going to be kind of tight around
9 Cosmo's and everything. If you just add a couple
10 crosswalks from the lot above that to go down,
11 it will also serve as a traffic calming measure,
12 people going across there.
13 We also made a comment around Cosmo's
14 it's one way and then it meets up directly with
15 two-way traffic right by that middle drive aisle.
16 We just said take a look at that and see how it's
17 going to be signed to make sure people know not
18 to enter in there and yield for one another.
19 The parking on Orr Avenue should also be
20 screened.
21 We feel that this conceptual plan is
22 fine. There still needs to be more details when
23 the engineering details come in. As of now we
24 like this building layout a lot better and feel
25 it will work better considering the context.

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CHAIRMAN EWASUTYN: Pat Hines, you had a concern that we may have to refer this to the Zoning Board of Appeals.

MR. HINES: Yeah. The parcel has two properties, the existing Cosmo's site and the balance of the parcel. Realizing that you're going to operate under a uniform scheme or operate under one site plan which we've done in the past, but because that lot line is proposed to remain I believe the Zoning Board of Appeals will need to grant approvals for that side yard setback for the addition on the Cosmo's building similar to the Target properties and the Stop & Shop properties. We have undertaken this before but because of that lot line that's existing and is going to remain, it will need ZBA approval.

These plans kind of took a step back engineering wise in modifying the concept so we'll be looking -- we haven't provided any new additional comments other than noting that the stream crossing the center of the site is tributary to Washington Lake through a diversion gate system located in front of the bank across the street. So the stream does have a DEC class

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A regulation status. That will need to be taken into account in your stormwater management once you complete that.

I did describe to the Board at work session that the under pipe storage went away in favor of a new detention pond system. We'll be awaiting the submission of that stormwater report.

CHAIRMAN EWASUTYN: Okay. Mike Donnelly.

MR. DONNELLY: If I could, there were a few issues that I think the Board is struggling with in terms of how we figure out where to go under SEQRA. First you suggested that we issue a notice of intent to serve as lead agency. I think this is the appropriate time and I recommend that to the Board.

As we move toward an environmental review, we had the issue of visuals which is an environmental issue that should be dealt with now. We don't know the extent to which you can provide us with either architectural renderings or at least some kind of a concept plan. It seems to us that we have two choices. Our

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1 94
2 preference would of course be to see
3 architectural plans and perhaps even some type of
4 rendering or elevation that gives us an idea of
5 how they would look from the public street scape,
6 then the Board would be in a position I think to
7 issue the appropriate declaration of
8 significance. If you don't have that level of
9 detail, at least in terms of scale if you could
10 provide us some idea how those buildings would
11 look from the street scape, perhaps we could
12 segment out the specific environmental portion of
13 the review and hold it back until the ARB when
14 you had more specific plans. I think we need to
15 find a way to deal with that. In the meantime we
16 really can't refer this to even the Zoning Board
17 because I think this is a non-type II variance
18 application until lead agency and the declaration
19 of significance are finalized. I think we need
20 to find a way to solve those things so we can
21 move it forward. I don't have an answer tonight.
22 I just want you to appreciate what the Board's
23 issue is on that. We'll certainly hear from you
24 in any fashion between now and the next time.
25 CHAIRMAN EWASUTYN: Chris, do you have

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2 an idea right now who any of your tenants are?
3 MR. VIEBROCK: At this time it's a
4 build to suit.
5 CHAIRMAN EWASUTYN: I did receive a
6 phone call from one proposed tenant.
7 MR. VIEBROCK: Okay.
8 MR. GHUTTA: We're -- may I speak?
9 CHAIRMAN EWASUTYN: Your name is?
10 MR. GHUTTA: Adrian Ghutta. I'm the
11 developer. We're speaking with a number of
12 tenants. I see no reason why we shouldn't
13 provide sort of a generic elevation on all of
14 these buildings.
15 CHAIRMAN EWASUTYN: Do you know who
16 sent -- I got a direct call. I'm not going to
17 mention names. I think in favor of this system
18 there's always this tug of war between who you
19 have, who's calling, who you don't know.
20 Eventually what happens, Adrian, is we review the
21 site plan with -- and we do have now guideline
22 standards. We review them based upon the
23 standards and then these tenants come forward and
24 they say well these aren't our national standards
25 and we can't comply with them. That kind of sets

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a whole imbalance to the process.

MR. GHUTTA: I understand that.

CHAIRMAN EWASUTYN: This seems to be more and more of what goes on these days is developers look to get a site plan approval and then they sell these pad sites off contrary to what the Planning Board thought they were looking at.

MR. GHUTTA: That won't happen in this case. I mean as we progress with leasing, and we've made a fairly good start at it, we can fill in those gaps. We are imposing standards on these tenants in any case as to building heights, material, et cetera, et cetera.

CHAIRMAN EWASUTYN: Can you share them with us? Again, this is where we have a tug of war. We have no idea what your concept is. You're asking us to approve a concept but you know what your concept is and we're not aware of it. It makes our position here almost fruitless.

MR. GHUTTA: We're going to comply with what we need to comply with as far as the regulations are concerned, and we are going to do our best to comply with the design guidelines.

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3 These are going to be -- I can't verbally
4 describe them but -- is it the Board's position
5 that until we present a visual on what these
6 buildings are going to look like we can't move
7 past the conceptual stage?
8 CHAIRMAN EWASUTYN: I think what we're
9 looking at is we're looking to set a tone in the
10 Town. We approved the Kohl's project and with
11 the Kohl's there was a certain -- Karen will
12 describe to you -- tone that was there. Adrien,
13 what I'm also looking at is the fact that we
14 approved the Lowe's project, it's done, it's
15 history. If you look at Route 17K, if you look
16 at the Route 300 corridor, there's approximately
17 thirteen dead trees that are dead -- obviously
18 dead. So what happens with this process is
19 people come in, they want to become good tenants
20 and visually you begin to drive along this
21 corridor and the people along the property aren't
22 maintaining it. So it starts out to be a good
23 tenant, everyone needs them, but as time goes on
24 they don't maintain them the same way the public
25 would maintain their project. I'm serious about
that.

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2 MR. GHUTTA: I agree with you.
3 CHAIRMAN EWASUTYN: Look at the trees
4 when you drive down there. It's just a
5 reflection of what happens in the corridor. Then
6 what happens is we hold public hearings and we
7 hear all about this from the public --
8 MR. GHUTTA: I understand.
9 CHAIRMAN EWASUTYN: -- after the fact.
10 I would appreciate your cooperation in contacting
11 them to see if they can do something to replace
12 those trees.
13 MR. GHUTTA: I'll take care of it.
14 CHAIRMAN EWASUTYN: Karen, we were
15 talking about Kohl's.
16 MS. ARENT: Kohl's for example, they
17 provided twenty feet of space from the front
18 facade to the parking area, and within that
19 twenty feet of space, forty percent of that was
20 landscaped.
21 MR. GHUTTA: That's 100,000 foot
22 building. The biggest building here is 20,000
23 feet. You know, in proportion it makes perfect
24 sense.
25 MS. ARENT: Well, if we could look --

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2 it doesn't have to be twenty feet, it could be --
3 four feet of landscaping is not going to do
4 anything. That's what you're proposing right
5 now.
6 MR. GHUTTA: Okay. We should probably
7 do more.
8 MS. ARENT: That size building for four
9 feet of landscaping -- I mean you need some depth
10 so you can get some trees and things like that to
11 grow in there.
12 MR. GHUTTA: I have no problem with
13 that. I think that's a site plan detail. That's
14 I guess --
15 MR. DONNELLY: One of the fears,
16 however, is this layout with those footprints
17 doesn't leave the space that's necessary to
18 provide the kind of articulation that's needed
19 under the design guidelines for the area that's
20 required for appropriately scaled landscaping.
21 Although in the loosest sense I think the concept
22 is certainly going in the direction, if I
23 understood the discussion of the Board Members
24 and the consultants, I think the Board is
25 somewhat hesitant to approve the concept without

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2 those caveats that certain things by way of
3 screening, by way of perhaps resizing the
4 buildings or relocating them to comply with the
5 guidelines are in order. With that in mind
6 conceivably the Board can give you their
7 feelings.
8 MR. GHUTTA: I'm sorry. May I?
9 MR. WOLINSKY: Larry Wolinsky. I'm
10 getting a little bit concerned by the nature of
11 this discussion in that we're really talking
12 about landscaping at a fairly micro-level of
13 detail here. What I'm hearing is not so much
14 that we have buildings in wrong locations or that
15 circulation is not functioning but that we may
16 not have allocated sufficient amount of space for
17 the requisite amount of landscaping, in which
18 case if that were to be true the building
19 locations would not really change a whole lot but
20 we would probably -- they would probably shrink
21 somewhat in square footage at that same -- you
22 know, around the same location. So I would hate
23 to see a concept approval, which is really a
24 siting issue with building location and
25 circulation, et cetera, be held up and the SEQRA

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2 process be delayed. We're in advance of us
3 coming back and addressing those issues. Yeah,
4 as this project proceeds forward there will be
5 changes. The building could go down a little
6 bit, and, you know, we need to address those
7 issues. As far as architectural are concerned,
8 we're fully prepared to give you what has been
9 suggested, which is A, an architectural theme for
10 the area that we could commit to and which we
11 could I believe demonstrate visually and
12 pictorially, and a set of standards or guidelines
13 for those tenants. So I think we can -- you
14 know, I think we can get to the point.
15 As Adrien said, by the time we conclude
16 here we'll probably have a lot of these tenants
17 wrapped up so we can hone in, drill down to the
18 very details on this.
19 MR. DONNELLY: I think with your
20 understanding the way you've expressed it, the
21 hesitancy of the Board, and I won't speak for
22 them, with those caveats the Board may well be
23 prepared to give you conceptual approval because
24 you've expressed an understanding of something
25 they're grappling with. I don't want to speak

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for them.

CHAIRMAN EWASUTYN: I think we're at a clear point. Would you like to make a recommendation how we would tie that into conceptual approval?

MR. DONNELLY: What I heard in the discussion earlier and what I think I've heard from your consultants is the concept in that generic layout location sense is indeed appropriate and I think satisfactory. With the caveats that we've expressed and Larry has just mentioned, that there may be tweaks and there may be the need to shrink or perhaps relocate buildings in order to achieve the design guidelines and requisite landscaping and buffering. With that kind of understanding, which I think is the nature of the concept approval anyway, if you're ready to give a concept approval I don't think there's any problem that's going to erupt because the applicant has expressed their understanding of what may have to happen.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

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1 103
2 MR. GALLI: No additional.
3 CHAIRMAN EWASUTYN: Ken Mennerich?
4 MR. MENNERICH: No.
5 CHAIRMAN EWASUTYN: Ed O'Donnell?
6 MR. O'DONNELL: I have a comment other
7 than this philosophical discussion we're on. I
8 would like two points. You mentioned before the
9 signal is not going to be there. Is that what I
10 understood? We're going to have a right-hand
11 turn? That's agreed to?
12 MR. VIEBROCK: Yes.
13 MR. O'DONNELL: Then there was a
14 conversation about stonewalls and you said a foot
15 and-a-half to two feet and she said two feet
16 high, two feet wide. Where are we? What are
17 they going to be? By the way, what do we have in
18 the rest of the Town with the stonewalls?
19 MS. ARENT: They're mostly two-
20 and-a-half to three feet.
21 MR. O'DONNELL: I'm sure Adrien would
22 want to keep up with the Joneses.
23 Can we have an agreement to do that?
24 Can we have that three feet by two feet, the
25 stonewall? We've made that somewhat of a

SHOPS AT UNION SQUARE

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trademark now in our Town.

MR. GHUTTA: Three feet high is pretty high.

MS. ARENT: Thirty inches is acceptable, too.

MR. O'DONNELL: Okay. Is that a deal? We have to have a window.

MR. GHUTTA: Thirty inches. Okay.

CHAIRMAN EWASUTYN: I think it's a good point because Chris said he agreed with all the comments and they're reasonable and I assumed that when Karen said three feet high and two feet you were agreeing to that. Obviously if Ed O'Donnell didn't push the point we weren't agreeing to it. That's what really happens in this process. Again, people shake their head and say yes but it's not really what they're agreeing to.

MR. O'DONNELL: I take names.

CHAIRMAN EWASUTYN: Again, we did it across the street.

MR. GHUTTA: Stonewalls are fine. The height seemed high to me but --

CHAIRMAN EWASUTYN: I read your

SHOPS AT UNION SQUARE

1 105
2 response from your consultant that said they're
3 not holding back drainage because it's level. It
4 wasn't for drainage we were asking them to go in,
5 it was for the visual impact. It wasn't a
6 retaining wall for that sense.
7 MR. GHUTTA: I think they'll look
8 great.
9 MR. GALLI: The other purpose of a
10 stonewall is with the new design guidelines it's
11 to block cars from visual. So it's going to be
12 probably a requirement.
13 MR. GHUTTA: I think they look great.
14 I think it's a nice ornament for the site.
15 MR. O'DONNELL: Thank you.
16 CHAIRMAN EWASUTYN: I'll move for a
17 motion from the Board to declare intent --
18 CHAIRMAN EWASUTYN: Joe?
19 MR. PROFACI: No. My only point is
20 that this is conceptual approval and there's a
21 lot of details that have to be worked out still.
22 With that understanding I'm okay with conceptual.
23 CHAIRMAN EWASUTYN: Sorry, Joe.
24 I'll move for a motion to declare our
25 intent for lead agency for the Shops at Union

SHOPS AT UNION SQUARE

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Square.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'll move for a motion to grant conceptual site plan approval for the Shops at Union Square.

MR. PROFACI: So moved.

MR. O'DONNELL: Second.

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

(No verbal response.)

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

SHOPS AT UNION SQUARE

1 107
2 MR. GALLI: Aye.
3 MR. MENNERICH: Aye.
4 MR. O'DONNELL: Aye.
5 MR. PROFACI: Aye.
6 CHAIRMAN EWASUTYN: Myself yes. So
7 carried.
8 MR. VIEBROCK: Thank you.
9 CHAIRMAN EWASUTYN: I'll move for a
10 motion also for the Shops at Union Square to
11 circulate to the Orange County Planning
12 Department.
13 MR. GALLI: So moved.
14 MR. PROFACI: Second.
15 CHAIRMAN EWASUTYN: I have a motion by
16 Frank Galli. I have a second by Joe Profaci.
17 I'll ask for a roll call vote.
18 MR. GALLI: Aye.
19 MR. MENNERICH: Aye.
20 MR. O'DONNELL: Aye.
21 MR. PROFACI: Aye.
22 CHAIRMAN EWASUTYN: Myself aye. So
23 carried.
24 Bryant, you'll contact them.
25 MR. COCKS: Yes.

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(Time noted: 8:47 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: July 9, 2007

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

----- X

In the Matter of

PATRICK PAGE STORAGE STOP II
(2006-49)
1613 Route 300
Section 34; Block 1; Lot 26.211
IB Zone

----- X

CONCEPTUAL SITE PLAN

Date: June 21, 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.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

PATRICK PAGE STORAGE STOP II

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CHAIRMAN EWASUTYN: The next item of business we have is Patrick Page Storage Stop II. It's a conceptual site plan located on Route 300 in an IB Zone. It's being represented by Jim Raab.

MR. RAAB: When we were last here back in December we needed to go to the Zoning Board of Appeals to get variances for the front yard on both Little Brook Lane and Route 300. We received those variances. We know that there's some difficulty in getting minutes from the ZBA to the Planning Board but we'll see what we can do about doing it if you haven't already gotten it. I just thought it would naturally get to them. Knowing the problem with Betty being out and Norma leaving, that probably caused some difficulty.

At any rate, it's still pretty much the same as what we had in December. Now we have all the thrills and chills.

The stormwater has been done.

We've done our landscaping.

We submitted the plans to the DOT, we haven't gotten any -- received any comments from

PATRICK PAGE STORAGE STOP II

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them. We did give plans to the DOT.

We're basically here to try to proceed as far as we possibly can tonight. We know that there are SEQRA issues and that we need to do that and get it started.

CHAIRMAN EWASUTYN: I'll turn to Pat Hines.

MR. HINES: My first comment says that I need a copy of the stormwater management report. After I did this comment I did locate it along with another one of Mr. Raab's projects. We have reviewed that and found that to be acceptable.

There's a detention pond located on the north side of the building and a sand filter located at the rear parking area, so that's been acceptable. It is allowable under -- it probably would have been less allowable under the redevelopment regulations because of the fact it's an existing site. That has been approved by our office.

The retaining wall details we asked for have been shown on the plans.

The only outstanding question I have is

PATRICK PAGE STORAGE STOP II

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the septic system that services the site.

MR. RAAB: It's just outside the roadway in here. We just got the data on it just recently, about two weeks ago.

MR. HINES: If you can submit that to us just showing us you're not impacting any other septic.

Otherwise that's all the comments we had.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: Jim, I was just asking if you could put --

CHAIRMAN EWASUTYN: Can you speak up a little bit?

MR. COCKS: If you could just put some type of signage for one way?

MR. RAAB: Down in here. That's not a problem.

MR. COCKS: Okay. We took a look at the architectural renderings. It looked pretty good over there. We feel like whatever you guys give us, if it matches that it looks like it's going to be okay. That's going to be reviewed by Karen.

PATRICK PAGE STORAGE STOP II

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We have to send this to the Planning Department, and DOT too.

CHAIRMAN EWASUTYN: Karen.

MS. ARENT: The stonewalls are a nice amenity. If you could detail them. The slope goes down where the --

MR. RAAB: We've already started.

MS. ARENT: So we can see the wall from the road.

MR. RAAB: We've already started on that.

MS. ARENT: Great. I see that you have a sign there. If you can kind of incorporate that into some kind of planting to soften it up.

MR. RAAB: Planting around the sign itself. Yeah.

MS. ARENT: Maybe even situate it in the stonewall bed or something.

If you could dimension the sign and let us know how big you're proposing it.

MR. RAAB: We sent these to you. I don't know if you got them. They're all dimensioned. There's a total of -- we're well under what we're allowed. I think it's like 331

PATRICK PAGE STORAGE STOP II

1 114
2 square feet. That would be the sign here. It
3 would be here, here and there's another one on
4 this side of the pier, okay, and then the Storage
5 Stop here, which would be facing north going up
6 Route 300, and this one right in front with the
7 driveway through in here. All of those included,
8 there's 331 square feet which is about half of
9 what we're allowed.
10 MS. ARENT: Okay. I didn't see on the
11 plan where the sign is proposed. I don't know if
12 you have it -- no. That's the existing
13 condition.
14 MR. RAAB: It says sign right there.
15 MS. ARENT: Okay.
16 MR. RAAB: Sheet 2 of 6.
17 MS. ARENT: Right. Okay.
18 If you could just incorporate some
19 landscaping around that to try to make it blend
20 in a little more.
21 MR. RAAB: A stonewall?
22 MS. ARENT: That would be nice.
23 You have a high wall in the back. I
24 was just wondering if probably a fence should be
25 shown on top of that wall.

PATRICK PAGE STORAGE STOP II

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MR. RAAB: We have a guardrail there.

MS. ARENT: Do you think that's sufficient?

CHAIRMAN EWASUTYN: The guardrail. No one can get back there anyway. There's no traffic.

MS. ARENT: Just to fence the trees and the disturbance limit line.

MR. RAAB: The latest typical note. Right?

CHAIRMAN EWASUTYN: Comments from Board -- your office didn't review this?

MR. SARGENT: No.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Jim, could you just point out where the pylon sign goes? I can't see it on the plan.

MR. RAAB: Right here.

MR. MENNERICH: Oh, it's back there?

MR. RAAB: It's right where the sign is now.

PATRICK PAGE STORAGE STOP II

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MR. MENNERICH: I see it. Thank you.

MR. RAAB: If you want to look at it at the old R&R site, it's still there.

MR. MENNERICH: That's all.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing for James.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing further. Thank you.

CHAIRMAN EWASUTYN: The action before us this evening is to approve the conceptual site plan for Patrick Page Storage Stop, to refer it to the Orange County Planning Department and the DOT.

I'll poll the Board Members to see if they want to have a public hearing on this.

MR. GALLI: I really don't see any need.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

MR. O'DONNELL: I'll go along with the crowd here.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No.

PATRICK PAGE STORAGE STOP II

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CHAIRMAN EWASUTYN: So that's out of the way.

Mike, on this action also are we required to declare our intent for lead agency?

MR. DONNELLY: I think you need to with the DOT involved.

CHAIRMAN EWASUTYN: We'll declare our intent for lead agency. So the motion would be to grant conceptual approval, to circulate to the Orange County Planning Department and also circulate to the Department of Transportation and to declare our intent for lead agency.

MR. PROFACI: So moved.

MR. GALLI: Second.

MR. MENNERICH: Also as part of that we will not require a public hearing.

CHAIRMAN EWASUTYN: Okay.

MR. PROFACI: So moved again.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci.

MR. GALLI: Second.

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

PATRICK PAGE STORAGE STOP II

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. RAAB: Can I ask Mike a question? Mike, would it be possible to maybe upgrade this slightly to like a preliminary approval without SEQRA being done?

MR. DONNELLY: You can't grant a preliminary approval without SEQRA.

MR. RAAB: Without SEQRA. Okay. Thank you very much.

MR. O'DONNELL: Let me ask you a question. Karen, do we have an agreement on the height of the stonewall?

MS. ARENT: Thirty inches minimum.

MR. RAAB: You've got it.

MS. ARENT: It's going to be higher in the back.

MR. O'DONNELL: It's going to be on the plan?

MS. ARENT: Yeah. I asked for it.

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(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: July 9, 2007

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

----- X

In the Matter of

FCP PROPERTIES
(2007-18)
Route 32 & Powelton Road
Section 80; Block 5; Lot 10
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: June 21, 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.
- EDWIN GARLING
- BRYANT COCKS
- PATRICK HINES
- KAREN ARENT
- MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

FCP PROPERTIES

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CHAIRMAN EWASUTYN: The next item of business we have is FCP Properties. It's a conceptual site plan located on Route 32 and Powelton Avenue. It's in a B Zone and it's being represented by Jim Raab.

MR. RAAB: I was just wondering, if we get our plans submitted -- to step back a minute, if we get our plans submitted as quickly as we possibly can, can we get a date for when we'll be back on a Planning Board --

CHAIRMAN EWASUTYN: I can't give that to you now, Jim. There's someone in the audience who could verify they once called me and said John, I'll have my plans before you next week if you schedule me for an agenda. That never occurred until several weeks later. It just doesn't work, okay.

MR. RAAB: I'm here before you tonight with a site plan that got to preliminary approval back in 2001. We were left to go and try to get DOT approval for a driveway -- for an entrance drive directly across from exit 10 and to eliminate the driveway that's presently there. It's taken us six years to do just that. Phil

FCP PROPERTIES

122

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2 Greeley is here from Collins Engineering if you
3 need to ask him any questions about it. It
4 basically took us the better part of five years
5 to work this out involving the purchasing of
6 properties and cross easements and of that
7 nature, and trying to work certain things out
8 with the town engineer's office as far as
9 drainage. Mr. Bonura had numerous meetings with
10 Jim Osborne, the town engineer, about the
11 drainage and also about tying into his own
12 private sewer line which basically is where this
13 is all going.

14 I know there's a number of comments by
15 the consultants and I'd like to just get right to
16 the chase.

17 CHAIRMAN EWASUTYN: Thank you. I'll
18 start with Pat Hines.

19 MR. HINES: I've got a bunch of clean-
20 up items on here. One for Karen, the trees
21 proposed over the under pipe storage system
22 probably should be moved or removed.

23 MR. RAAB: Two of them are okay. What
24 we're going to do is move the detention down.

25 MR. HINES: That's what Karen just

FCP PROPERTIES

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said.

MR. RAAB: You both had it.

MR. HINES: The existing structures on the site to be removed will require a permit. You need a note on there.

MR. RAAB: Right.

MR. HINES: The water supply, the sprinkler potable water detail needs to be shown on the plans. The water pipe kind of dies before the building there. Draw that in.

MR. RAAB: Okay.

MR. HINES: Existing sewer on the site. I see Mr. Bonura here tonight. I know he owned the sewer system. I didn't know it was his property. That may not be an issue any more.

The existing pump station should be shown. Whatever sewer facilities are on the site to remain should be shown.

There's some comments on clean up on the stormwater management report.

The Powelton Road exit drive --

MR. RAAB: We know. It's the wrong sign. We've notified Collins. It was just the wrong sign. It's a typo.

FCP PROPERTIES

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MS. ARENT: Good.

MR. RAAB: Cross out all them comments,
it's a typo.

MR. HINES: There's a whole bunch of
manholes behind the existing Perkins structure.

MR. RAAB: That's where the grease
traps are. We'll note that.

MR. HINES: Clean that up. There's a
well shown at the front building.

MR. RAAB: There's an existing well but
it's hooked up to Town water because it has a
water meter on it. We assume there's no --

MR. HINES: Are you going to remove
that well or is it going to stay there?

MR. RAAB: I think it's just going to
stay there.

Do you use that well on that building
at all?

MR. BONURA: No.

MR. RAAB: I think it's just going
to --

MR. HINES: If it's not used it might
be better to terminate it so it's not a source of
contamination.

FCP PROPERTIES

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MR. RAAB: Okay.

MR. HINES: You can put a note saying to be eliminated per AWWA standards.

You'll need a sewage flow letter from the City of Newburgh accepting the additional flow.

We're suggesting the jurisdictional fire department see a copy of the plan for comments.

The front building we were just talking about, is that connected to the pump station or that is its own or --

MR. RAAB: It's connected to the sewer already. It has its own.

MR. HINES: That should be shown on the plans.

You're connecting a pipe to the existing storm drain on Powelton Road. You should detail that.

You're showing storm drainage manholes so you need a detail for that.

It's really a lot of clean up on the site. There's really nothing major there.

CHAIRMAN EWASUTYN: Mark Sargent, Phil

FCP PROPERTIES

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Greeley has taken the time to be here. I don't know if there's any comments you want to make as far as the improvements and the signalization.

MR. SARGENT: I don't know the background on the project. It appears it's been through quite a process. DOT has signed off on the access?

MR. GREELEY: Yes.

MR. SARGENT: We would defer to the DOT on the access.

CHAIRMAN EWASUTYN: Phil, both people have commented as far as the no left-turn sign onto Powelton Avenue. Can you explain that to us?

MR. RAAB: It was a typo. It was a typo. It's supposed to say no right turn.

MR. GREELEY: Correct.

MR. RAAB: It was on both plans. It was on the overlay plan and our plan.

MR. GREELEY: It was carried over.

CHAIRMAN EWASUTYN: Basically you're satisfied and the DOT is satisfied?

MR. GREELEY: Yes.

MR. SARGENT: Actually John, is there

FCP PROPERTIES

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any cross easement possibility to get access to the adjacent parcel?

MR. RAAB: Which adjacent parcel are you talking about?

MR. GALLI: Burger King.

MR. RAAB: You mean Burger King? There's already an easement between -- a utility and a parking easement that they have.

MR. GALLI: I think he's talking about a drive-through.

MR. RAAB: Parking drive-through, no. There's no connection between the two sites. In the front it's the same grade but it drops off quite a bit.

MR. GREELEY: In the back there's a grade differential.

CHAIRMAN EWASUTYN: You're saying the grades are too steep?

MR. RAAB: Yeah.

MR. GREELEY: It would be difficult to get a decent grade connecting the two properties without some major reworking back there I believe.

MR. SARGENT: In general it's a

FCP PROPERTIES

128

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2 desirable feature to make connections outside
3 when you can. We trust you've looked at it. If
4 there's something you can provide, something you
5 believe that should be provided if it's -- I
6 don't know if there's a grade that you can't
7 overcome.

8 MR. RAAB: We can look into it. It's
9 something we can look into.

10 CHAIRMAN EWASUTYN: With the benefit of
11 the signalization there it might help better. I
12 think that's what you're saying for planning.

13 Bryant Cocks.

14 MR. COCKS: Do you guys have any kind
15 of letter of approval from the DOT?

16 MR. GREELEY: The last was just a
17 verbal discussion. We've been back and forth so
18 many times with them. We can get something for
19 the Board, but yeah, the last was just a verbal.
20 I don't believe we have --

21 MR. BONURA: We have a conceptual
22 approval.

23 MR. GREELEY: Conceptual approval. We
24 don't have the permit yet.

25 MR. BONURA: Where we have to go now is

FCP PROPERTIES

129

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2 we need a SEQRA determination before it can leave
3 Poughkeepsie to go to Albany for final approval.
4 That's the last thing that we need before we can
5 get final approval. We have conceptual approval
6 and that's the only thing they're waiting for.
7 MR. COCKS: That's what I thought.
8 With the new buffering and screening requirements
9 it should be labeled at thirty feet to the
10 parking lot with fifteen feet of buffer. It's on
11 there, it's just labeled wrong.
12 Just the architectural review to get in
13 as soon as possible including a trash enclosure
14 and whatever signage. They all have to be
15 reviewed.
16 Is there going to be any landscaping in
17 front of either of these buildings? I know it's
18 existing.
19 MR. RAAB: No. We don't plan on it.
20 We plan on getting as much landscaping in front
21 as we can.
22 MR. COCKS: Pat talked about the well
23 already. That was my only other comment.
24 CHAIRMAN EWASUTYN: Karen Arent.
25 MS. ARENT: If I can just put this

FCP PROPERTIES

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2 drawing up on the board because I'm not sure if
3 I'm correct or not. I outlined where it appears
4 to me the highway boundary is, and it appears the
5 proposed parking is over the highway boundary.

6 MR. RAAB: They already have an
7 easement for that. They have an easement for
8 this already. We're planning on repurchasing.
9 They plan on purchasing it back, this and this
10 one right here. There's a little oblong
11 rectangle there and then this here that Joe plans
12 on purchasing back from the State.

13 MS. ARENT: That's something we have to
14 consider, as well as there's no real space on
15 their property to screen the parking. So we have
16 to figure out how you're going to screen the
17 parking from the public points of view.

18 MR. RAAB: You gave us a suggestion,
19 either use the stonewalls --

20 MS. ARENT: That's fine.

21 MR. RAAB: -- or the trees you
22 suggested. We just haven't had a chance to
23 discuss it with Joe. We like the stonewall idea.

24 MS. ARENT: You have to be on your
25 property and not DOT property with these

FCP PROPERTIES

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amenities. I don't know.

CHAIRMAN EWASUTYN: What was that, Karen?

MS. ARENT: I don't know if you're allowed to put stonewalls on DOT property.

MR. GREELEY: I don't think you're going to get a stonewall in the DOT right-of-way. Some of the plantings you will be able to.

MS. ARENT: One of the things I would -- I think that we should make sure there's adequate screening on their property somehow. If you can figure out a way to maybe redesign the plan or something if you have to, or purchase enough property from them to provide the screening.

MR. GALLI: They should have enough property there in the front for a stonewall. Armistead had enough.

MS. ARENT: It's not on their property. See, their property goes like this but they're going to buy it or something like that. We have to see that on the plan, exactly what's going to happen. That was my big concern because I didn't know if you were allowed to do that or not.

FCP PROPERTIES

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MR. O'DONNELL: Did you agree on something?

MS. ARENT: Well, see this is the problem --

MR. O'DONNELL: I just need a yes or no. Did you guys agree on what you're going to do?

MS. ARENT: We don't really know what we're doing because they have to see if they can --

MR. RAAB: Karen gave us two choices, either trees or a stonewall. If we can get the stonewall -- if the DOT will allow the stonewall we'll do the stonewall. If they don't we'll go with the trees that Karen recommended.

MS. ARENT: I think they have to make sure it's on their property, the screening, whatever screening, because DOT only allows you plantings of two feet high and they usually don't allow trees in the right-of-way. So I think that we need to have some of their property that they are proposing this screening on.

MR. GALLI: I'm sure they can take care of that.

FCP PROPERTIES

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MS. ARENT: As long as they can take care of that, that's fine.

MR. O'DONNELL: Is there a way you can do the screening with the trees and the stonewall?

MR. GREELEY: If there's enough room for both. There's probably a partial area that could be done.

MR. O'DONNELL: This piece of property is one of the most visible in Town.

MS. ARENT: It is.

MR. O'DONNELL: This has to look good when it's done. If it takes shrubs and a stonewall, we ought to look at that.

MS. ARENT: I agree. That's my recommendation. If they could redesign the parking somehow.

MR. O'DONNELL: We have those guys doing the bank and the pharmacy up there with stonewalls. I think it's got to be all the same theme myself.

CHAIRMAN EWASUTYN: What we're doing is we're doing Noel Drive, that whole quadrant of North Plank Road with a conceptual approval and

FCP PROPERTIES

1 134
2 we're looking to tie your project in, Mr. Bonura,
3 with the same conceptual theme, understanding
4 also sort of just in a planning sense it's sort
5 of the gateway of the Town of Newburgh. You get
6 off of Route 84 and the first thing that someone
7 will see is your property. We're just looking to
8 tie it in with that old concept along that
9 corridor. That's kind of the change that's come
10 into existence from when this project was
11 originally before us in 2001 as far as how the
12 Town is looking at projects today with all the
13 growth and development. They're looking to sort
14 of maintain a certain community character and
15 they're looking to identify some of the hamlets.
16 Your existing diner in many ways the way it's
17 planted now with the trees that seem to be coming
18 up, there is sort of a canopy on that corner and
19 that's what we're looking to sort of carry from
20 that corner all the way up North Plank Road. So
21 we're looking for your cooperation, creativity
22 with this.
23 MR. BONURA: Whatever we have room for
24 we'll do.
25 MR. HINES: The front driving lane is

FCP PROPERTIES

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2 thirty feet wide. That could probably be
3 reduced.

4 MR. RAAB: We started to consider it.
5 There's a lot of different things we can do.
6 We've got some room in the back. We've got more
7 than thirty feet in the back. We can do a little
8 shifting there. We can make the aisle down to
9 twenty-four feet. We can pull her in. That's
10 exactly what we'll do.

11 MS. ARENT: We also need a little space
12 for facade articulation to make this facade
13 conform to the Town of Newburgh design
14 guidelines. So look at all of that.

15 I had a question for the Board. Should
16 sidewalks be considered since there's a
17 residential neighborhood right up here? I didn't
18 know if you wanted to consider sidewalks.

19 MR. O'DONNELL: Where are you going to
20 put them?

21 MS. ARENT: There's really no space.

22 MR. O'DONNELL: Under the trees or
23 under the stonewall?

24 MS. ARENT: It's a tough site because
25 it's developed to the maximum.

FCP PROPERTIES

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MR. RAAB: We are putting the stonewall -- I mean the sidewalk in around this building here. That's not there. I mean so we are adding at least, you know, that amenity around there which will dress up that building quite a bit.

MR. GALLI: I don't think on Powelton Road you can get a sidewalk in there the way it slopes off.

CHAIRMAN EWASUTYN: You recommend we refer this to the local fire department also?

MR. HINES: Yeah. I had that in my comments. It's standard we do that with all the commercial sites.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Is it going to be strictly retail or is it going to be restaurant and retail?

MR. RAAB: The restaurant is going to stay. This is going to be office/retail. We have the parking designed on retail.

MR. GALLI: So you're going to have two proposals?

MR. RAAB: Right.

FCP PROPERTIES

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Since it's going to be two different uses would it be possible to step the building back, the addition back a little bit?

MR. RAAB: That's what we're thinking about doing. That's what we have some control over is this building here. We have the ability to step it back a little bit. We have no architecture planned for this. We figure there could be insets along this facade here that would allow for some landscaping in there.

CHAIRMAN EWASUTYN: Just out of conversation, when do you think you may come back for ARB approval?

MR. BONURA: I can't do anything until I get that final approval from DOT. I can't get a tenant. I have literally hundreds of tenants that want this property but I can't do anything until I get that DOT approval.

CHAIRMAN EWASUTYN: So the action we would have to make to accommodate this project would be what?

MR. DONNELLY: At this point -- I don't

FCP PROPERTIES

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know much about the history in the past. You said preliminary approval was granted?

MR. RAAB: I believe there was a neg dec already granted for this. What they need to do is have a neg dec granted now because this wasn't finalized when they did that.

MR. DONNELLY: Let's assume our lead agency designation is still good, so we don't have to redo that.

CHAIRMAN EWASUTYN: I don't think they have it circulated for lead agency. I think what they did is just declared a negative declaration.

MR. RAAB: Did you check the file, Bryant?

MR. COCKS: It was in Ed's attic. It was already put away.

CHAIRMAN EWASUTYN: All in the course of the same meeting a negative declaration was declared and you received site plan approval with conditions?

MR. RAAB: It was a one-shot deal.

CHAIRMAN EWASUTYN: That being the case, if it was all done in one meeting, I'm just talking about this procedurally, no other way,

FCP PROPERTIES

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2 that's just how I -- if it was all done
3 procedurally in one meeting, then you couldn't
4 declare -- you couldn't have acted all in one
5 meeting.

6 MR. DONNELLY: You could have opted for
7 non-coordinated review and issued a negative
8 declaration. We're trying to coordinate it. If
9 the DOT is already aware of the approval, I
10 suppose there's no harm done in sticking with
11 what we did. Say the lead agency designation
12 remains effective, issue a negative declaration
13 now if that seems appropriate, approve the
14 concept to the extent that it's modified, reserve
15 ARB. I don't know quite how far you want to go.

16 CHAIRMAN EWASUTYN: Let me poll the
17 Board Members at this point. How would the Board
18 like to act on this this evening?

19 MR. GALLI: I would like to move
20 forward with it, get it done.

21 CHAIRMAN EWASUTYN: Ken Mennerich?

22 MR. MENNERICH: I guess I'm a little
23 confused on the intent for lead agency. We think
24 we had that back in 2001?

25 MR. DONNELLY: If you issued a negative

FCP PROPERTIES

1 140
2 declaration you must have either issued a notice
3 of intent for lead agency and coordinated your
4 review or elected, and I don't know quite how, or
5 elected to do it on an uncoordinated review
6 basis, which is not impossible with the DOT
7 because they do their own thing anyway. I don't
8 see any reason to change course on this. Assume
9 your lead agency designation remains valid and
10 based upon the changed plans issue a negative
11 declaration, I assume grant concept approval and
12 then await the changes in the landscaping and
13 buffering and what not that have been spoken
14 about before you take action. You may want to
15 discuss whether you want to hold a public
16 hearing.

17 CHAIRMAN EWASUTYN: Repeat that one
18 more time.

19 MR. DONNELLY: Negative declaration,
20 concept approval and discuss whether or not to
21 hold a public hearing.

22 MR. O'DONNELL: That's tonight we can
23 do that?

24 MR. DONNELLY: Right.

25 CHAIRMAN EWASUTYN: Any further

FCP PROPERTIES

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questions, Ken?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I would like this thing to proceed as quickly as possible for two reasons. It certainly appears that Mr. Bonura wants to do as nice a job as possible, and that's my motivation. If he's willing to do that, this thing is an eyesore unfortunately now and we can make it, to use a common word, beautiful. That would be terrific for our Town. I think we should do everything possible with this Board to move this thing along. Everything. That's my speech for tonight.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: I would like to proceed with a negative dec and conceptual approval.

CHAIRMAN EWASUTYN: Okay. Having heard the consensus, I'll move for a motion to declare a negative declaration and conceptual site plan approval for FCP Properties.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by

FCP PROPERTIES

1 142
2 Frank Galli. I have a second by Joe Profaci.
3 Any discussion of the motion?
4 (No verbal response.)
5 CHAIRMAN EWASUTYN: I'll move for a
6 roll call vote starting with Frank Galli.
7 MR. GALLI: Aye.
8 MR. MENNERICH: Aye.
9 MR. O'DONNELL: Aye.
10 MR. PROFACI: Aye.
11 CHAIRMAN EWASUTYN: Aye.
12 MR. COCKS: You also have to refer this
13 to the County.
14 CHAIRMAN EWASUTYN: I'll move for a
15 motion to circulate this to the Orange County
16 Planning Department. If you would get a copy of
17 the plans. I had a note here on that, too, to
18 Bryant so he can circulate them.
19 The other question that was raised is
20 does the Board want to have a public hearing on
21 this?
22 MR. GALLI: I wasn't on the Board the
23 first time around. Was there a public hearing on
24 it?
25 CHAIRMAN EWASUTYN: No. It was all

FCP PROPERTIES

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done with --

MR. RAAB: One meeting.

CHAIRMAN EWASUTYN: -- one meeting.

MR. GALLI: I don't see the purpose of
a public hearing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I don't think it's
needed either. The other properties along 32 are
all developed into business type use. I guess
the only concern is the property in the back is
residential.

MR. GALLI: It's pretty well screened.

MR. MENNERICH: Its' got quite a
distance. I don't think we need one, no.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: I've got mixed
emotions. There are a lot of residents still in
the area there. This parcel involves what is now
J. Carroll, the jewelers, too.

MR. RAAB: That's the same. That
includes that piece.

MR. O'DONNELL: That is going to stay?

MR. RAAB: That's staying, yeah.

MR. O'DONNELL: There's nothing

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residential there?

MR. RAAB: No. This is an office here, too. The closest residence is up here, Yatto up on the top of the hill.

MR. GALLI: They have been there for years.

MR. O'DONNELL: I guess we can skip the public hearing. Only assuming, Joe, that you're going to do this quickly. That's all.

MR. BONURA: I'm trying.

MR. O'DONNELL: I drive by every day and I'm going to think of you every time I go by there.

MR. PROFACI: No public hearing.

CHAIRMAN EWASUTYN: Myself no. Okay, Jim.

MR. RAAB: Thank you very much.

CHAIRMAN EWASUTYN: They don't have to go to the City of Newburgh for sewer?

MR. HINES: They have to because of increased --

CHAIRMAN EWASUTYN: Okay.

MR. HINES: I have that as a comment.

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

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CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

WPA ACQUISITION
(2007-17)
Jeanne Drive
Section 34; Block 2; Lot 67.23
IB Zone

----- X

CONCEPTUAL SKETCH PLAN
TWO-LOT SUBDIVISION & LOT LINE CHANGE

Date: June 21, 2007
Time: 9:20 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

WPA ACQUISITION

147

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2 CHAIRMAN EWASUTYN: The next item of
3 business we have is WPA Acquisition. It's a
4 conceptual sketch plan for a two-lot
5 subdivision and lot line change located on
6 Jeanne Drive in an IB Zone. It's represented
7 by Jim Raab.

8 MR. RAAB: This is another parcel that
9 had site plan approval I believe -- I'm going to
10 go back probably five or six years. What we need
11 to do is cut the -- to recreate this whole thing
12 we need to get this lot cut out that that site
13 plan was approved on and then come back to you
14 for whatever approvals we need for the site plan.
15 The main thing is to get the lot cut out.
16 There's going to be a common driveway at the end
17 of what we hope is the last extension of Jeanne
18 Drive that comes down through here.

19 The blue side will be with the large --
20 with the residual parcel. The yellow side of
21 that common driveway will go with the 6.6 acre
22 parcel we're cutting out. The lot line change is
23 moving the lot line from the edge of Hodgsons old
24 farm over to the other side of the fifty-foot
25 right-of-way, that's the lot line change, all the

WPA ACQUISITION

148

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2 way up to the end of the last undedicated portion
3 of Jeanne Drive.

4 MR. GALLI: Jim, what buildings are
5 there now? What's the names of them? I've been
6 up there.

7 MR. RAAB: I'm not quite sure who's in
8 there. I don't know whose in all of these to be
9 perfectly honest with you. This is the last
10 building on the right. This is the last -- it's
11 the last building he built on Jeanne Drive.

12 MR. GALLI: That big parcel is the
13 strip mine parcel?

14 MR. RAAB: Whatever. Whatever you want
15 to call this on the back side here. There was
16 whole bunch of junk in here he had that the DEC
17 made him remove.

18 Again, basically what we're trying to
19 do is rectify a site plan that was approved like
20 five or six years ago and get it started. We
21 need to get this lot cut out so we can at least
22 get that part of it done. It's a commercial
23 subdivision.

24 I know that Bryant had asked for perk
25 tests. We'll be more than happy to give them to

WPA ACQUISITION

149

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2 you but we don't know whether we're going to be
3 hooking into that line or not because we're not
4 really sure where it is and how far off it is.
5 We know that part of it should be, you know, in
6 the not too distant future. I don't know about
7 the equestrian side.

8 There was a septic design by Coumo
9 Engineering. I don't know much about it but we
10 can go back in and do, you know, perk tests if
11 you want in the same spot.

12 CHAIRMAN EWASUTYN: Bryant.

13 MR. RAAB: Like I said, it's a
14 commercial subdivision. We don't have to do any
15 of that stuff, especially on a five-acre parcel.

16 MR. HINES: The parcel is bigger than
17 five acres. The previously approved site plan
18 has lapsed, you're telling us it's more than five
19 years ago. Because it's more than five acres and
20 commercial, the perks and deeps don't have to be
21 done at this time. When they come back in for
22 some use they will. I think it's fine for -- as
23 far as just the subdivision it's fine. We'll be
24 looking for that information when they come back
25 in. The County doesn't consider lots over

WPA ACQUISITION

1 150
2 five acres to need those deeps and perks until
3 they're developed.
4 CHAIRMAN EWASUTYN: Bryant?
5 MR. COCKS: That's fine. We still have
6 to send it to the County, though.
7 CHAIRMAN EWASUTYN: Bryant, is building
8 number 3 part of this application?
9 MR. RAAB: Yes. The one with the 3 in
10 the middle of it, yes. It's the part with the
11 lot line change.
12 CHAIRMAN EWASUTYN: That explains why
13 you won't need to go to the ZBA, because you'll
14 have the necessary side yard requirement.
15 MR. RAAB: Yes.
16 CHAIRMAN EWASUTYN: What you're showing
17 now is forty and what is required is fifty.
18 MR. RAAB: No. That's a side yard.
19 It's a common driveway, it's not a road.
20 CHAIRMAN EWASUTYN: Okay. Comments
21 from Board Members?
22 MR. GALLI: After you cut this off, and
23 you said you have to start there first, you mean
24 you're coming back with a plan for that blue
25 section?

WPA ACQUISITION

151

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MR. RAAB: For the yellow section.

MR. GALLI: For the yellow section.

Okay. There was an 80,000 square foot building approved, I'm guesstimating about five years ago. A building permit was attempted to be taken out. The whole thing got bogged down on the Jeanne Drive extension issue which has, according to my conversation with the supervisor today, been resolved. I've heard that before, though.

No further comment, Jim.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: If this gets approved will there be enough room to take all that equipment and junk that sits across from the Ethan Allen store and place it over there?

MR. RAAB: They won't let him off the site.

MR. GALLI: He can't go over the bridge.

MR. RAAB: We have to get a bridge to get him off the site.

CHAIRMAN EWASUTYN: Joe Profaci?

WPA ACQUISITION

1 152
2 MR. PROFACI: I'm good. Thanks.
3 CHAIRMAN EWASUTYN: We also have to
4 refer this to the Orange County Planning
5 Department.
6 MR. COCKS: Yes.
7 CHAIRMAN EWASUTYN: I'll move for a
8 motion to grant conceptual sketch plan approval
9 for the two-lot subdivision and lot line change
10 for WPA Acquisition and refer this to the Orange
11 County Planning Department.
12 MR. MENNERICH: So moved.
13 MR. PROFACI: Second.
14 CHAIRMAN EWASUTYN: I have a motion by
15 Ken Mennerich. I have a second by Joe Profaci.
16 Any discussion of the motion?
17 (No verbal 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: Nay.
23 MR. PROFACI: Aye.
24 CHAIRMAN EWASUTYN: Myself yes. We
25 have a majority.

WPA ACQUISITION

1 153
2 Mike, the action then before us this
3 evening, if we want to we can make a SEQRA
4 determination this evening?
5 MR. DONNELLY: I believe that you can,
6 yes. There's no coordinated review.
7 CHAIRMAN EWASUTYN: I'll move for a
8 motion to declare a negative declaration for WPA
9 Acquisition's conceptual plan and two-lot
10 subdivision.
11 MR. MENNERICH: So moved.
12 MR. GALLI: Second.
13 CHAIRMAN EWASUTYN: I have a motion
14 by --
15 MR. GALLI: Ken.
16 CHAIRMAN EWASUTYN: -- Ken Mennerich
17 and a second by Frank Galli. I'll move for a
18 roll call vote starting with Frank Galli.
19 MR. GALLI: Aye.
20 MR. MENNERICH: Aye.
21 MR. O'DONNELL: Nay.
22 MR. PROFACI: Aye.
23 CHAIRMAN EWASUTYN: Myself aye.
24 I don't have the date in front of me.
25 We actually have three meetings in August that

WPA ACQUISITION

154

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2 we're scheduled for. I'll have to get back to
3 you as far as -- Mike, what's the second -- we do
4 have three meetings scheduled. The first one is
5 the 2nd. What would be the following? That
6 would be the 9th. Simple enough math. I'll set
7 this up for a public hearing for the 9th of
8 August.

9 MR. PROFACI: So moved.

10 MR. GALLI: Second.

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

15 MR. GALLI: Aye.

16 MR. MENNERICH: Aye.

17 MR. O'DONNELL: Nay.

18 MR. PROFACI: Aye.

19 CHAIRMAN EWASUTYN: Myself aye.

20 Those are two public hearings you'll
21 have to work on, this one and Picard.

22 MR. COCKS: Picard was on the 2nd.

23 CHAIRMAN EWASUTYN: It was on the 2nd,
24 correct. If you could contact the assessor's
25 office. Okay.

WPA ACQUISITION

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MR. RAAB: Mr. O'Donnell, was there something you wanted me to look into about getting that crap off the site?

MR. O'DONNELL: Is there anything you can do about it?

MR. RAAB: Yes.

MR. O'DONNELL: Try to do it. Maybe I won't be a nay.

MR. RAAB: I'm going to work real hard to get your nay un-nay'd. I just need some support, that's all. We'll get them off there.

(Time noted: 9:28 p.m.)

CERTIFICATION

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: July 9, 2007

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

----- X
In the Matter of

WOODFIELD MANOR PHASE II
(1995-34)
Brewer Road
Section 43; Block 1; Lot 24.4
R-2 Zone

----- X

THIRTY-FOUR LOT SUBDIVISION

Date: June 21, 2007
Time: 9:28 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

APPLICANT'S REPRESENTATIVE: THOMAS OLLEY

----- X

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

WOODFIELD MANOR - PHASE II

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CHAIRMAN EWASUTYN: The next item is Woodfield Manor Phase II. It's located on Brewer Road in an R-2 Zone and it's being represented by Tom Olley. It's before us this evening for a conceptual approval.

If we could summarize really where we're at in the process. I think that's the most important thing. I'm going to turn to our consultants and have them bring us along for the benefit, okay.

Pat.

MR. HINES: This was before us several months ago and some issues arose regarding the construction of retaining walls within the Town right-of-way, the location of the water mains associated with those retaining walls and the amount of retaining walls. We've worked with the applicant's representative and the Town Board. They've received approval for the modification of the road specs to allow the construction of retaining walls to support the Town roads.

The water main issues we discussed with Jim Osborne, drainage district issues. I went to a couple Town Board meetings, I know the

WOODFIELD MANOR - PHASE II

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applicants have been at a couple Town Board meetings regarding the drainage district. It's my belief that that has been established and has been accomplished.

We requested some additional erosion and sediment control plans and drainage plans. Those are now on separate sheets 1 of 3 of three sheets along with the eleven sheets of the subdivision.

It's my opinion that subject to payment of outstanding fees and posting of necessary security for the residential subdivision, that the project is now ready for final approval.

Health Department sign off for the water and sewer system have been received.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks, I know you weren't part of this from 1987.

MR. COCKS: No, I wasn't. Ed was and he clued me in on it. We just got the two resolutions for the drainage district and lighting district. Michelle just handed it to me.

We need a letter from the highway superintendent. That was about it.

WOODFIELD MANOR - PHASE II

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MR. HINES: I can tell you the highway superintendent is okay with it. He was at all the meetings I was at.

CHAIRMAN EWASUTYN: Especially if they agree with that retaining wall in the Town right-of-way.

MR. HINES: Several retaining walls.

CHAIRMAN EWASUTYN: Karen Arent.

MS. ARENT: We requested changes and the applicant made the requested changes.

The street tree estimate was included in the estimate. Typically it's separate because it's bonded to make sure they live for a two-year period. If you could separate that out.

The trees should be estimated at approximately \$330 per tree.

MR. OLLEY: He used the shrub prices.

MS. ARENT: \$165 wholesale cost plus labor and warrantee and then the landscape inspection fee. That's it.

CHAIRMAN EWASUTYN: Mike Donnelly, I'll turn to you at this time.

MR. DONNELLY: I don't have a whole lot prepared on this because I don't have much of a

WOODFIELD MANOR - PHASE II

1 161
2 file. I assume that if all the other agency
3 approvals are received, then what we need are the
4 various security fees. We have a landscape one
5 I'm sure, stormwater.
6 MR. HINES: Yes.
7 MR. DONNELLY: Is there a water main
8 involved here?
9 MR. HINES: Yes.
10 MR. DONNELLY: Sewer main?
11 MR. HINES: No. Private septic. At
12 one point there was a sewer line.
13 MR. DONNELLY: Town road or private?
14 MR. HINES: Town.
15 MR. DONNELLY: We need a Town road
16 security and inspection fee, we will need offers
17 of dedication for that roadway and we'll need
18 payment of parkland fees.
19 MR. HINES: Yes.
20 CHAIRMAN EWASUTYN: And the Town Board
21 has approved the road names?
22 MR. OLLEY: Yes, they have.
23 CHAIRMAN EWASUTYN: Michelle, very
24 important that when the time comes that the plans
25 are to be signed, that we really have to track

WOODFIELD MANOR - PHASE II

1 162
2 the important fact that the fees and the checks
3 are accommodating this. We collect them all at
4 the Planning Board office, the fees and such, and
5 then we allocate them accordingly. What happens
6 in many cases is people are looking to submit
7 either site or subdivision plans and they want
8 them to be stamped and all the necessary checks
9 aren't in the house. So it's very important.
10 Do you have to look at any final plans
11 also on this, signing off on, Bryant?
12 MR. COCKS: I would just need their
13 sign offs on it.
14 MR. HINES: That's what I did to
15 generate my recent memos. As long as there's no
16 additional revisions, those are fine.
17 CHAIRMAN EWASUTYN: Any comments from
18 the Board Members?
19 MR. GALLI: No additional.
20 MR. O'DONNELL: Nothing.
21 MR. PROFACI: No.
22 CHAIRMAN EWASUTYN: I'll move for a
23 motion to grant final approval for Woodfield
24 Manor Phase II for the thirty-four lot
25 subdivision subject to the conditions that were

WOODFIELD MANOR - PHASE II

1 163
2 mentioned by our attorney, Mike Donnelly.
3 MR. PROFACI: So moved.
4 MR. GALLI: Second.
5 CHAIRMAN EWASUTYN: I have a motion by
6 Joe Profaci. I have a second by Frank Galli.
7 Any discussion of the motion?
8 (No verbal response.)
9 CHAIRMAN EWASUTYN: I'll move for a
10 roll call vote starting with Frank Galli.
11 MR. GALLI: Aye.
12 MR. MENNERICH: Aye.
13 MR. O'DONNELL: Aye.
14 MR. PROFACI: Aye.
15 CHAIRMAN EWASUTYN: Myself yes. So
16 carried. Thank you.
17 MR. OLLEY: Thank you.
18
19 (Time noted: 9:34 p.m.)
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CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

LANDS OF PETER & PATRICIA SMITH
(2005-04)
Cronk Road
Section 1; Block 1; Lot 10
AR Zone

----- X

CONCEPTUAL SKETCH PLAN
THREE-LOT SUBDIVISION

Date: June 21, 2007
Time: 9:35 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

APPLICANT'S REPRESENTATIVE: JAMES CLEARWATER

----- X

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

LANDS OF PETER & PATRICIA SMITH

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CHAIRMAN EWASUTYN: The final item of business this evening is the lands of Peter and Patricia Smith. It's a conceptual sketch plan for a two-lot subdivision located on Cronk Road in an AR Zone. It's being represented by Jim Clearwater.

MR. CLEARWATER: Good evening. My name is James Clearwater, I'm a land surveyor with MJS Engineering. I'm here with the applicant, Mr. and Mrs. Smith.

This application was -- when it was last before this Board it was referred to -- at that time it was referred to the Zoning Board of Appeals for a variance for the side yard which was deficient between the existing house and the property line on the west side. We made an application to the ZBA and the variance was granted on April 26th. Actually, I was just faxed today a copy of the decision if you don't have it.

CHAIRMAN EWASUTYN: For Mike Donnelly, please.

MR. DONNELLY: I don't need it because I prepared it. I'll get it from my office

LANDS OF PETER & PATRICIA SMITH

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directly.

MR. CLEARWATER: In any case, we're back here now wanting to move the project forward and hopefully schedule for a public hearing for next month or whenever we can get it on the agenda and hopefully get it approved.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: We had previously signed off on this with the exception of the ZBA issue.

The septic and wells meet the requirements.

We previously discussed a flood plain issue that arose on the site and the fact this stream is classified as a tributary to a water supply although it's not.

They have sufficient separation distances that they do not need a permit from the DEC. We're satisfied that the plans are in order.

CHAIRMAN EWASUTYN: Bryant Cocks.

MR. COCKS: The applicant addressed all our issues on previous submissions. We had comments back from the Planning Department on March 8th. The ZBA was the only outstanding

LANDS OF PETER & PATRICIA SMITH

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issue.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No additional.

CHAIRMAN EWASUTYN: Ed O'Donnell?

MR. O'DONNELL: Nothing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No, thanks.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual sketch plan approval for the three-lot subdivision for Smith and declare a negative declaration.

The earliest scheduling I can do is the 9th of August for a public hearing.

I'll move to set it up for the 9th of August 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 move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

LANDS OF PETER & PATRICIA SMITH

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MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. Thanks.

MR. CLEARWATER: Thank you.

CHAIRMAN EWASUTYN: The agendas are
done for July.

MR. CLEARWATER: No problem. Thank
you.

(Time noted: 9:36 p.m.)

CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

LANDS OF ZAZON
(2004-29)

Six-month extension of preliminary approval

----- X

BOARD BUSINESS

Date: June 21, 2007
Time: 9:36 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

----- X

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

LANDS OF ZAZON

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CHAIRMAN EWASUTYN: We only have two quick items under business. We have two letters looking for -- Mike, I questioned you on the first letter. It seems like they went beyond the --

MR. DONNELLY: With preliminary there's no limit.

CHAIRMAN EWASUTYN: I'll move for a motion to grant preliminary approval for the lands of Petroccione. It expires on June 21st.

Mike, would you give me a date?

MR. DONNELLY: In December.

MR. HINES: Is he the engineer?

MR. DONNELLY: Lands of Zazon.

CHAIRMAN EWASUTYN: Lands of Zazon. You're right. Thank you.

MR. DONNELLY: December your meetings are on the -- the first is the 6th so the other one is the 20th.

CHAIRMAN EWASUTYN: We'll grant an extension, a preliminary approval extension to the 20th of June 2007.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

LANDS OF ZAZON

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2 CHAIRMAN EWASUTYN: I have a motion by
3 Joe Profaci. I have a second by Ken Mennerich.
4 I'll move for a roll call vote starting with
5 Frank Galli.
6 MR. GALLI: Aye.
7 MR. MENNERICH: Aye.
8 MR. O'DONNELL: Aye.
9 MR. PROFACI: Aye.
10 CHAIRMAN EWASUTYN: Myself. So
11 carried.
12 Dina, would you make it a point to call
13 Mr. Petroccione tomorrow and let him know we
14 granted a six-month extension until the 20th of
15 June 2007.
16 MS. HAINES: I'm thinking 2008. That's
17 a year and not six months. I apologize.
18 CHAIRMAN EWASUTYN: Let me step back.
19 Ken Mennerich was right. We're extending the --
20 I apologize. That's why I would really like to
21 have dates. that's my error. for the lands of
22 Zazon we're extending the preliminary approval.
23 We're giving it an extension to the 20th of
24 December. I said June 2007.
25 Correct, Mike?

LANDS OF ZAZON

174

MR. DONNELLY: It should be December.
(Time noted: 9:38 p.m.)

CERTIFICATION

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: July 9, 2007

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

----- X

In the Matter of

WOODLAWN HEIGHTS SUBDIVISION

Six-month extension of conditional final approval

----- X

BOARD BUSINESS

Date: June 21, 2007

Time: 9:38 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.
EDWIN GARLING
BRYANT COCKS
PATRICK HINES
KAREN ARENT
MARK SARGENT

----- X

MICHELLE L. CONERO

10 Westview Drive

Wallkill, New York 12589

(845)895-3018

WOODLAWN HEIGHTS

176

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2 CHAIRMAN EWASUTYN: The next item is
3 the lands of Sullivan. We got a letter from
4 Daniel Sullivan for Woodlawn Heights subdivision
5 and they want an extension of the conditional
6 final approval. Pat, do you want to bring us
7 along on this?

8 MR. HINES: The Woodlawn Heights
9 subdivision extends off of Willela Place up off
10 of Fifth Avenue in that area there. I received a
11 phone call from Darren Doce and then got a
12 follow-up drainage report. They are looking to
13 downsize the -- they have a galley system, an
14 underground stormwater management system which
15 the Town Board approved them putting into the
16 right-of-way on a conditional basis, kind of an
17 experiment to see if this works. They have come
18 back now and tried to shrink that system down and
19 incorporate dry swales into the Town road and put
20 seepage pits on each of the individual lots. I
21 just started taking a look at that. I think
22 they're going to get some comments back from my
23 office. The seepage pits require soil testing.
24 The Town Board did not approve the use of dry
25 swales, so I think they're going to get a round

WOODLAWN HEIGHTS

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2 of comments and do need to go back to the Town
3 Board to get this re-approved. I haven't gone
4 through the stormwater model yet to see if it
5 even works.
6 MR. GALLI: Pat, just on that system,
7 when we had the public hearing there was a lot of
8 concern about the runoff on the east side of the
9 property --
10 MR. HINES: Going through the
11 residential subdivision in the back.
12 MR. GALLI: -- because it was so wet.
13 The machinery they had in there in the
14 last two months, because I live across the
15 street, they've taken out rock like you wouldn't
16 believe. They have tons of rock taken out of
17 that place. In fact, some of it is still on the
18 property.
19 MR. HINES: That may be the reason
20 they're trying to shrink the system. I think
21 they may have encountered rock.
22 MR. GALLI: They encountered a lot of
23 rock. They have been bulldozing with the hammer
24 jack and everything else for weeks.
25 MR. HINES: That's one of the reasons

WOODLAWN HEIGHTS

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why I want to see their soil testing.

MR. GALLI: The soil is terrible.

MR. HINES: They're not going to function. I need to see a report and I'll review it.

CHAIRMAN EWASUTYN: Mike, do you want to comment?

MR. DONNELLY: My notes indicate that this received conditional final approval on December 14, 2006. The letter from Dan Sullivan asked for an extension of the preliminary approval. I assume he means conditional final. Conditional final approval is good for 180 days and may be extended for one additional period not to exceed 180 days. 360 days from December 14, 2006 expires on December 9, 2007. So the maximum extension you could give them is until December 9th.

MR. HINES: This drainage issue is new. It's not holding up any of their approvals I don't believe.

MR. DONNELLY: If they are not able to resolve it by December 9th they'll have to revert to preliminary and go back around.

WOODLAWN HEIGHTS

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MR. HINES: The final approval wasn't conditioned on the drainage. I don't know what the final conditions were.

MR. DONNELLY: I didn't bring the file with me.

MR. GALLI: Weren't they putting in all the infrastructure first? They were hooking into the sewer. They marked it all out for Central Hudson, the road is all cut in and then they just have big boulders and rocks along the property.

MR. HINES: The only reason they would do that would be to not bond the improvement. I think we need to find out the conditions of final approval. We previously signed off on drainage using the underground system. That was not a condition of their final approval.

MR. DONNELLY: I could probably bring up the resolution.

CHAIRMAN EWASUTYN: Dina, give me a list tomorrow of what public hearings we moved on tonight.

MS. HAINES: Okay.

CHAIRMAN EWASUTYN: So you're saying what they are requesting right now is not

WOODLAWN HEIGHTS

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necessary?

MR. HINES: I think they may have gotten final approval.

CHAIRMAN EWASUTYN: They did get final approval.

MR. HINES: It's not contingent on drainage. If they got conditional final it wasn't on drainage issues. It may have been getting outside agency --

CHAIRMAN EWASUTYN: We would never --

MR. HINES: It's like a payment of fees thing.

MR. GALLI: All they're doing is changing the site plan because of the drainage.

MR. HINES: I don't know they changed it yet. I'm not buying in to their new scheme.

MR. GALLI: They're trying to change it.

MR. DONNELLY: Let me see if I can find the resolution.

MR. HINES: I don't know how he's building it if he only has conditional.

MR. DONNELLY: The conditions were foundation staking, offer of dedication, a filing

WOODLAWN HEIGHTS

1 181
2 of an earlier lot line map, drainage district, a
3 declaration of no clearing limits for certain of
4 the lots, ten-lot ARB, landscape security and
5 inspection fee, stormwater water main
6 extension, --
7 MR. HINES: Just fees.
8 MR. DONNELLY: -- sewer main, Town
9 road. Those are the ones I see.
10 CHAIRMAN EWASUTYN: So then there's no
11 necessity to act on his letter?
12 MR. DONNELLY: -- well, if he hasn't
13 satisfied the conditions he's permitted to get an
14 additional extension but it can't be until
15 December 16th.
16 CHAIRMAN EWASUTYN: He's not specifying
17 in his letter what the conditions -- I haven't
18 gone back to his letter. I thought it was very
19 interesting in reading his letter he wrote a
20 normal attorney letter. He didn't say anything
21 but he's addressing everything. I mean my
22 response was to call him and say what is it
23 you're addressing.
24 MR. HINES: It doesn't sound like much.
25 CHAIRMAN EWASUTYN: So basically what

WOODLAWN HEIGHTS

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we do is --

MR. HINES: I don't understand why they're constructing.

CHAIRMAN EWASUTYN: Why they're doing what?

MR. HINES: Actually building out there from what I heard.

MR. DONNELLY: They satisfied the conditions. If they haven't --

MR. GALLI: They didn't start digging. They haven't put sewer in yet. They cleared the road. They did a lot more clearing than I think they should have. They'll check that when they go out there. They have everything staked and then supposedly whatever happened they had to stop because they wanted to change the sewer or change the drainage.

MR. HINES: That doesn't have anything to do with the approval.

MR. GALLI: They pulled all the machines out and that was it.

CHAIRMAN EWASUTYN: Let's see where we're at. I think the property has been sold.

MR. GALLI: It was, again.

WOODLAWN HEIGHTS

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CHAIRMAN EWASUTYN: It could be that the new owner is looking at costs that he never expected to have so they're looking to back out of it and redesign.

MR. GALLI: I know it got sold. They said it got sold.

MR. HINES: I'm looking at it and Darren calls me every day.

MR. DONNELLY: Do you want to grant them an extension until December 9th?

CHAIRMAN EWASUTYN: How do you feel about it?

MR. GALLI: If it's the proper thing to do, I don't have a problem doing that.

CHAIRMAN EWASUTYN: Is it the proper thing to do, Mike?

MR. DONNELLY: Because we're in doubt and they asked for it. If they don't need it because they already satisfied the conditions there's no harm done, we can give them until December 9th.

CHAIRMAN EWASUTYN: I'll move for a motion to grant an extension of the conditional final approval --

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2 MR. DONNELLY: Right.
3 CHAIRMAN EWASUTYN: -- to December 9,
4 2007.
5 MR. GALLI: So moved.
6 MR. O'DONNELL: Second.
7 CHAIRMAN EWASUTYN: I have a motion by
8 Frank Galli.
9 MR. MENNERICH: And with the
10 understanding that this is the last extension.
11 MR. DONNELLY: Right.
12 CHAIRMAN EWASUTYN: With the
13 understanding that this will be the last
14 extension.
15 I have a motion by Frank Galli. I have
16 a second by Ed O'Donnell. Any further discussion
17 of the motion?
18 (No verbal response.)
19 CHAIRMAN EWASUTYN: I'll move for a
20 roll call vote starting with Frank Galli.
21 MR. GALLI: Aye.
22 MR. MENNERICH: Aye.
23 MR. O'DONNELL: Aye.
24 MR. PROFACI: Aye.
25 CHAIRMAN EWASUTYN: Myself. So

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carried.

Dina, would you make it a point to call Daniel Sullivan and let him know?

MS. HAINES: Yes.

CHAIRMAN EWASUTYN: There's one other thing I would like to do at this point. I would like to take the time to introduce and congratulate Dina Haines. She's been appointed by the Town Board of Newburgh to be Planning Board Secretary.

MR. O'DONNELL: That's wonderful.

MS. HAINES: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of June 21, 2007.

MR. O'DONNELL: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ed O'Donnell. I have a second by Joe Profaci. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. O'DONNELL: Aye.

MR. PROFACI: Aye.

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CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:52 p.m.)

CERTIFICATION

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: July 9, 2007

