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

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In the Matter of

FABRIZIO TWO-LOT SUBDIVISION
(2017-05)

Gardnertown Road
Section 51; Block 9; Lot 9
R-1 Zone

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INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: February 2, 2017
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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

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2 CHAIRMAN EWASUTYN: The fifth and
3 final action on tonight's agenda is Fabrizio.
4 It's a two-lot subdivision. It's the initial
5 appearance. It's located on Gardnertown Road
6 in an R-1 Zone. Talcott Engineering designed
7 the project and Charles Brown is the
8 engineer.

9 MR. BROWN: Thank you. This is an
10 existing parcel on Gardnertown Road, almost
11 to the end of it where it hits Lakeside Road.
12 My client has owned this property before the
13 zoning was changed from R-3 to R-1. His
14 intention was always to subdivide it.
15 Unfortunately they changed the zoning. Now
16 he's here to subdivide it so he can build a
17 house for himself on lot number 1.

18 A new sewer line has been put in in
19 front of the lot. The stub was left, right
20 there at our driveway. There's only one stub
21 so we've got to put two gate valves on those.
22 It's a force main so we're going to have a
23 pump station for each house.

24 It's here tonight because we don't
25 meet the zoning requirements for R-1 and we

1
2 would need a referral from this Board to the
3 Zoning Board for that.

4 CHAIRMAN EWASUTYN: Pat Hines, comments
5 please.

6 MR. HINES: Our first one is this also
7 needs a common driveway access and maintenance
8 agreement. There's a shared driveway between
9 proposed lot 1 and existing tax lot 4.21. The
10 highway superintendent's comments will be needed
11 in the future.

12 The shared utility arrangement that's
13 shown will need an agreement as well.

14 We also discussed, and I checked real
15 quick on the tax records, this is not located in
16 the sewer district. If you could provide --
17 apparently there may be an outside user agreement
18 to a neighboring lot. We're not really sure how
19 the sewer arrangement ended up the way it did.

20 MR. BROWN: I think it's private that
21 was put in. He paid for it.

22 MR. HINES: We believe that to be the
23 case, too. We just don't know how this parcel
24 gets rights to it.

25 MR. BROWN: Well, Mr. Fabrizio has

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2 already talked to him and he's provided, what, an
3 authorization to tie in. As far as whether it's
4 an outside user, that part I don't know.

5 MR. HINES: That's a concern. When
6 it's one lateral it's not an issue. As you
7 combine multiple laterals there's the sewer
8 extension issue that could arise. You need to go
9 to the Town Board I believe and get that. There
10 is a fee for connecting as an outside user to the
11 Town's system if you're out of the district and
12 an agreement that the Town Board would execute.

13 MR. CANFIELD: Would that agreement be
14 put in place at the time the Town approved to
15 allow the lateral to come down from Gardnertown
16 Road -- Lakeside Road rather?

17 MR. DONNELLY: We'll find out.

18 MR. HINES: I don't know the answer to
19 that. It may have been just for that individual
20 lot. It may have been a coincidence that it
21 passes this lot.

22 MR. BROWN: Actually, there's a stub
23 provided --

24 MR. HINES: We saw that.

25 MR. BROWN: -- for these two. There's

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already four.

MR. DONNELLY: We're only guessing but it may be that they recognized that you would likely come back and request out-of-district user status and this way the stubs are in ahead of time.

MR. BROWN: Okay.

MR. CANFIELD: My point is it may be able to be cleared up with the Town Engineer, with Jim Osborne, instead of going back to the Town Board.

MR. HINES: Correct. I'm basically looking for their records. You would have got -- someone would have paid a fee per lot based on the Town's formula for outside users. If you've owned the lot for awhile and haven't paid that, you know that that is an issue.

MR. BROWN: Do you get the tax bills?
A fee for the sewer?

MR. CANFIELD: It wouldn't be on the tax bills.

MR. FABRIZIO: The sewer was just put in.

MR. BROWN: I'll take care of it.

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CHAIRMAN EWASUTYN: Charlie, it's more of a question, do we have to eventually refer this to Jim Osborne who would refer it to the city engineer for a sewer flow acceptance?

MR. BROWN: Yes. We would need that, yes.

MR. HINES: The rest of our comments have to do with the zoning issues. I provided a chart for each of the lots. There are numerous variances required for each of the lots. I can list them if you want for the record.

CHAIRMAN EWASUTYN: Please.

Mike Donnelly could, from that note, prepare a letter.

MR. HINES: For lot 1 the front yard setback, 50 feet is required, it indicates 25.76 feet. Also for lot 1, rear yard setback, 40 feet is required, it's depicts 35.36. Lot 1, minimum lot area, 40,000 square feet is required where 23,543 is provided. Lot 2 similarly has a minimum lot area deficiency, 40,000 required, 33,795 is depicted. Lot 2 has a lot width variance requirement, 150 feet required, 123 is proposed. A lot depth of 150 feet required where

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127 is proposed.

MR. BROWN: Hold on.

CHAIRMAN EWASUTYN: Are you in agreement?

MR. BROWN: The lot depth is actually lot 1.

MR. HINES: Okay. Lot 1 will require that lot depth issue at 127 feet.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to have Mike Donnelly prepare a referral letter to the ZBA noting the area variances that are being required which are part of the minutes that Pat Hines presented this evening.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Ken Mennerich. Can I have a roll call vote starting with Ken Mennerich?

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. Motion carried.

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MR. BROWN: Thank you.

CHAIRMAN EWASUTYN: Having no further business this evening, no Board Business, I'll move for a motion to close the February 2, 2017 meeting.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by John Ward. Roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:48 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 16th day of February 2017.

Michelle Conero

MICHELLE CONERO