

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

- - - - - X

In the Matter of

LOT 20 HICKORY SHADOW
(2011-03)

Merritt Lane
Section 7; Block 3; Lot 20
AR Zone

- - - - - X

TWO-FAMILY SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: May 19, 2011
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KIM STAPLES

- - - - - X

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

MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of May 19, 2011.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. BROWNE: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional consultants and experts that review the work for us, and based on their input they look at the SEQRA determinations as well as the planning detail. At this time I'll ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

MR. COCKS: Bryant Cocks, Planning
Consultant.

MS. ARENT: Karen Arent, Landscape
Architectural Consultant.

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

MR. WARD: Please stand for the Pledge.
(Pledge of Allegiance.)

MR. WARD: If you have any cell phones,
please put them on vibrate or off. Thank you.

MR. BROWNE: Thank you. The first item
of business we have this evening is Lot 20
Hickory Shadow, project number 2011-03. It's a
two-family site plan and ARB being represented by
DePuy Engineering.

MS. STAPLES: DePuy isn't here. I'm Kim
Staples, I'm Ham's wife. He's out of town
tonight so I'm going to present for him and take
his place.

What we did, there are -- I guess we
revised the plan. We changed the sidewalk for
both apartments, put more trees. I guess we

1 broke the parking lot spaces up also, put more
2 trees in there. There are going to be more trees
3 along the Farber property line to block your, I
4 guess, view of that. And then we also -- there's
5 a revision for the septic field, to increase it
6 for the three-bedroom units. That will be there.

7
8 CHAIRMAN EWASUTYN: Okay. The other
9 item that we had discussed at the last meeting
10 was going to be a field visit. I'll have Pat
11 Hines, the Drainage Consultant for the Planning
12 Board, bring the Board along, and the members of
13 the public.

14 MR. HINES: After the last time this
15 was before the Board we had a meeting with
16 representatives of the highway department, the
17 town engineer's office, the town attorney's
18 office. We met first at Town Hall and then
19 subsequently out in the field to look at the
20 existing drainage -- the conditions of the
21 Merritt Road realignment and the existing
22 drainage concerns that were identified during the
23 public hearing. The plan has been worked out
24 where the roadway will be paved to twenty feet
25 wide initially until such time as the resolution

with the Central Hudson gas main or telephone pole lines can be resolved.

A revised drainage system will be installed on the lots to the east -- actually the west of this project, conveying the stormwater from the Merritt Lane realignment down to Harcourt/Cosman Road, through parcels of property controlled by the original project sponsor of the subdivision. Those are on a separate path than this and are being resolved through the Highway Department, Town Engineer and Town Board based on the original agreement for the entire subdivision, but I believe the roadway is planned to be paved in the very near future in order to get that into a passable condition. It was reclaimed previously and then left open until the resolution with the Central Hudson issues. Those have gone on long enough that the Town is now going to go in and pave that road to the twenty-foot minimum road width so that the road is serviceable for the residents along there now, and that drainage issue will be resolved through the installation of that closed pipe drainage system which will also pick up the ponding water

1 behind the -- is it Farber or Faber?

2 MS. FABER: Faber.

3 MR. HINES: Faber lot also. We looked
4 at that in the field. There's a ponding
5 condition caused by the grading on the lot, the
6 rear lot lines that abut each other there. That
7 will be addressed in the drainage plan also by
8 removal of some of the berms as well as an
9 installation of a spur pipe along the rear
10 property line, the common property line with
11 Faber, on the lot that caused the ponding, to
12 collect that and remove that water also. Again,
13 those are separate issues, part of the original
14 subdivision, separate from the proposed two-
15 family use. It was as a result of that public
16 hearing that meeting was held both in the Town
17 Hall and subsequently in the field.

18 We're awaiting submission of those
19 drainage plans, which we don't have yet but I
20 know survey work has been done and there's work
21 on those plans.

22 CHAIRMAN EWASUTYN: Comments from Board
23 Members. Frank Galli?

24 MR. GALLI: No additional.
25

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Just for my own clarification, what you just described and discussed, you said it's a separate issue. Does that tie at all into the plan that's before us at this moment?

MR. HINES: It doesn't. What it ties into is the original developer's agreement between the Town of Newburgh and the developer of the original subdivision. There's a fairly large document, an agreement between the Town and the developer on how to accomplish the Merritt Road realignment, and that's going to be incorporated into modifications to that through the Town Board and Town Attorney.

MR. BROWNE: Is there a check and balance point in there when that's supposed to occur, how it's supposed to occur and those kinds of things? Just for my own --

MR. HINES: I don't have the timeframe. My take on it was it was going to be fairly quickly. The Town is going to pave that road. The drainage needs to be in prior to the road being paved. Mark Taylor's office, the Town

1 Attorney's office, is kind of spearheading the
2 changes that are needed to that agreement. Both
3 the Town and the developer are kind of behind on
4 that agreement because of the easement issues
5 with Central Hudson and the utilities and Merritt
6 Lane as realigned. I don't have an answer of
7 when those will be accomplished. I do know all
8 parties that were involved are working on it.
9 Some of the neighbors were out and were fairly
10 happy at the resolution.
11

12 CHAIRMAN EWASUTYN: Mike Donnelly, do
13 you want to add to that? Cliff Browne wasn't
14 here during the work session.

15 MR. DONNELLY: There are a number of
16 potential enforcement issues in the Town, and
17 there are difficulties that come from the
18 drainage changes that one of the lot owners made
19 in the field, from the difficulty in getting
20 easements for the guidewires for the poles. All
21 of those issues relate to the existing approved
22 subdivision, not the site plan that's here before
23 you tonight. There was, for the Merritt Road
24 realignment, a rather significant and lengthy, as
25 Pat said, developer's agreement. That I think

needs to be amended to take into consideration things that weren't contemplated, the temporary repaving of the road and the temporary or amended drainage to handle what's going on there in the field. None of these issues have anything to do with tonight's site plan.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

MR. FOGARTY: I have no additional questions at this time.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No additional.

CHAIRMAN EWASUTYN: It's really not a public hearing at this point. I'll allow you one question. Not to be rude but --

MS. FABER: For the record, my name is D. Joy Faber. I reside at 33 Merritt Lane.

Sir, I'm sorry, I didn't get your name.

MR. HINES: Pat Hines.

MS. FABER: Mr. Hines, you said that there was an agreement between the Town and developers?

MR. HINES: Yes.

MS. FABER: Is that a public record document? Do you mind if I get a copy of it? It does affect my property. I would like to see what the plans are for the removal of the berm and the methods that will be taken to eliminate -- what is it called -- ponding.

MR. HINES: The agreement I referenced was the original developer's agreement. When the subdivision was created, there needs to be changes to that to address the modifications in the drainage. Those have not been done yet. They've been agreed to in the field, and Mr. Staples' engineer is currently designing those modified -- the modified drainage system to convey the water from your driveway, your neighbor's driveway, in that -- I believe it's a westerly direction, and then down two parcels of property controlled by Mr. Staples, or one of the companies that he owns, in order to convey that water away.

Your rear neighbor I did not speak to but I had conversations with some of the others at those meetings and they have agreed to allow the extension from that proposed drainage system,

1 although a smaller pipe, to allow the drainage
2 from his rear property, which is the same as your
3 rear property, to be conveyed into that closed
4 pipe drainage system and down to Harcourt/Cosman
5 Road. So that agreement hasn't been modified
6 yet. There's an original developer's agreement
7 that the Town and the developer, Mr. Staples, are
8 working towards modifying to accomplish that.

9 MS. FABER: Okay. I assume that
10 because it's with the Town, that that might be a
11 document that the public might be able to review
12 at some point.

13 MR. HINES: Certainly the original
14 developer's agreement is a public record.

15 MR. DONNELLY: I would assume. You'd
16 have to make a Freedom of Information Law
17 request. I don't think the Planning Board files
18 have a copy of that.

19 MR. GALLI: Just go to the Town Clerk's
20 office, put in a FOIL request for it and they'll
21 supply the information for you.

22 MS. FABER: Thank you very much.

23 CHAIRMAN EWASUTYN: At this point,
24 Bryant Cocks, Planning Consultant?
25

MR. COCKS: The only two comments that I did not address were because the plans weren't submitted. I see that on these plans there is the landscape buffer in between the two properties that was requested, and the other item was just a note on the plans regarding the storage area in the basement of the two-family unit be restricted to incidental use for the residents. That note has to be placed on the plans also.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I need to review the landscape revision, and a landscape bond and inspection fee will be required.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us conditions of approval for the site plan?

MR. DONNELLY: We will need sign-off letters from Pat Hines, from Bryant Cocks and from Karen. Karen's relate to primarily the tree plantings. We will need a Town of Newburgh Highway Superintendent approval of the two driveways. I don't believe we've received that

at this point. We're going to carry conditions regarding the storage of agricultural equipment and personal belongings. Both of them tie into the language of the ordinance that require that these are accessory uses and they may only be continued for so long as there is, in the case of agricultural equipment, agricultural uses on the site, and any storage in the two-family residential building or the garage building can only be storage for dwellings -- occupants of the two-family dwelling and not for anyone else. We'll include the standard Architectural Review Board approval language. Our standard condition regarding -- that imposes a requirement that nothing may be built in the field that is not shown on the plans. And finally, we'll have a multi-family fee for the one new lot. I forgot the landscape bonding, but I'll include that as well.

CHAIRMAN EWASUTYN: Questions from Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: No.

MR. MENNERICH: No questions.

MR. FOGARTY: I have no additional.

MR. WARD: At work session we were talking about trees.

CHAIRMAN EWASUTYN: Right now Karen is going to final review it.

Any additional comments or recommendations from the consultants?

(No response.)

CHAIRMAN EWASUTYN: Having heard the conditions of final approval for the two-family site plan and ARB for Hickory Shadow presented by our Attorney, Mike Donnelly, I'll move for a motion to approve.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Ms. Faber, thank you.

MS. STAPLES: Thank you.

(Time noted: 7:10 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: June 22, 2011

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

In the Matter of

CARPENTER/LOPEZ LOT LINE CHANGE
(2011-10)

Decker Road and Ulster Terrace
Section 2; Block 2; Lots 22.31 & 31
RR Zone

CONCEPTUAL TWO-LOT SUBDIVISION

Date: May 19, 2011
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

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

MR. BROWNE: Our next item of business is Carpenter and Lopez lot line change, project number 2011-10. This is a conceptual two-lot subdivision being represented by Brooks & Brooks, P.C.

MS. BROOKS: Good evening. My name is Patti Brooks and I'm representing the Carpenters and Lopezes for the property located on the westerly side of Decker Road. They currently have two improved lots totaling 2.09 acres in size. They are proposing a lot line revision of 0.05 acres so that trees that were planted on the property of Carpenter will be located on their parcel after the completion of the lot line revision.

The property is located in the RR zone which currently has a requirement of 2 acres. At the point in time that the subdivisions were created back in 1987 and '88, there was a 1-acre lot requirement, so they now are pre-existing nonconforming lots.

CHAIRMAN EWASUTYN: Ms. Brooks, we'll take the opportunity now for Bryant Cocks, our Planning Consultant, to review with you the

variances that will be necessary.

Bryant, please.

MR. COCKS: Sure. For the Carpenter lot, which is lot 22.31 and shown as lot 2 on the plans, the variances required will be for minimum lot area, minimum lot width, minimum one side yard setback, minimum both side yard setbacks, lot surface coverage and minimum front yard setback.

For the Lopez lot, which is lot 31 shown as lot 1 on the plan, the variances required will be for minimum lot area, minimum lot depth, minimum rear yard and minute front yard setback. They should be listed in the bulk table.

MS. BROOKS: I do have a question, because after I reviewed the existing and the proposed bulk requirements, I had a question with regard to if I properly called where my front yard should be for lot 1. I made my front yard Decker Road because that was the existing Town road, but it also has frontage on Ulster Terrace, which is a private road, which is where the driveway accesses. So I'm at this point -- no

1 matter what I'm going to need variances
2 obviously, but I wouldn't need the lot depth one
3 if the frontage is on Ulster Terrace, but I then
4 would need side yard setbacks. So I just -- I
5 wanted to look at the code before I came this
6 evening and I didn't get the opportunity to see
7 whether when it's a corner lot, if the Town road
8 prevails over the private road or if where your
9 house is fronting prevails.
10

11 MR. DONNELLY: They're both front
12 yards.

13 MR. COCKS: Two front yards. Either
14 way.

15 MS. BROOKS: So I may then need
16 additional variances for my -- how do you decide
17 where the front, rear and sides are then if
18 they're both front yards?

19 CHAIRMAN EWASUTYN: Jerry Canfield,
20 would you like to advise us, please?

21 MR. CANFIELD: Because it's a corner
22 lot, it has two front yards. Both fronts have to
23 comply with the front yard requirement.

24 MS. BROOKS: And how about who picks
25 which is the side and --

MR. CANFIELD: That's your option,
which you want to be the side and the rear.

MS. BROOKS: So I may need to
re-analyze this and consult with Bryant as to
which one would require perhaps the fewer of the
variances. Okay.

CHAIRMAN EWASUTYN: We won't then be
able to make a motion this evening until that's
decided. If you can present something to us in
written form, then we would make that motion
under Board Business at our meeting, I think it's
June 6th, at which point then our Attorney, Mike
Donnelly, will memorialize that in a letter that
would be referred to the Zoning Board of Appeals
for a reference.

CHAIRMAN EWASUTYN: Bryant, are we --

MR. HINES: June 2nd, John.

CHAIRMAN EWASUTYN: June 2nd. Thank
you.

Would we be at a disadvantage now or
can we move forward with circulating to the
Orange County Planning Department and the Town of
Plattekill?

MR. COCKS: Yes, I think we can. That

won't be a problem.

CHAIRMAN EWASUTYN: And what other agencies, interested agencies?

MR. COCKS: None.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: The requirement for Plattekill, I'm sorry John, is just a notification at least ten days before the public hearing. We don't have to do that one until we get closer, although you could send it more than ten days before.

CHAIRMAN EWASUTYN: What would you recommend?

MR. DONNELLY: I think we've usually done it in the public hearing notice cycle to make sure it's there relatively recently before, because it could be a month or more down the road and it might not stand out much as if you sent it two weeks in advance.

CHAIRMAN EWASUTYN: In this case, with the variances, there could be a lapse in time. You're correct.

Ms. Brooks, if you would make it a point to get copies -- a copy of the map to

Bryant Cocks, our Planning Consultant, and he'll circulate to the Orange County Planning Department.

I'll move for a motion from the Board to have Bryant Cocks circulate to the Orange County Planning Department and to set this up for Board Business at the June 2nd meeting.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you for your time.

MS. BROOKS: Thank you.

(Time noted: 7:15 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: June 21, 2011

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

- - - - - X
In the Matter of

CRONK ESTATES II
(2010-07)

Peaceful Court
Section 1; Block 2; Lot 17.2
AR Zone

- - - - - X

SIX-LOT SUBDIVISION

Date: May 19, 2011
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JAMES RAAB

- - - - - X

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

1
2 MR. BROWNE: The next item of business
3 we have is Cronk Estates II, project number
4 2010-07. It's a six-lot subdivision being
5 represented by Jim Raab of Taconic Design
6 Engineering.

7 MR. RAAB: Approximately two months ago
8 we were before the Board and there were a number
9 of items that had to be cleaned up as far as the
10 plan is concerned and also as far as the
11 stormwater pollution prevention plan.

12 What we have done is we've taken care
13 of most of the small items. We met with John
14 Szarowski of McGoey, Hauser & Edsall last week,
15 or Charlie did, to discuss tweaking the SWPPP
16 even more based on the way John sees it needs to
17 be done. We're presently doing that now. We
18 hoped to have it done at the beginning of this
19 week but that didn't happen because we decided to
20 change the type of swales we're going to use and
21 that, and we wanted to make sure we disturbed a
22 little less property than what was happening with
23 our present swale.

24 So basically we've done the
25 intersection plan that was requested by Jim

Osborne and Ken Wersted. Ken Wersted had given us his comments. We've revised the plan. I will be meeting with Jim Osborne sometime next week, I'm waiting to hear for the day and time, regarding both the intersection plan and the point that Pat brought up about the stormwater pond and easement, how that's going to be addressed. We believed it would become part of the road maintenance agreement. I guess we just have to make sure that that's copacetic with the way the Town wants.

That's pretty much it. Like I said, we're still working on the SWPPP right now. That's where I left Charlie about 45 minutes ago. We really want to make sure this is correct because there's been issues with stormwater on Peaceful Court.

We've addressed all the erosion and sediment control issues that were brought up by the DEC.

The MS-4 violation has been taken care of.

I have inspected the site just about every other day in the last two weeks, mainly

1 because of the amount of rain we've had, and the
2 silt fencing is holding up very well. We don't
3 seem to have any off-site turbidity or silt at
4 this point.
5

6 CHAIRMAN EWASUTYN: Thank you, Jim.

7 At this point I'll turn to Pat Hines,
8 our Drainage Consultant.

9 MR. HINES: Mr. Raab hit on a lot of
10 our points. We are awaiting submission of the
11 revised stormwater pollution prevention plan
12 based on the meeting with Mr. Brown and Mr.
13 Szarowski from my office.

14 Again they're requested to meet with
15 Jim Osborne regarding the ownership and the
16 management of the stormwater management pond
17 that's currently on lot 6 I believe. The Town's
18 policy is typically those are formed into
19 drainage districts, but we have in the past,
20 where private roads were included on the sites
21 and a private road maintenance agreement was
22 going to be filed anyway, included the operation
23 and maintenance of the stormwater management
24 facilities in those agreements. That's going to
25 be a Town Engineer call on how that will be done.

1 We wanted to clarify that the swale for
2 the proposed pond outlet was constructed. I
3 don't recall seeing that.

4 MR. RAAB: It has been constructed. It
5 will be noted on the next set of revised plans.

6 MR. HINES: During the review we
7 noticed the grade of the proposed cul-de-sac was
8 10 percent. That should be reduced. The grade
9 across the cul-de-sac at 10 percent makes for
10 some strange turning movements on the cul-de-sac.

11 The buffers depicted on the plans, I
12 know Bryant touched on those, I don't know if
13 those are permanent buffers or just construction
14 buffers, but how are they going to be maintained?

15 MR. RAAB: They're conservation
16 buffers. I'll get with -- probably get with
17 Karen on what notes she prefers to have. Very
18 similar to the fifty-foot buffer that was on the
19 original four-lot subdivision.

20 MR. HINES: There will be a
21 conservation easement or something to that
22 effect?

23 MR. RAAB: Something to that effect.

24 MR. HINES: I'm kind of deferring to
25

Mike on that one.

MR. DONNELLY: Well again, we've kind of looked in the past as to how much there is a public impact and how much of it is private. We can examine either option, which ever seems to work better.

MR. RAAB: This is very similar to Parkland Heights and what we had to deal with with the other plan. This gets very steep towards the back end of these lots here. There's not a lot you can do with it anyway. The less disturbance to it the better.

MR. HINES: One of the reasons here is also they're also using that buffer as credit towards their runoff reduction volume. There needs to be a permanent mechanism.

MR. DONNELLY: I would think a recorded instrument. It doesn't have to be a true conservation easement which has to have a grantee for enforcement purposes. It would be a declaration that would be recorded and put the property purchasers on notice as to the off-limits nature.

MR. HINES: At this time we wouldn't

recommend any further action until our comments are addressed.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: I had no additional comments at this time.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: On the plan you have listed fruit trees. I was out there and there's not -- there's only like a few of them. If you can just revise the actual species.

As far as the notes, the clearing limit lines will be staked in the field and tree protection -- the standard tree protection notes. I will forward that to you.

MR. RAAB: I knew what you were talking about.

MS. ARENT: Make sure there's a note regarding installation of six inches of topsoil

minimum and six inches of fill soil for where the cul-de-sac will be removed.

Include all the stormwater management plantings on your plant list and in your landscape bond estimate. That's it.

MR. RAAB: When you get a chance, can you send that to our office?

MS. ARENT: I just realized right now I don't think I sent it to you, so I apologize for that.

MR. RAAB: That's fine. We have other issues.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: With all the problems we've been having with the soil and erosion, sediment control, I did take a ride out to the site yesterday, because it's been raining all week, and it actually looked pretty good. It's holding up pretty well. The swales seemed to be doing what they were supposed to be doing. I have no questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I have a question, Pat. On the cul-de-sac, you said it's about a ten-

percent grade now.

MR. HINES: The proposed grade is ten percent.

MR. BROWNE: Proposed, yeah. What would be a --

MR. HINES: Normally six or less on a cul-de-sac.

MR. RAAB: We already regraded it to a six.

MR. HINES: When you're driving in it's fine but when you get sideways on a ten-percent grade --

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. FOGARTY: I just have one that we had mentioned. The concept of rain gardens has become very popular and I just want to know how it's being incorporated into your plan?

MR. RAAB: We're incorporating it with the rooftop disconnect. Although we don't get credit for both of them, we're going to keep both of them in. Also, we had taken out soil restoration and we put it back in. The meeting

1 last week with John was an eye opener for
2 Charlie. There's a lot of new stuff that came out
3 this year that Charlie and I weren't aware of.
4 John was nice enough to give us some forms that
5 would help us out and show us what we can have
6 and what we can't have. I can tell you this,
7 that quantity wise we're set. It's quality that
8 we're dealing with now and how we can deal with
9 the water quality. We've got the detention, we
10 just now have to figure out a way of doing this.
11 And we have, it's just that we haven't got it on
12 the plan yet and we haven't been able to get it
13 to McGoey, Hauser & Edsall. Every time we came
14 to a bottom -- we got to the end of our
15 calculations, we were short and we needed to up
16 the game a little bit, so we pressed as hard as
17 we could but we couldn't get it in. We wanted to
18 get it in Tuesday to John but we couldn't do it.
19 We figured let's do it the right way, let's take
20 our time, get it in to the Planning Board as
21 quickly as we possibly can and hope for the best.

22 We have two issues here. One, we have
23 a stop work order on the house that was being
24 built on proposed lot 10. I mean it's not
25

1
2 proposed lot 10, it's actually on the residual
3 acreage. We can't get the stop work order lifted
4 until we get the SWPPP. I talked with the same
5 people that Pat talked to a month ago, this
6 afternoon now with Jennifer, and not only she was
7 pretty strict about what she wanted. She wants a
8 SWPPP filed and she wants it filed before the
9 Town lifts the stop work order. We have our
10 marching orders and we're trying to get this done
11 as quickly as we possibly can.

12 CHAIRMAN EWASUTYN: John Ward?

13 MR. WARD: I think there was a question
14 with the rain gardens and the locations.

15 MR. HINES: Right now on the plans
16 they're just shown generically. There's just not
17 a standard detail symbol on the plans.

18 MR. RAAB: But that's been added since
19 then.

20 MR. WARD: Thank you.

21 CHAIRMAN EWASUTYN: Jim, when do you
22 think you'll have your final SWPPP ready?

23 MR. RAAB: We thought we'd have it
24 ready by Tuesday. We've got plan changes now.
25 Before it was just the SWPPP. Now we have quite

a few plan changes. Charlie told me don't tell you too soon but we're shooting for Tuesday. We'd really like to get a public hearing on this in June.

CHAIRMAN EWASUTYN: Do you think you'd be ready for our meeting on June 2nd?

MR. RAAB: When would we have to have the stuff to you?

CHAIRMAN EWASUTYN: When do you think you're going to have it by?

MR. RAAB: Give me another day and I'll say we'll have it by Wednesday.

CHAIRMAN EWASUTYN: Let the office know and then we'll consider it. Okay. Thank you.

MR. RAAB: Thank you.

UNIDENTIFIED SPEAKER: I have a question.

CHAIRMAN EWASUTYN: This is not a public hearing.

(Time noted: 7:28 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: June 22, 2011

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

In the Matter of

G&M ORANGE, LLC
(2011-07)

Crossroads Court & Route 17K
Section 95; Block 1; Lot 73
IB Zone

SITE PLAN AND
ARCHITECTURAL REVIEW BOARD

Date: May 19, 2011
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROBERT DALY

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

1
2 MR. BROWNE: Our next item of
3 business is G&M Orange, LLC, a site plan and
4 -- I'm sorry. Project number 2011-07. It's a
5 site plan and ARB being represented by Henry
6 Kroll of Full Throttle Construction
7 Management, LLC.

8 MR. DALY: My name is Robert Daly, I'm
9 the planner. We have the project engineer here,
10 Henry Kroll.

11 We're back before the Board. We had
12 resubmitted a modification to the conceptual plan
13 which we were last here before the Board on the
14 21st of April. This is one that we discussed but
15 we came with additional details to provide you
16 with a better understanding of what it was we
17 were doing, what was intended.

18 On the plan itself there's an area of
19 the building, particularly at the lower level,
20 which is a kick out of the original building
21 which will now be added. It's subgrade. It's
22 the length of the building, which is 90 feet on
23 that side, and comes out 40 feet except for down
24 the little corner here. That addition is for a
25 machine shop, to bring the balance of the

1 machines which were not originally intended to
2 bring in but will be incorporated into the
3 building.
4

5 In doing that there's also an item that
6 we noted in terms of access, because we did
7 change the access to the building. That access
8 is down in this corner, the southwest corner of
9 the building. Basically they're lift slabs that
10 are incorporated into the building itself and can
11 be utilized to bring equipment in and remove
12 equipment as necessary. The balance of the time
13 they would be there and be part of the parking
14 area. So that was the major changes.

15 There were several other documents which were
16 provided to the Board, the stormwater pollution
17 prevention plan. I think the major changes that
18 we provided was this item down here which changes
19 the sub or the basement area of the building from
20 8,100 square foot to, I think it's 11,628 square
21 foot. That will all be below grade. The
22 building does not change other than at the ground
23 level and on the second level.

24 I'm going to turn it over to Mark Day.
25 Mark is going to run through some of the other

items for you that we provided to the Board in this submission.

MR. DAY: Just as Rob mentioned, what we've done is there was some equipment that was originally slated not to come and they realized that they're probably going to want to keep it. So we've had to increase the basement area which is the assembly area. In effect, I think at the last meeting we were here we described how we were going to access that lower level. Basically we're going to do it the same way. We're going to have removable panels in the parking area where you can pick things up, you can put the equipment in, and it's very infrequent. That area will be actually under the parking area. We've got a system where we'll seal it with gaskets and so on.

Anything else -- really the footprint of the building from the first floor to the second floor, nothing has changed. Everything here is really below grade. That's really it.

We had submitted a SWPPP. The system that we're proposing is much like we had proposed on the original site. They're going subsurface.

1 We've got a fairly decent perc rate. The soils
2 out there are pretty good. Much better than we
3 actually found here. A lot of sand and gravel
4 once you got below -- there's about a three to
5 four-foot overburden. Once you got through it it
6 was very good.
7

8 What we're looking to do is do a
9 infiltration system where all of our stormwater
10 will actually be collected and will be stored
11 underground where it can percolate into the
12 ground. We have a couple areas where we're
13 actually going to be using this. One is to the
14 east and one is to the west side under the
15 parking areas. We're also going to be directing
16 the stormwater from the roof into that same
17 system.

18 We've also prepared an engineer's
19 report for the lift station which is going to be
20 proposed at the rear of the building.

21 We've also got a 1,000 gallon grease
22 trap which will take care of the kitchen waste
23 that will be coming from the proposed cafe.

24 Basically that's the modifications
25 we've made.

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We did modify the landscape plan.
We've made those changes, too.

CHAIRMAN EWASUTYN: What I have is I received a letter from the New York State Thruway Authority today and also from the Orange County Planning Department. You may want that for your record. That just came in.

At this point I'll turn the meeting over to Pat Hines, our Drainage Consultant, and he'll summarize the discussion. Pat.

MR. HINES: As Mr. Day said, we received a stormwater pollution prevention plan. We have quite a few comments on that plan, some of which are clean-up items. The main one is that the infiltration basins were designed utilizing two percolation tests, and the new design standards require permeability testing. The appendix D has those.

Do you have my comments?

MR. DALY: I don't think we have them.

MR. HINES: That testing needs to be done in compliance with appendix D of the design manual.

Percolation tests allow both the volume

1 and size of the trench to take water, and
2 permeability tests are designed only to allow the
3 bottom to be done. I discussed with the Board at
4 work session you had a fifteen-inch per hour perc
5 I guess done that way. We just need that proved
6 out.
7

8 The sediment erosion control plan
9 that's in there, because you're using
10 infiltration practices for post construction,
11 there needs to be some kind of water quantity
12 control during construction. That you don't
13 have.

14 More importantly, I looked at the
15 grading plan and it looks like you're encroaching
16 on the buffer for the class A stream on the
17 grading plan. I believe there's a twenty-five
18 foot buffer on class A streams with the DEC. You
19 may need additional retaining walls to -- I
20 believe you're attempting to stay away from the
21 DEC permitting requirements. That may need some
22 work.

23 We just noted the gravel parking area
24 that you're taking credit for in the pre-
25 development condition. That was a remnant of the

original building construction. We're asking you take a look at that.

The sewer pump station design report and the details submitted don't jive.

MR. DALY: Really?

MR. HINES: The detail sheets says 480 volt pump station, 2 horsepower pumps. That needs to be coordinated.

We have some comments on the sewer design itself, which I can give you a copy of. I don't know why you don't have one.

CHAIRMAN EWASUTYN: I'll give them a complete set from Karen and Bryant.

MR. HINES: That needs to be coordinated on the plans, the report versus the details. I don't know whether the detail was a remnant or something but it's not coordinated. That can be done.

What we do want to see in that report is we have an issue in the Town with several of the force mains in the Town that have multiple pump stations pumping to each other. It's an analysis of what happens when each of the pumps is on. We ran into this, some of the Board

Members are familiar, with the Pilot Travel Center. We have a large force main in that end of Town there and we have issues with multiple pump stations pumping at the same time. Usually one of them wins and the other ones don't. We like to see they can either work together or that they're designed not to cause issues with each other.

Those are the substantial comments. The rest of them are technical in nature that I'm sure Mr. Day can take a look at in the future.

We are looking for modifications to the SWPPP, the sanitary system, and we need to take a look at that encroachment into the DEC regulated area.

MR. GALLI: Can I ask Pat a question?

CHAIRMAN EWASUTYN: Sure.

MR. GALLI: Pat, with the pump out of that new concrete section of the new building, the floor and the basement area, the footing drains, how do they get that to drain?

MR. HINES: I have one comment. The finished floor elevation of the basement is below any of the surrounding grade. I have that in a

comment there just as a warning on how to address footing drains and whether or not there will be a sump pump hooked up to a generator.

MR. DAY: What we did on the last building, if you remember, is there were garages below grade. We put, basically I want to say a B-Dry system under the slab where we ran a series of perforated pipe to a sump. We'll do the same thing here just in the event that we hit a high water table. So we'll do the same thing. We'll connect both footing drains and the under slab will be connected to a sump.

MR. HINES: Is there a generator associated with that?

MR. DAY: Yes, there is a generator. We're in the middle of sizing it right now.

MR. HINES: If there's a generator exterior, that also needs to be shown on the plans.

MR. DAY: We're not sure of the size yet. We should have that this week.

CHAIRMAN EWASUTYN: Any additional comments from Board Members?

MR. BROWNE: Nothing.

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MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Okay. Thank you for
your time.

MR. DAY: Thank you.

There's a series of letters that we
need to write, should we write those letters, as
far as for flow and things like that, to the
City?

CHAIRMAN EWASUTYN: The City flow
acceptance letter?

MR. HINES: The process for the City
flow acceptance letter is that you should do a
narrative of the project and the anticipated
hydraulic loading based on the square footage. I
know that changed a little bit. That goes to Jim
Osborne's office, the Town Engineer, and he'll
submit that to the City of Newburgh. They
usually answer back to him. I would recommend
you start that process as soon as you can.

MR. DAY: I know we write to the fire
district. Do we go ahead and write those
letters?

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: What was the question?

MR. DAY: We had written a letter during the last project to the Orange Lake Fire District. Should we write those letters as well?

MR. CANFIELD: You can. You mean as far as coordination and them seeing the plans?

MR. DAY: Yes. I think we were basically just notifying them that this was a project.

MR. CANFIELD: You can. That will be helpful. They have already seen the plans but your correspondence will be helpful also.

MR. DAY: Thank you.

CHAIRMAN EWASUTYN: Okay. I'll move for a motion to close the Planning Board meeting of the 19th of May.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 7:40 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: June 22, 2011