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

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In the Matter of

GOMEZ MILL HOUSE
(2009-01)

Mill House Road, east of Route 9W
Section 8; Block 1; Lot 28
AR & AR/O Zones

----- X

CONCEPTUAL SITE PLAN

Date: February 5, 2009
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: PETER KARIS and
RUTH ABRAHAMS

----- X

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

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GOMEZ MILL HOUSE

MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of February 5, 2009. We'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

MR. PROFACI: Here.

CHAIRMAN EWASUTYN: Present.

MS. HAINES: Thank you. The Planning Board has experts that provide input and advice to help the Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Fire Inspector.

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

MS. ARENT: Karen Arent, Landscape

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GOMEZ MILL HOUSE

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Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

MS. HAINES: Now I'll turn the meeting
over to Joe Profaci.

MR. PROFACI: Please join us in a
salute to the flag.

(Pledge of Allegiance.)

MR. PROFACI: If you have any cell
phones, please turn them off. Thank you.

MS. HAINES: Tonight on the agenda we
have Gomez Mill House. It is a conceptual site
plan located on Mill House Road east of Route 9W.
It is in an AR and an AR/O zone and it's being
represented by Peter Karis.

MS. ABRAHAMS: Good evening, ladies and
gentlemen. My name is Dr. Ruth Abrahams, I'm the
executive director of the Gomez Foundation Mill
House which owns and operates the Gomez Mill
House. This is Peter Karis from Hudson & Pacific
Design who will be speaking to the technical
design and to the design that we're proposing.

As a brief introduction for those of
you who are not familiar with the Gomez Mill

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House and its history, it is a nearly three-hundred year old site, one of the few in the country, that is a historic site and museum. It was founded in 17 -- 1705 -- 1714 by Luis Gomez who received a denization to live and work in the United States in 1705 from Queen Ann. Over the period of three hundred years, unlike most historic sites which have one historic event of notable -- of note or one notable family who lived on the site or in the house which is now a museum, we had five. And so unlike a site which perhaps was one of the stops on the underground railroad or Washington slept here type of historic site, we actually had five significant historic owners who contributed unique -- uniquely to the history or to the philosophy of the United States of American beginning with Luis Gomez who was a Jewish colonial leader, to Wolfert Acker who was a Dutch colonial leader here in the United States and at the post Revolutionary War was a merchant and created a small industry here. We then had the Armstrongs who purchased the property, became famous for the Danskammer Mansion. They were a wealthy class

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family. We had Dard Hunter who was a renowned artist of the Roy Carter arts & crafts movement who built the paper mill which is world renowned. Then we ended With a social activist by the name of Mark DeQueenan. And combined that three-hundred year history -- then we had a local family actually, Mildred Starin, and she had raised her family -- she and her husband raised their family at the Mill House until 1979 when she approached decedents of Luis Gomez who were in New York and suggested that they purchase the property from her and create a museum. She had previously gotten it on the national register of historic houses.

This year marks the 13th anniversary of the sale of the museum and its creation as a -- sale of the property and the creation of the museum, which we're very delighted, which we'll be celebrating throughout the year in conjunction, of course, with the quadricentennial of Hudson -- Hudson's trip up the Hudson.

A little bit of background. We purchased the Woodward property that this project is being proposed for in 2001 with the assistance

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of a State EPF grant, and in conjunction with Scenic Hudson and New York State through easements which -- and also with the support of the Town of Newburgh who submitted a resolution in support of the project and where we are today. We are mandated by the State and by the easement to provide public recreation space on that property, which we are trying to do through the design and through the planned programming that will be subsequent to its conclusion. We hope to do that this year so that we can move on this in a number of directions, both for the public and for our programming, and our administrative needs frankly.

We provide a number of services that will be in addition to the public space in the community here. It's recreation space, trails, all kinds of recreation use that you'll see on that and that Peter will describe. We also provide, as you know or as you may know, an educational site for the public. We bring a lot of tourism to the area. For those of you who are familiar with our third grade program with the Newburgh School system, from April until June,

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we're beginning our fourteenth season this coming April, we have about a thousand children come through the Mill House three days a week from April until June from the Newburgh Schools.

So we're delighted to be here, we thank you for your attention to this issue and we look forward to working with you.

Now Peter, please.

MR. KARIS: Mr. Chairman, Members of the Board, I'm Peter Karis, I'm a licensed landscape architect from Hudson & Pacific Design out of Saugerties, New York. We've been working with Ruth on this project for about four years now.

As Ruth said, we're mandated to provide public access to this public recreation land.

The property is broken up into two parcels. One contains the historic core of the property that's been owned by Gomez for hundreds of years, and the parcel that was recently purchased through conjunction of grants and with the State is what we call the Woodward parcel which is this large, old agricultural piece, it's about sixteen acres that contains portions of two

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orchards and a big open field in the middle, and direct access to the huge creek. Mill House Road bisects the Gomez property through here and then continues on to the Town of Marlboro.

Our proposal -- we're trying to keep this very, very simple from a site plan perspective and from a defamed development perspective. We're trying to incorporate a lot of the best site or the better site management principles the DEC is putting forth with their stormwater management. Our access is proposed off Mill House Road located next to an existing residential driveway. We're coming parallel to the property line into a large turnaround and drop-off area, not only for people visiting but for buses. We're providing some drop off and bus parking space at a critical point for safe unloading of specifically school children that visit the site quite often through the summer months or through the spring and fall months as part of their program.

Connection to the historic house will be from two locations. The first will be a small trail connection out through what we're calling

1
2 the Tollman Grove. We're going to create --
3 there's some existing pine trees located up in
4 this corner of the property. We're going to
5 expand upon that and create an evergreen -- an
6 area of evergreen trees that eventually will
7 become -- it'll be an exciting area to come and
8 explore the covered evergreen area. The second
9 connection is an ADA compliant access trail that
10 comes off adjacent to the drop-off area and winds
11 its way down to Mill House Road. As I said, this
12 will be ADA compliant. It's a series of small
13 stone retaining walls and railings. This is
14 really going to provide us the opportunity to
15 have some interpretive panels, and that will
16 become an educational tool as you enter the
17 historic core of the property. Essentially as
18 you come to park you can experience the history
19 of Gomez before you get to the historic core
20 area. That's the idea. We've tried to
21 incorporate, as I said, a lot of these low-impact
22 development strategies.

23 The parking lot is sloped to a
24 bioretention area in the center of the parking
25 lot. We wanted to have an impervious parking

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pavement system. There's been some mention of gravel in the memos. I don't think that we're married to gravel but I know that we don't want asphalt. Because of the intensity, the low intensity use and the amount of visitors that come, we think that this is a prime opportunity to start to get away from those ten-foot wide parking spaces and seas of asphalt and try to be more sensitive to the lay of the land and reduce our impervious footprint, increase green space and, you know, highlight the hydrology of the site.

Potentially there will be flowing water coming through a series of bio-swales and cataracts. As you come down the trail there will be views back. It's going to become quite an entry experience into the property.

We're also proposing modest improvements around the Gomez Mill House itself. First and foremost is an ADA trail up to the back which is where the main entrance to the house is. The second are improvements to the existing circular driveway and the reclamation of the expansive gravel to lawn, someplace for a tent

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that could be put up if there's an event.

Also, off the main proposed parking area we can grade out a flat space to put up a tent if there's some kind of event that warrants it and to have an overflow parking area. Essentially it's going to be part of the field but it's an area designated if we need additional parking spaces for a special occasion.

In a nutshell that's it. I'll just leave it to the Board for their consultants and questions.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: Garbage disposal, dumpster areas?

MR. KARIS: That will all be taken care of over at the current Mill House.

MR. GALLI: When they get off the buses and stuff they have to carry --

MR. KIRAS: We can certainly incorporate some refuse storage and receptacles.

MR. GALLI: Bathrooms?

MR. KARIS: Hopefully in the big picture, it's a temporary situation, we's like to

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put a couple Port-a-Johns on a screened pad just to have a place for people that get off the bus to use a rest room and not overload the system that's in the building which is -- you know, this is a house, it's not set up for a lot of people. Ultimately the goal would be to put in some kind of composting rest room system. There are companies that sell pre-packaged rest room buildings, they're all composting, there's no water use. There's a system below that building. We've used it successfully throughout a couple --

DR. ABRAHAMS: If I may add, the portable Johns we're talking about are not those little blue things. We're talking about something you would see on the golf course. It's set up for temporary use but it will be a nicer public space other than what you see at construction sites.

MR. GALLI: How many buses will the parking lot hold?

MR. KARIS: Two.

MR. GALLI: Two. Once they get off the bus and start walking the trails how do they get from the road down to the house?

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MR. KARIS: They're walking on the road to the house or they're taking the native American trail.

MR. KARIS: The native trail, you know, connects to the road, then there's a small section that they'll be walking on the road and then up the driveway to the house.

I'll just point out currently buses unload at Route 9W and kids walk down Mill House Road, which, you know, has its own safety concerns.

MR. GALLI: It's closed right now.

MR. KARIS: It's closed right now and Mill House Road is not your standard road. It's steep, it's narrow, it's --

MR. GALLI: The only concern I would have is the kids walking on the road if they ever opened it up.

DR. ABRAHAMS: That's why we also have the parallel native American discovery trail which parallels the interpretive trail from the parking lot to the main site.

MR. KARIS: We really tried to minimize that with that potential conflict. We've

1
2 recognized that. There are swales that come down
3 both sides of Mill House Road that dump into the
4 creek, and we're just trying to minimize that.

5 MR. GALLI: That's all I have.

6 CHAIRMAN EWASUTYN: Ken Mennerich?

7 MR. MENNERICH: The new parking area,
8 would that be used in the winter months?

9 DR. ABRAHAMS: Sure. We are mandated
10 -- this is essentially a public park space which
11 is part of the easement requirement that we have
12 with the State. So it would be open defined
13 times, probably like, you know, 10 to 4 or 8 to
14 4, something like that. We're entitled to set
15 those times for the public space. So during the
16 winter it would be open for cross country skiing
17 or whatever people want to do on the site.

18 MR. KARIS: The larger picture with the
19 Woodward parcel is -- this provides the gathering
20 place for this property to be used by the public,
21 whether it be for formal trails or some kind of
22 other active recreational opportunity.

23 MR. MENNERICH: I guess in considering
24 the surface you would want to put in that parking
25 area, I think you have to keep in mind you are

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going to use it in the winter and snowplows can really rip up things like gravel.

MR. KARIS: Right. We're still investigating the technique that we'd really like to use on that surface. That's shortcoming with our stormwater report. It could be a combination of asphalt and a pervious pavement system, some combination of the two.

DR. ABRAHAMS: The State has informed us we have some leeway when we open and close it. Getting in -- just as with the Mill House, we close when the weather is too inclement. That's why we're not open from November 1st until April 15th every year, because it's just impossible to get to the house with the ice, even when we plow. It's a dangerous situation. So regarding that, we could speak to the State about whether it's open or closed during the month, at your will go in, that type of thing, and whether we're required to plow during the winter months or not based that relationship. We can explore that for sure.

MR. MENNERICH: At this point you really don't know for sure, you might be closed?

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DR. ABRAHAMS: Right. They told us informally that it's sort of at our will as long as the public can get in during reasonable times and reasonable usage. So it's a little bit gray in terms of the specifics of what they expect. I can try to get them to pinpoint that a little more. We like the leeway frankly. They're not paying for any of this so we have to provide all of the support for it, but they have been pretty good about what they've been saying to us so far. I can get them to clarify what our obligations are during the winter months and during inclement weather, whether it remains publicly open and our responsibility to provide the parking or use it at will type of thing which some parks have.

MR. MENNERICH: Who plows the main road coming down?

DR. ABRAHAMS: I believe the Town does. We have private plowers that come in our driveway and around the back but I believe the Town plows the Town road.

MR. MENNERICH: At some point can you address what your thoughts are relative to that road, how it would be --

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DR. ABRAHAMS: Well I know historically when we purchased the land there was a resolution that essentially said we should -- they will -- they're approving this with the idea that it will become a private road down the road, they would like us to turn it into a private road we would then be responsible for. I think we had all the intentions of doing that had we started earlier and found funding for this project, and then of course the culvert went out up the road on Old Post Road and Mill House became extremely active as an alternative, and there was a neighborly issue about whether we would go forward with closing it or not. We didn't. And then through all that use our little bridge went out. I mean it just undermined. The heavy traffic that was -- the road was unused and certainly not built for that. It gave way and so now both of them are out. I understand they're finally getting started on the Old Post one after five or six years. We still have to wait to see what happens with the little bridge we have. It was undermined by the increased amount of traffic that came over unexpectedly. And frankly, the

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additional traffic created problems for us. At least twice a year we had our stonewall knocked down in certain places that we had to then repair.

MR. MENNERICH: I think it's a very unique site you have there.

DR. ABRAHAMS: It is.

MR. MENNERICH: This looks like it would make a nice addition to it.

DR. ABRAHAMS: We think so. We think it will add to the value of it as a local site in terms of its usage, and as we said for recreational. I think also from an educational point of view we can have more people come and have other kinds of events that are not terribly disruptive but a little more than what we've been able to do.

MR. MENNERICH: Two bus spots are -- you never would have more than two bus loads coming in at a time, like the third grade program?

DR. ABRAHAMS: You know, we've never prepared for anything larger because we've never had parking, so we've been limited in the amount

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of public relations we can do for the site frankly because of the lack of parking. It's been a deterrent for having visitors come as other sites have. We project that we have not seen more than one bus come at a time with visitors that stay up on 9W. We schedule tours so -- and we have a limited staff. We wouldn't want to have more than -- you know, even now we have eighty kids in a day. You know, three days in a row for six weeks straight, we have to have -- we only have two or three staff people handling all that. So we have a limitation on our ability to do things. We're a small site.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: How visible will the cars be from the house?

DR. ABRAHAMS: From our house or from the residential house?

MR. PROFACI: From your house.

DR. ABRAHAMS: I don't think they'll be visible at all. The eighteen-acre core site is in -- what would you call it again? It's down in the little valley. You have maybe in the winter -- I don't even think in the winter you'd see it.

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There's a beautiful tree grouping that blooms nicely and it's up on the hill. You can't see it at all.

MR. PROFACI: I would like to see it that way. As a historical building you wouldn't want to see the cars.

And what's your timeline for this? How are you projecting --

DR. ABRAHAMS: We've received a sizeable State grant. All going well, if it goes through quickly, it's possible they won't see the money sitting there and try to say why is --

MR. KARIS: The release of the funding is tied to a SEQRA determination.

DR. ABRAHAMS: They're not giving us our contract until that's finished. We have a \$500,000 grant from the State to produce this plan and we would like to break ground in the spring as soon as possible and have it completed by the fall, have a ribbon cutting ceremony sometime in September, October at the latest. We think that's very doable.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: Currently you had

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had how many people?

DR. ABRAHAMS: Visit us?

CHAIRMAN EWASUTYN: Yes.

DR. ABRAHAMS: About 3,000 to 4,000 a year, which 1,000 are the children.

CHAIRMAN EWASUTYN: What I'm having a difficulty with is the planning of it, the current proposed events and the future proposed events. Since you've said you've been working on it for four years, I'm also hearing you saying that we're not sure as to who and what we're going to accommodate, what the events may be, and I think you must have something in mind and that's what -- again, the Port-a-Johns, however exclusive they are, are temporary and at some point in time you plan on upgrading them to accommodate for so many people.

The tents, what are you projecting that you may have tents for? May you be having weddings? May you be having graduation parties? I question whether or not you have the build out, even what you're showing there to accommodate your present use, and right now I don't see it working. I'm not saying I'm opposed to the

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project. I don't see it working because when I hear about the potential for people coming to see it and as the site begins to grow I don't know -- I don't see the plan or hear the plan to accommodate the growth. At some point in time this will have to be referred to the ZBA, and at some point in time there's going to have to be an understanding of what the total use might be.

I'm going back to the planner or the designer to speak on some of these questions if you don't mind.

DR. ABRAHAMS: Not at all.

CHAIRMAN EWASUTYN: Bring me through -- visually I can't see it all happening. Visually maybe I'm missing something.

MR. KARIS: From my understanding I see potentially there may be two events a year where a tent would be put up to accommodate a hundred people.

DR. ABRAHAMS: We currently have a tent that we have up every year on the main green, and that accommodates about seventy-five people maximum I would say under the tent itself. We were planning on this to redirect that to the

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back of the house if people wanted to use a tent for meetings, for an event so that the visual flow is not as disturbed as it is now when we have that tent up. That's the first thing. We're not talking about major concerts or things of that sort. We're talking primarily small weddings. Yes, that would be nice for us to have as a source of income for sure. We get questioned -- we get referrals all year long for that. We say we don't have bathrooms, we can't accommodate you. They could put them up I suppose but as the site currently exists we do not feel that it's appropriate for us to try to handle. This new plan would allow us to accommodate a couple weddings.

CHAIRMAN EWASUTYN: That's the menu I want to walk down with you. I want to be specific because I think you're creative and I want to be able to visualize that yes, I'm going to have weddings.

There's parking enough for thirty-two vehicles.

DR. ABRAHAMS: Right.

CHAIRMAN EWASUTYN: I think that's a

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rather small wedding if only thirty-two people can park, and then you're talking about possibly the overflow. Is there going to be a limousine type vehicle that's going to bring people to the wedding? Sometimes the intensity of use as it's originally proposed to a Planning Board is discussed in a manner that is going to be very casual, very simple. As the experience begins to be enjoyed and the word begins to spread, then the numbers increase. I'd like to think of planning not so much as to what is happening today but what the potential is to see that when we eventually approve it or go through a SEQRA determination, that we have given it a hard look, and that's what I'm trying to understand. It's significant.

Will there be an admission fee to come here?

DR. ABRAHAMS: We have one now.

CHAIRMAN EWASUTYN: Okay. I'd just like to know that.

DR. ABRAHAMS: We currently have an admissions fee to tour the house. We do not require people to have to pay an admissions fee

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GOMEZ MILL HOUSE

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to come to the property. They can come, picnic on the green. That's a public service that we have.

CHAIRMAN EWASUTYN: Where would they picnic? Will you have picnic tables here?

DR. ABRAHAMS: We put the tent up every year and people can picnic. It's casual at this point.

MR. KARIS: I'm sorry. When she says the green she means the open grass area right near the Mill House.

CHAIRMAN EWASUTYN: And there are tables there now?

DR. ABRAHAMS: We have them available and we have chairs available. We put a couple up and depending on how many people come, a couple more. We have a program every Sunday -- almost every Sunday called Sunday at Mill House. We get about anywhere from ten to forty people who show up.

CHAIRMAN EWASUTYN: Are you looking to increase your attendance?

DR. ABRAHAMS: We are looking.

CHAIRMAN EWASUTYN: By what percentage?

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DR. ABRAHAMS: I would say we would like to, over the course of the year -- over the course of the whole season I would say we would like to increase it at least by fifty percent more.

CHAIRMAN EWASUTYN: So fifty percent goes from approximately 3,000 to --

DR. ABRAHAMS: Maybe 4,500.

CHAIRMAN EWASUTYN: Maybe we'll just bring it a step further. We go from 3,000 to 6,000.

DR. ABRAHAMS: That would be great.

MR. KARIS: That's a hundred percent.

DR. ABRAHAMS: That's a hundred percent, though.

CHAIRMAN EWASUTYN: I agree with you. That optimism is great and that would be great. This is what we're trying to look at to see are you, can we and are we implementing the necessary tools to accommodate this. If not, then we're going to have vehicles parked all over the place, we're not going to have enough trash disposal units for the trash, we're not going to have enough Port-a-Johns. It's more your problem but

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sitting here trying to be creative with you I like to begin thinking those things through.

DR. ABRAHAMS: I think on an average we would not be seeing that much more coming in on a general basis per day as it comes through. If we get ten, fifteen, twenty people on -- say before the summer holiday, from April until June 30th, we can get maybe anywhere from -- we have a group that books, like we have a group from Poughkeepsie come or something of that sort. We get a bus load of forty people generally and then we split them into two. That's contained and we project for that and we know what we have to provide for them. Over the course of the seven months we're open it's spread out pretty much, and we have some hot times. For instance, in the fall we have -- now they're coming throughout the summer but for awhile they were coming in August and September, an elder group for a number of weeks on end. So we would have just in that two months maybe 400 people go through, but not every day. Not on one day. 30 one day, 20 another day and maybe 40 another day, and they come and go from that pattern. Then we would have periods in

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July when it's very hot where we get like 5
people a day.

CHAIRMAN EWASUTYN: Do you put this out
to -- how do you advertise this, and then based
upon how it's advertised do you -- can you really
control the amount of people that might decide to
come in?

DR. ABRAHAMS: I think we can't control
it. I think throughout the Hudson Valley we're a
major historic magnet. You go to anything from
the smaller Roosevelt -- the Eleanor Roosevelt
house to even the Roosevelt Mansion, or Q&O
Village or something where you have a lot more
play than we do, they go through the same periods
up and down, and of course you have the economy
playing into this. We advertise every year in
the Hudson Valley Guide, which has, as you know,
all the stops. We place advertisements in the
local newspapers and we also have them in other
papers occasionally. We don't have a lot of
money to play with here. The Hudson Valley takes
a big chunk of our advertising budget. We try to
place stories in papers from the city and
throughout the Hudson Valley, and we get picked

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up every so often as a unique place on the web -- Internet and other places. We have the 300th anniversary of the site. We're going to be picking up public relations on that benchmark because it's really one of the unique aspects in the country. I'm putting together a list of other 300 plus sites in the country. There aren't many. We would like to capitalize on that of course, and we'll see how that goes. Our class of museums, the small museums, and we're not a major site, a big site in that sense. We have a big story to tell but as a draw I would say if we got 6,000 a year, that would be a lot for us.

CHAIRMAN EWASUTYN: We're going to have to talk this through. Again Mike eventually will summarize it, Jerry will summarize it as far as the bulk uses, what's permitted, what has to go before the ZBA. Mike is much better, Mike Donnelly, the Attorney, at explaining what might have to be spelled out specifically to help the Zoning Board of Appeals come to a decision.

I'll turn it over to other Members, our consultant team. Jerry Canfield. Jerry.

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MR. CANFIELD: As the Chairman had said, one of the first and foremost things that needs to be determined is what classification is this project. As you may be aware, this is what's known as an AR Zone. All of the uses -- many of the uses that you had mentioned are not permitted by our bulk use tables, which means that you will most definitely at some point in time need to go to the Zoning Board and address that for perhaps a use variance, or, B, at least an interpretation of what your proposal is.
Okay.

In the work session what we had also briefly touched on, and this is my second big issue, is the Town of Newburgh engages in a national flood insurance management program which is regulated by FEMA, Federal Emergency Management. In the submittal there was an overlay of the flood plain, which obviously goes to the existing parcel. What is unclear at this time is what extent of disturbance or work will be taking place actually in that flood plain. There will be a strong possibility that probably a flood plain development permit will be needed

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also, which can be determined at a later time, probably in the SEQRA process and everything. It's more prevalent to be identified now, whether it is or is not needed. That can only be determined by submitting elevations, the flood plain elevations, and also overlaying the areas of disturbance, and then that will determine whether the permit is or is not needed.

Those are the only two big issues that I have at this time.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Could you just explain what work is being done around the house? I know there's going to be a walkway and a couple new parking spaces.

MR. KARIS: Sure. Essentially what we're doing is we're improving what's there. It takes a couple of points. One, we need to provide ADA access to the back. We can't come up the driveway and do that. We've designed another sidewalk with a series of small retaining walls to be ADA compliant to get to the back, which is essentially the front door to the property.

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We're going to improve the existing circular driveway, meaning that we're going to, you know, manicure, tighten, expand a little bit the actual width so that we can get comfortable access around that, and also re-orient an existing shed a little bit to get it out of the way and then push a couple staff parking spaces in this back corner in the back. That area has already been filled and played with and it's really just a formalizing that as a staff parking. We're also going to again put in handicap parking with an accessible route to the main entrance to the property. We're also going to reclaim this area between the ADA space and the house, this little triangle right here which right now is just an open gravel area, as lawn. We don't want to look out of the house and see just a disgusting gravel area quite frankly. We want to see a nice lawn with some nice walkways and really try and enhance the historical character of the property.

We also have a small little formalized path going to the existing bridge across the creek. That's all we're doing around the historic core.

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MR. COCKS: I saw on the application there might be work done to the mill, to the actual mill. Is there anything proposed for that?

MR. KARIS: All that is is the rehabilitation of the structure itself.

DR. ABRAHAMS: Some of the internal structures are weakened. We have to shore them up.

MR. KARIS: It needs some structural attention and it needs some maintenance.

MR. COCKS: That's good. I just wanted to get that all on record.

My second comment was just stating this is a Type I action under SEQRA because it's a historic site, it's listed on the national register of historic places. Because of that this review is going to have to be coordinated with the New York State Department of Parks and Recreation and also the Orange County Planning Department and the Town of Marlboro.

Jerry mentioned before and discussed the use of the site, so I won't get into that any longer.

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The applicant has provided a phase I archeological study and stated no cultural resources were recovered from any of the test sites and it was concluded that it does not contain any potentially significant cultural resources. I didn't actually read anything in there about the historic resources in there so I don't know if that was going to have to be expanded later on during the SEQRA process.

We discussed what the special tent area is going to be and whether it's going to be permanent or temporary.

Are you guys going to -- do you put that up as like on a daily --

DR. ABRAHAMS: No. We have it up for the season.

MR. COCKS: It's up for the season?

DR. ABRAHAMS: Yup. What we're proposing is that it be like you can take it up and put it down. Right now we have a tent we bought, I don't know, maybe ten, fifteen years ago, a typical thing that goes up with the ropes and everything. There's forms where you can have the permanent footings for it but you can take it

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up and down a lot more easily.

CHAIRMAN EWASUTYN: What would be the dimensions of that?

DR. ABRAHAMS: What's the area?

MR. KARIS: About thirty by fifty.

CHAIRMAN EWASUTYN: So at some point in time -- I think at some point in time the site plan should have a note with the specific dimensions.

MR. KARIS: Okay.

CHAIRMAN EWASUTYN: I mean I think just as far as good planning, that way that's what we know we're approving. We're not denying you anything but what happens in this process is you have to be specific in what you're discussing.

Bryant.

MR. COCKS: Yes. Also the details, the grass overflow parking area, we're just going to have to see some type of detail of where the entryway is going to be, how the access is going to go through there, how many cars would potentially be able to be parked there. That's just going to have to be expanded on moving forward.

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The actual parking lot, the Town of Newburgh does require curbing on all parking lots for site plans. There's no drainage shown so the parking lot situation is definitely going to have to be worked out moving forward. You guys have shown the wheel stops on there. We're going to have to figure out a way that, you know, we can accomplish -- especially if this is going to be open during the winter, accomplish a way.

MR. KARIS: Just to clarify, we have not proposed any curbs. The parking lot drains to the center. It's all surface flow into the bioretention area.

CHAIRMAN EWASUTYN: I understand what you're saying about the sensitivity, recharging the groundwater and also common practice. So we're trying to reach a balance. What Bryant is going to discuss with you also, and maybe I'll talk to Mike Donnelly on this, is there's been an Appellate decision, and I think Mike will discuss that right now as far as what we have our concerns with.

MR. DONNELLY: You have, in your E.A.F., relied upon the DEC reports of species

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that inhabit the site, and while we're not critical of that as a resource, there's a recent court decision that came out of the Third Department that said that that does not satisfy the Planning Board's hard look obligation and that there must be some report by someone who has been on the site that confirms the absence of endangered species on the site. So in terms of supplementing the E.A.F., someone with the appropriate credentials is going to have to do that walk through and submit a report, perhaps as a Part 3 to the E.A.F.

MR. KARIS: Okay.

CHAIRMAN EWASUTYN: Bryant, anything else?

MR. COCKS: Just one other thing. Right now you guys have a gate proposed at the top of Mill House Road, and bollards. That is Town property so that's going to have to be taken out of the site plan set since the Town Board has not granted any kind of approvals. For this to move forward you have to take that off for now and whatever happens later on, we can decide on that.

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DR. ABRAHAMS: That's fine.

MR. COCKS: That was all I had right now.

CHAIRMAN EWASUTYN: Karen, do you have anything you want to add at this point?

MS. ARENT: Yes. I was at a site and I can't remember the name of the arboreta in New Jersey where they had a similar type of parking area with everything draining to the center island. It was very beautiful and it had an interpretive sign because of all the little kids that go, and it taught them about stormwater which I thought was great because normal people don't think about things like stormwater. I thought that was great they had that little sign that told everybody what the purpose of the hole in the ground was. It actually looked quite nice, too.

I have two minor comments. One would be you're showing a lot of landscaping. Landscaping I think on this project would be required to screen the parking area from the adjacent residence and also to provide some shade trees as well as stormwater management plantings.

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Anything else you might want to do at a later date you might want to label with a lighter color so it's clear it wouldn't be part of the approval process but something you want to do some other time.

MR. KARIS: Okay.

MS. ARENT: I was also wondering about signs, how you're going to sign your project. It's going to come in off of other roads.

MR. KARIS: We will need some internal traffic signage in the parking lot. As we progress the site plan those details will come in.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: I have a comment on the signing as well. Currently there's a sign right out on 9W directing traffic right down Mill House Road, and if Old Post Road is to be used in the future with the bridge over the creek enclosed, then a sign from Old Post Road from the north and south should be added. Directions on your website and so forth will have to be revised.

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We had obviously talked about the bridge in our review, the three-ton weight limit now. When the bridge was open it is fairly low to accommodate even pick-up trucks, emergency vehicles, school buses and so forth. Whatever happens with that bridge we'll have to continue to take a look at it. It may be possible that if the bridge is open it could be repaired to such a degree it can accommodate pedestrian traffic and it may not take the same amount of cost to improve it up to vehicle access level. So that's a potential.

The striping of the parking lot, obviously if it's gravel, or whatever sensitive design aspect is used, whether that can be striped and maintained or whether the wheel stops are used to define those parking spaces we'll obviously have to look at. If it is gravel with the wheel stops, designating a nine-foot space may not actually be what it's used as. Without stripes in the parking lot people often will park just a little bit further away, have a little extra room, and where you might show eight spaces might turn into seven or six depending on how

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people park. That should be considered when you're looking at how many parking spaces you're trying to fit in.

We also talked about during the -- currently that the larger parcel would be available to local residents and so forth to use as a recreation area. I can see that parcel being used more as a local park for the people of the Town of Newburgh off of Mill House Road and Old Post Road also in the Town of Marlboro. This area could be used as, you know, an area to throw a frisbee around, fly a kite. There's some nice slopes in there. It's only about a half mile around the perimeter so it's probably too short to use as a cross country ski area.

DR. ABRAHAMS: Good.

MR. WERSTED: Just being not very long you could probably ski the thing in ten minutes and you're looking for something longer to use. Some other smaller uses might be, you know, frequented by neighbors.

I know at the work session there was talk of I guess the Town might be pursuing or investigating with an adjacent property owner the

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potential for closing off Mill House and creating a new road through that area. I don't know that that's a plan.

DR. ABRAHAMS: I think there's just discussions going on at this point.

MR. WERSTED: Certainly.

DR. ABRAHAMS: Nothing is written in stone or -- I think it's just preliminary overtures at this point.

MR. WERSTED: Yes. That's my understanding. I haven't heard from the town supervisor or the highway superintendent but as this project moves forward, how that ties into it, if that's a real likelihood or if it's still just a pie in the sky or rumor and will never come to fruition.

DR. ABRAHAMS: It's a pie-in-the-sky thing at this point. It would be nice but we don't know.

MR. WERSTED: Certainly we'll have to keep that in mind as the Town, you know, and the superintendent talk about the use of the road.

That was all I had.

CHAIRMAN EWASUTYN: Did you accommodate

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for motorcycles?

MR. WERSTED: In what sense?

CHAIRMAN EWASUTYN: In the sense --

MR. WERSTED: Parking?

CHAIRMAN EWASUTYN: In the sense maybe four, five, six people who travel in motorcycle groups in the summer decide to come up there because it is what it is and they want to see it and you have these additional vehicles that you have to accommodate or plan for within the parking is what I'm talking about.

MR. WERSTED: Within the parking?

CHAIRMAN EWASUTYN: I don't drive a motorcycle. Frank does. I can see where a group of people say we'll come up here and stop here. One thing I'm pretty sure of is the surface would be of a quality that a kickstand I guess you'd call it wouldn't collapse in or would collapse in, I don't know. I think in planning for this you probably should -- I've seen some plans where they -- not saying this but they actually have an area set side for motorcycle parking designated for that. I think it's a tourist attraction. Sometimes you may have to think this through.

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That is what I'm throwing out at you. They're not looking to limit the site, they're looking to be sensitive to the site, they're looking to market the site and they're looking to grow with the site, and that's really what I see. Again, I'm not opposed, I'm just trying to follow.

DR. ABRAHAMS: I have friends with motorcycles too and I hadn't even thought of that.

CHAIRMAN EWASUTYN: I think it's great and I think that's the beauty of being on the Planning Board, to think and talk. It's as simple as that.

I'd love to shut up. I'm going to turn it over to Mike Donnelly. He's a better talker and much better thinker, and he dances well, too.

DR. ABRAHAMS: That's what I have my doctorate in, dance.

MR. DONNELLY: Let me try to talk for a moment about procedure, timing, SEQRA and other agencies. This is a Type I and I think at an early juncture we need to issue a notice of intent to be lead agency, and that can't be finalized until the thirty-day time period goes

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by. So it will later be my recommendation that we make that determination this evening.

We have at least several other agencies involved. The Zoning Board of Appeals, and I'll come back to that in a moment, the State Office of Historic Preservation, and I think both the highway superintendent in Newburgh as well as in Marlboro, given how that intersection aligns, should look at this. I think in fairness Marlboro has to be -- their input has to be sought here as we look into it.

The Zoning Board. In 1985 you were granted a use variance that allows you to carry out the operations as they were then described to the Zoning Board. In rather explicit language the decision limited your use to passenger vehicles only unless the roadway, which they were then referring to as Mill House Road, was brought up to Town road specifications. You're now proposing a slightly increased intensity of use, a larger land area than what was originally proposed, and a different access way, and I think this needs to go back to the Zoning Board for them to modify that condition, release it,

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perhaps extend or expand the use variance, and they need to be involved. I don't think they can make a decision until we close out SEQRA because we need to handle SEQRA for all of the other agencies that are involved. Both the Planning Board and the Zoning Board have learned over time that the best way to define a use variance or a site plan approval for a use such as this is to ask you to put forth a written narrative that tells us the intensity of use both on a day-to-day as well as an annual basis, reference to the seasons of use, the expected volume of users, the occasional things like the possibility of weddings, the use of the tent, so on and so forth. What would then happen is both the Zoning Board and this Board would take a copy of that narrative as it was finalized and found satisfactory and attach it to the resolution to make that the limitation of the use, and we're not trying to do anything other than all understand what it is that has been approved. So some of the questions you were asked tonight are things that I think early on you should try to get that narrative, refine it and hopefully in

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short order the Planning Board can be satisfied with that.

The issues like drainage, traffic, and I think somebody has to do some looking at traffic for the entire length of the Town roadway you're going to use to see if it's adequate for buses from a tree branch and sight distance point of view, whatever it might be, needs to be examined.

There is a memo from Pat Hines, our Engineer, that talks a little bit about the drainage issues, certainly the potential disturbance of flood plain areas and whatever else gets fleshed out.

So we really need, and probably if you see that some of those issues need some elaboration, if you could submit that. It's kind of an expanded Part 3. Let's see if we can get that SEQRA document to the point that the Planning Board can make a determination, and obviously from your point of view you want that determination to be a negative declaration. You need to provide the information that could allow the Planning Board to do that. Once that was

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closed out, then you'd have to go to the Zoning Board for them to take their action because we couldn't act here at the Planning Board until they had completed it. At the same time we would need to make a referral to the Orange County Planning Department under the General Municipal Law if a public hearing is to be held, and that's an issue that will have to be determined. We would have to give notice to the adjoining Town of Marlboro at least ten days before that hearing.

So I think we need to see how all those things are going to sequence out. You'll have a timetable that is very crucial that you try to get those things lined up in a way that you can satisfy this Board's concerns, to try to meet your own funding and groundbreaking goals and deadlines. So it seems to me essential is getting lead agency done, getting the E.A.F. up to snuff, and that should include that narrative that the boards will need, whatever drainage and traffic studies are required, and I think it would be very helpful if you could speak to the highway superintendents in both municipalities,

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explain what your proposals are and get their input rather than waiting until we think we've taken care of everything.

CHAIRMAN EWASUTYN: Let me interrupt and make a suggestion on that. Pat Hines, and we normally do this, who isn't here this evening is the representative for the Planning Board to set up these meetings.

MR. KARIS: Okay.

CHAIRMAN EWASUTYN: So --

MR. DONNELLY: He's also the engineer in the Town of Marlboro which will help.

CHAIRMAN EWASUTYN: As Mike is saying, this coordinated review should be done early on. Do you have Pat Hines' number?

MR. KARIS: I do not.

CHAIRMAN EWASUTYN: It's 567-3100. I'm not allowing you but I think the Board would agree if you could speak with him. Dina will give you his e-mail --

MR. KARIS: Okay.

CHAIRMAN EWASUTYN: -- and you can begin --

Did you receive a copy of his comments?

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MR. KARIS: Yes. I'm getting familiar with the names. Bear with me, I apologize.

CHAIRMAN EWASUTYN: I'm sorry, Mike.

MR. DONNELLY: I was trying to give you the flavor of where I think that goes and what else needs to be done. Some of that is incremental and the more information you can do and get to us the more quickly the Board can process what your application is.

CHAIRMAN EWASUTYN: If I understand what Mike is saying is then there are two points we'll follow up on. One is informational and one is for the Board to declare intent for lead agency.

I'll first move for that motion, for the Town of Newburgh Planning Board to declare itself lead agency for the Gomez Mill House.

MR. MENNERICH: Intent for lead agency.

CHAIRMAN EWASUTYN: Intent.

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?

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

The Planning Board once a month holds a consultants' meeting. Bryant Cocks is the Planning Consultant that arranges that. So where Mike left off as far as informational, it might be a benefit for you to begin working on this bullet or this wish list for what the uses might be. Try and make that meeting if possible.

The meeting is when?

MR. COCKS: February 24th.

CHAIRMAN EWASUTYN: So today is actually the 5th. If you could have that ready within the next ten working days.

DR. ABRAHAMS: Yes.

MR. KARIS: When you say have that ready, the list of --

CHAIRMAN EWASUTYN: Can you have that

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ready?

MR. KARIS: That we can definitely have. When we start to get into things like the stormwater management report --

CHAIRMAN EWASUTYN: I think what I'm trying to do is get the information out there. The way the process works is, for future resubmissions in general, when you're ready to resubmit you'll be speaking with Dina Haines. Dina will arrange for you for a time to make your resubmission. The day that you begin resubmitting to the Planning Board you would then mail directly to our consultants. That expedites things, moves things more rapidly. When it comes to the narrative letter you could -- you have everyone's e-mail, you could e-mail them, you could e-mail the Planning Board and then we'll make copies to circulate to everyone.

So the 27th is the work session.

MR. COCKS: 24th.

MR. KARIS: The 24th we should plan on going to this consultants' work session?

MR. COCKS: I'll send out an agenda ahead of time.

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MR. KARIS: And at that point we'll bring together this narrative?

CHAIRMAN EWASUTYN: Ideally if you could have it available a few days before so everyone would have a chance to read about it.

MR. KARIS: So that would be say the 20th? The 19th is a Friday.

MR. DONNELLY: And be prepared to discuss with the various consultants the level of detail that's going to be required for stormwater drainage, for traffic, for flood plain issues so that you're not giving us too much or too little and making the process slow down.

MR. KARIS: And we can work out all those details at the meeting on the 24th, begin discussing that?

CHAIRMAN EWASUTYN: What we're trying to help you with is for you to give us what you feel is the information for our consultants to look at it and then establish what addition is needed. It's the beginning of the process.

DR. ABRAHAMS: Send a draft to you ahead of time for review or we just --

CHAIRMAN EWASUTYN: No. What is is

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what is.

DR. ABRAHAMS: That's fine.

CHAIRMAN EWASUTYN: We're not going to critique what it is you want to do, we want to know what it is you plan on doing.

MR. KARIS: We'll submit that to Dina on the 19th and she'll distribute it?

CHAIRMAN EWASUTYN: No. You'll mail directly to the consultants, or e-mail directly to the consultants. You can e-mail Dina that narrative letter and then internally we'll distribute it to the Planning Board Members, Jerry Canfield, Tilford and other people within the Town.

MR. KARIS: Okay.

CHAIRMAN EWASUTYN: Normally it's just as a matter of practice we'll cc the town supervisor, the town engineer, the town attorney, in this particular case Daryl Benedict, the highway department. It's common practice we circulate to the town assessor. We'll manage the Town.

So for now I'll move for a motion to set this up for a Planning Board work session on

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GOMEZ MILL HOUSE

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the 24th of February.

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 ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Any questions?

(No response.)

CHAIRMAN EWASUTYN: I thank you for bringing forth the history of it. Having read the DEIS associated with the project many, many years ago, being part of the Article 78 that occurred on the site many, many years ago, I do remember reading that history. It was good to hear it again.

DR. ABRAHAMS: Thank you very much.

MR. KARIS: Thank you all. You had some good comments.

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GOMEZ MILL HOUSE

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DR. ABRAHAMS: I appreciate all your
input.

(Time noted: 8:00 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: February 20, 2009

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

----- X
In the Matter of

THE POLO CLUB
(2006-09)

Request for Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: February 5, 2009
Time: 8:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

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THE POLO CLUB

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CHAIRMAN EWASUTYN: We just have a few items of Board business.

Dina.

MS. HAINES: The first item is The Polo Club. We received a letter from Ross Winglovitz dated January 19, 2009 requesting an extension of preliminary site plan approval. The current approval expires on March 29th. With the 180-day extension it will be valid through September 29, '09.

CHAIRMAN EWASUTYN: I'll move for a motion to grant the preliminary extension for The Polo Club until the 29th of September 2009.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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THE POLO CLUB

(Time noted: 8:02 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: February 20, 2009

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

----- X
In the Matter of

DRISCOLL SUBDIVISION
(2005-46)

Request for Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: February 5, 2009
Time: 8:02 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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DRISCOLL SUBDIVISION

MS. HAINES: The next one is Driscoll
Subdivision. We received a letter from Ross
Winglovitz also dated January 19, 2009 requesting
an extension of the preliminary site approval.
This current approval expires March 29, `09 and
with an 180-day extension the approval will be
valid until September 29, `09.

CHAIRMAN EWASUTYN: I'll move for that
motion, to grant the preliminary extention until
September 29, 2009 for the Driscoll Subdivision.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself yes. So
carried.

(Time noted: 8:03 p.m.)

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

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

DATED: February 20, 2009

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

----- X
In the Matter of

FIREFIGHTING ACCESS

Discussion
Karen Arent's memorandum dated 2/3/09
Michael Donnelly's memorandum dated 1/29/09

----- X

BOARD BUSINESS

Date: February 5, 2009
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES
MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
KAREN ARENT
GERALD CANFIELD
KENNETH WERSTED

----- X

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

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2 MS. HAINES: The next item under Board
3 Business is regarding firefighting access. We
4 received a memo from Karen Arent on February 3,
5 2009 as well as a memo from Mike Donnelly on
6 January 29, 2009.

7 MS. ARENT: We met in reference to the
8 firefighting issue and not having any street
9 trees in front of the units. We discussed
10 various options including possibly requiring the
11 trees to be lifted, meaning lower branches
12 removed as they grow. We discussed using
13 different types of trees, even trying lighter
14 trees that wouldn't be in the way as much, which
15 I think that would be difficult because
16 eventually shade trees do get big branches. Even
17 though they're lighter looking, they still have
18 that big branch that might be in the way.

19 So the solution that was acceptable to
20 Jerry and Frank was to use trees that have a
21 mature canopy. We agreed at the time of fifteen
22 feet in diameter which would allow -- I forget
23 exactly the distance between trees that the fire
24 truck would be able to get their ladder up.
25 After researching there's like only a handful of

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FIREFIGHTING ACCESS

trees that would be able to meet this criteria that would look fairly decent because you don't want a very tight tree because that wouldn't look -- that wouldn't look very nice there. I was suggesting perhaps increasing the ultimate diameter of the tree to twenty to twenty-five feet and then you would have a much bigger selection of plant material that would fit. I did a little sketch to show you what a twenty-foot wide tree would look like. You'd get twenty-five feet of open space between the trees. This is the mature canopy spread. It's not something that you're going to see in ten years, it would be more like twenty or even thirty years that the tree would grow to that ultimate width.

I thought that if we could use the twenty to twenty-five foot mature canopies leaving a fifteen to twenty-five foot opening for the firefighters to get their hydraulic ladder through to the roof of the building, I thought that would be a better scenario.

The other thing we agreed upon would be to be able to put a much bigger shade tree at the ends of the units which would have a forty-foot

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2 ultimate mature spread, and that would help as
3 well along the street. That would help give you
4 a leafy appearance, and then when you get right
5 up to the buildings you would have slightly
6 smaller trees and then the bigger trees again.
7 So that was what was -- that's what was in my
8 memo suggesting we could increase the width of
9 the tree rather than sticking at that fifteen
10 foot just to give it a better look. That's what
11 I was suggesting.

12 CHAIRMAN EWASUTYN: Mike, as Dina had
13 read in the presentation, you wrote a letter, and
14 I had asked you I think at the end of the meeting
15 to bring us along on this issue. Do you want to
16 discuss that?

17 MR. DONNELLY: I tried to make it
18 somewhat generic. Karen is speaking specifically
19 of one project. Is it Gardnertown --

20 MS. ARENT: Gardnertown Commons.

21 MR. DONNELLY: That's where the issue
22 came up. We had this issue before and we talked
23 about it last in Newburgh Retail Developers.
24 There's a legal piece and practical piece.

25 Let me start with the legal piece. New

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2 York has generally taken the position that it
3 gives the Planning Board jurisdiction to consider
4 certain things, and they're enumerated somewhat
5 generically but they are enumerated in State law.
6 Other things are given to a more ministerial
7 official like the building inspector or the fire
8 inspector. So generally building code provisions
9 that tend to be generally sort of black and white
10 are given to the building department. As the
11 courts have also said, some are fire protection
12 issues which also in the main are black and
13 white. We're now kind of here in the gray area
14 that we have I guess somewhat questionable
15 jurisdiction, but certainly under SEQRA you had
16 jurisdiction to protect public health, safety and
17 welfare to look at some of these issues. Frankly
18 as good planning you shouldn't be building things
19 that prevent firefighting equipment from getting
20 near a building.

21 Your code speaks of this and we talked
22 about this in Newburgh Retail Developers. You
23 have 185-2 and 185-57 of your ordinance that
24 require you to give notice to the fire companies
25 when you have applications and a ten-day time

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2 period for them to make recommendations. The
3 recommendations aren't binding, they're
4 persuasive. Luckily we have Jerry attend
5 meetings and most of the issues have been worked
6 out.

7 I think the struggle you're dealing
8 with is how do you balance -- and this goes
9 beyond the legal, I would address this more
10 firefighting, planning, landscaping issues. How
11 do you balance the need to have a pleasant street
12 scape and appearance against the need to have
13 firefighting access. Obviously the firefighter,
14 the best thing is to have no trees and no bushes
15 and no shrubs, you can get right up against the
16 building. It might be from an aesthetic point of
17 view is to have the most lush landscaping and
18 tree cover there is. I'm sure that's not always
19 true, I think those are the two extremes. I
20 think what you're trying to do is take the good
21 faith recommendations of the fire company for
22 safety issues and balance those against the need
23 to have landscaping, and I think Karen has helped
24 you in this particular case. I think what you
25 need to recognize is that your jurisdiction over

1 these issues is really limited and it's just in
2 that gray area. You're not supposed to be
3 incorporating fire code provisions just like you
4 don't incorporate building code provisions into
5 your site plan approvals. But you can't ignore
6 recommendations made by your fighting company. I
7 think while you need not follow their
8 recommendations to the letter, you should try to
9 incorporate the objective they seek in a fashion
10 that they can live with. I think sometimes that
11 means asking some hard questions of them. You
12 have some difficulties with Newburgh Retail
13 developers and understanding the extent of their
14 concerns. Frankly you have to realize for fire
15 events, you hope they never happen and if they do
16 happen it's going to be rarely and how do you
17 balance that maybe once in a long time safety
18 issue against the need to have an attractive
19 street scape where you can.

21 So hopefully you found a compromise for
22 this project you can live with. I think we need
23 to continue to work with Jerry and Jerry with the
24 individual jurisdictional fire departments to see
25 if we can meet those objectives and still, you

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know, provide the kind of development in the Town that you want to see happen.

CHAIRMAN EWASUTYN: Jerry, your input.

MR. CANFIELD: The meeting Karen's memo was referencing, Ken attended as well, and I thought it was a very constructive meeting. I thought it was very informational on both sides bringing somewhat of a balance. Compromises were made to bring a balance to the sense that we accomplish I think what both sides are looking for and didn't sacrifice street scape or the firefighting accessibility issue.

One thing I'd like to add, Karen had called me, and I did not get back to you yet, but I still don't see a problem even if you wanted to decrease that dimension between the trees to increase the variety of species that you have to pick from to accommodate that. That makes good sense to me. We had discussed again the softer tree, something not as rigid. I think it's a good compromise and I think it will accommodate both.

One thing I'd like to comment on, though, is what I tried to bring to the table

1 here is we have fire code issues that, as Mike
2 had said, that authorize or empower, and I don't
3 like to use those words, I like to present
4 everything in a recommendation type form, I think
5 it's just good business sense, but what we try to
6 bring to the table is what the requirements are,
7 and I feel that it is very good planning to
8 incorporate them. I don't see that it makes much
9 sense to have this Board approve something that I
10 know in reality is not code and it can't be built
11 that way. It doesn't make any sense for an
12 applicant to come to us in the building
13 department or fire inspector's office with a
14 signed site plan and saying that, you know, I've
15 got a signed site plan, this is what I can build.
16 That's not necessarily true.

18 I've also got to say publicly that this
19 Board has been very receptive. We've had a new
20 building code, a new fire code, and we've all
21 worked very diligently to bring that to the
22 applicant's attention. Our most difficult area
23 has been bridging applications that have been
24 lingering for years and now they're faced with a
25 code change that has impacted those projects, in

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2 some cases pretty immensely, redesigns and what
3 have you. I still think and I feel very good
4 about the attitude and the way we've been
5 progressing. I think we're a cut above most
6 municipalities in how we handle things, and the
7 other consultants that work throughout the county
8 I'm sure can attest to that, what they
9 experience.

10 I do feel, though, Mike brings up some
11 very valid points as far as incorporating
12 building and fire codes into the Planning Board
13 process. We don't have -- our municipal code
14 does not permit a clear picture on how to achieve
15 that. I did briefly have a conversation with
16 Mark Taylor today about that and we may want to,
17 we as a group, suggest to the Town Board to
18 perhaps re-examine that, and there may be a need
19 to change municipal code here.

20 MR. DONNELLY: The good news is that
21 although we're not supposed to consider them as
22 part of the site plan review process, you're
23 right that it is foolhardy to ignore them and
24 complete the process only to have the applicant
25 get bounced back when he gets to the building

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2 department office. However, you, through your
3 reviews and memos and attendance at the meetings,
4 are notifying applicants of the needs to comply
5 with various code provisions so that it's getting
6 built into it because the applicant is amending
7 his plans during the process to accommodate them.
8 As long as this process is in place I don't think
9 we need to amend code. There are some
10 municipalities that say before a planning board
11 can approve there has to be a sign off from the
12 building department, and I don't know that you
13 want to get your hands tied that way. I think
14 this informal method is working much better. If
15 a day comes when you're no longer coming, we may
16 need to think of another way to do it. As long
17 as you're here and writing memos I think we're
18 achieving that objective and I think you've
19 greatly expedited the communication with the fire
20 companies that had been a problem a little bit in
21 the past.

22 MR. CANFIELD: One additional thing
23 John, too, is in Mike's original memo, in the
24 opening paragraph I think there's a rigid
25 statement here basically on the request. You've

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2 asked me to give my thoughts regarding a request
3 of the jurisdictional fire department, and this
4 is where I think it's rigid, and it's not Mike's
5 statement but the fire departments are requesting
6 that no trees be planted between internal
7 roadways and buildings. I'm not certain that
8 that's factual but if in fact it is I think
9 that's a very rigid line for the fire departments
10 to take, and I know this is public record but --

11 MR. DONNELLY: I may have misconstrued
12 or misstated what they're saying.

13 MR. CANFIELD: It's okay. I don't have
14 a problem with going out on a limb and shooting
15 myself in the foot. I do feel that as a result
16 of this meeting that we've come up with, I
17 thought, a very good compromise and satisfied
18 both concerns. So to make that rigid statement,
19 I don't think that's the correct thing to do. I
20 will do everything I can to assure that these
21 rigid lines are not drawn. I don't think
22 anything is accomplished there.

23 MR. DONNELLY: I think the fault is
24 mine, Jerry. I didn't see a letter of theirs. I
25 was trying to characterize in a larger than one

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2 project sense what I thought I was hearing their
3 position to be. Given the basis of it, that they
4 need to get the second story windows and multi-
5 family housing to help with evacuations, I don't
6 know why their position would be any different if
7 the project had a different name. I was trying
8 to talk generically about the issue although it
9 was in the context of one project. If I put too
10 strong of a word in their mouth, I'll apologize
11 for that. I agree with you.

12 MR. CANFIELD: That's just what I
13 extracted. That's kind of a rigid statement. We
14 can work around this.

15 MR. DONNELLY: Sure.

16 MR. MENNERICH: Being an observer at
17 that meeting I've got to say the meeting worked
18 very well. When the people -- parties would,
19 when the interests were viewed to be in conflict,
20 get together and start talking about them they
21 got resolved. It works a lot better than a memo
22 thing going back and forth. I think it's very
23 good. It worked out very well.

24 This is also site specific, so what
25 worked out well for this project you can't

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2 automatically say we're going to do it the same
3 way for the next project. It has to be looked
4 at. It's a different fire department maybe, the
5 buildings may be different, the drain may be
6 different. There's all kinds of differences of
7 where the garages might be and how you would
8 access the building. It's going to have to be an
9 ongoing thing I think. As projects come in, if
10 Jerry can arrange to have the effective fire
11 department meeting with Karen, these things, you
12 know, can work out well I think.

13 CHAIRMAN EWASUTYN: I think as Mike had
14 said in his letter, that that was the difference
15 also between Newburgh Retail Developers and this
16 site and Mr. Piper's comments in reference to the
17 -- sort of the afterthought when that was all
18 approved, and that's what -- even in this case
19 it's unique because this project has been before
20 us. Hopefully maybe not within ten days when it
21 initially comes before us but we'll watch that
22 with the idea that very early on in the process,
23 and I'm just thinking out loud, it may not be
24 that, but once you say the conceptual approval is
25 fine, then Jerry will be coordinating this

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follow-up meeting where people begin to look at the issue that's before us. The earlier the better.

MR. MENNERICH: You have to do it earlier so when the landscape architect for the project puts in all the different types of vegetation, Karen will have discussed with them the design concept of what we need and then they'll hopefully pick the right --

MR. DONNELLY: That could literally be in the SEQRA evaluation phase because it is akin to an environmental issue. I'm not saying you couldn't impose the condition later. It's that kind of an upfront idea where you begin to discuss it as part of the initial concept.

MS. ARENT: I have one more thing to say. It's not just an aesthetic thing. There's documented research that they've actually done studies and found that tree and grass environments encourage congregation and talking and hanging out so to speak of the residents . They've found when people start congregating and spending time under trees and in green areas that people have a better sense of community, a better

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FIREFIGHTING ACCESS

sense of safety, they look out for one another. It's not just an aesthetic thing, it's also a community type of thing. It makes sense. If it's a sunny day you're not going to sit out on your porch if it's baking hot but if there's a tree there you might sit out there and talk to your neighbors.

MR. DONNELLY: You like to talk about New York City streets, particularly the brownstone designed buildings that have the stairs coming down, tree-lined streets. You think in your mind of pictures, Harlem, everywhere that's had that type of architecture, people are out there talking and they know their neighbors.

CHAIRMAN EWASUTYN: I had a little bit of time on Sunday and I was up on Fifth Avenue, I had a half an hour or so and I was right there, went to Central Park, watched the little kids ice skating. I said to myself -- I'm not that planned out. I said to myself John, allow yourself the time next Sunday, whether you start at 95th Street and you work your way back to 60th Street or Central Park, or just the reverse.

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This idea of trees, congregating. Central Park I can tell you no matter what time of the year it's happening. It's happening. It's just, you know.

Frank, additional comments?

MR. GALLI: None. Just that they do hang out on the streets, especially in lightning storms on golf courses.

CHAIRMAN EWASUTYN: Thanks for your time.

Joe Profaci?

MR. PROFACI: I'm good.

CHAIRMAN EWASUTYN: Anything else?

(No response.)

CHAIRMAN EWASUTYN: All right then. Our next meeting is the 19th.

Remember the Association of Towns, there's a bus going down on that Monday and Tuesday. That date is the 16th and 17th. Either through Dina or Charlene -- what's Charlene's last name?

MS. HAINES: Black. Registration was supposed to be in by January 23rd.

CHAIRMAN EWASUTYN: You can still register. You can still register at the site

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2 itself and you can turn in the receipt. You can
3 speak to Charlene. I know I'm taking the bus
4 down on Monday with Wayne and probably on Tuesday
5 unless I stay Monday night and come back Tuesday.
6 I'll be going down. I'll be there for both days.

7 Bryant, one other thing which we forgot
8 to mention. Would you follow up with the
9 landscape architect for Gomez as far as getting
10 the material that you need?

11 MR. COCKS: I already did.

12 CHAIRMAN EWASUTYN: Okay. Thanks.

13 I'll move for a motion to close the
14 Planning Board meeting of the 5th of February.

15 MR. GALLI: So moved.

16 MR. PROFACI: Second.

17 CHAIRMAN EWASUTYN: I have a motion by
18 Frank Galli. I have a second by Joe Profaci.
19 I'll ask for a roll call vote starting with Frank
20 Galli.

21 MR. GALLI: Aye.

22 MR. MENNERICH: Aye.

23 MR. PROFACI: Aye.

24 CHAIRMAN EWASUTYN: Myself. So
25 carried.

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(Time noted: 8:22 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: February 20, 2009