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

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In the Matter of

U-HAUL  
(2000-59)

5336 Route 9W  
Section 9; Block 3; Lots 32 & 66  
B Zone

----- X

SITE PLAN  
ARCHITECTURAL REVIEW BOARD

Date: March 17, 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of March 17, 2011.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on the business that's before us, including SEQRA determinations as well as code and planning details. I would ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. COCKS: Bryant Cocks, Planning

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Consultant.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

MR. WERSTED: Ken Wersted, Creighton Manning Engineering, Traffic 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: Please turn your phones off or put them on vibrate. Thank you.

MR. BROWNE: Thank you. The first item of business we have on the agenda this evening is U-Haul. It's a site plan and ARB, being represented by Frank Valdina.

MR. GABA: I'm Steve Gaba, I'm the attorney for the applicant. I'm here with Frank Valdina and Dave Polloch from U-Haul this evening.

As the Board is aware, this is an application for site plan approval for U-Haul for site storage and vehicle rental on Route 9W. It's in the self-storage overlay district in the B Zone.

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2 We were last here in August, at which  
3 time we received concept approval from the Board  
4 and received comments from the Board's  
5 consultants. We've attempted to address those  
6 comments and submitted some revised plans for the  
7 Board's review.

8 I would like to ask Frank Valdina, our  
9 engineer, to walk the Board through what it is  
10 we've done in the process.

11 MR. VALDINA: As Steve mentioned, the  
12 plans have been revised in accordance with the  
13 previous received review comments. The latest  
14 comments we received appear to be technical in  
15 nature, and I'm not sure of any -- aware of any  
16 planning issues that are still outstanding as  
17 pertains to this project.

18 We had added, for example, the sanitary  
19 disposal system onto the plan.

20 The stormwater management document has  
21 been submitted for review. There's some comments  
22 on that.

23 The final site grading and the filling  
24 plan will reflect the final revisions in  
25 accordance with the approved document.

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Other than that, there really haven't been any major changes in the plan.

CHAIRMAN EWASUTYN: Thank you. Based upon Frank Valdina's opening statement as far as being satisfied -- comments being satisfied by our consultants, I'll start with Ken Wersted as far as that.

Are you satisfied with that?

MR. WERSTED: We had looked at the plan and the previous comments we had. Our issues have been addressed.

We had noted that the sight distance that you added to the plans is generally adequate for the section of road that you're actually in, however you border an area of Route 9W that has a higher speed towards the north and the sight distance -- as long as there isn't any vegetation or anything planted upon the roadside or the wall, it should be adequate looking to the north. So as long as that area is free of signs or landscaping -- I guess landscaping could go there if it's low growing. As long as it doesn't obstruct the driver's view, then it should be adequate.

1  
2 MR. VALDINA: There aren't any  
3 plantings proposed on the roadway side of the  
4 wall or proposed in the little berm behind it.

5 MR. WERSTED: The only other thing to  
6 note is that the existing driveway would be  
7 closed in favor of the new driveway, and the old  
8 driveway would be revised to include a structural  
9 block that grass can grow through to allow for  
10 fire department or emergency access, but it would  
11 otherwise be closed to vehicular traffic.

12 MR. VALDINA: In conjunction with that,  
13 I met with the fire inspector pertaining to the  
14 emergency access. The access will allow a ladder  
15 truck into the site. Also with DOT. In  
16 conjunction with our conversations, the entrance  
17 way will be twenty-eight feet wide which will  
18 provide sufficient room for a ladder truck to get  
19 around the site in order to protect the building.  
20 The emergency access also was discussed with both  
21 parties.

22 CHAIRMAN EWASUTYN: We did receive,  
23 just about at the end of the day today, a Fax  
24 transmittal from Siby Zachariah, who is -- shares  
25 an administrative capacity with the DOT, and in

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that transmittal she acknowledged the fact that conceptually they approve the design that is before us.

MR. VALDINA: Is it possible to get a copy of that, John?

CHAIRMAN EWASUTYN: It would be. To be very honest with you, what happens normally with me is I got in there very late today, did see it, was going to make copies of it, and, I apologize, it's somewhere in the office. I made other copies of other last-minute transmittals. I will find it and get a copy of it for you.

MR. VALDINA: Thank you. I did talk to her this morning and she indicated she would be sure I had the letter before the meeting. I checked my office around 6 o'clock and there wasn't anything. At least you got a copy.

CHAIRMAN EWASUTYN: I think it came in around 20 after 4. What sometimes happens with meetings, I don't know why everyone thinks that it's appropriate at 20 minutes after 4 to, you know, start circulating things. I will find it and get a copy to you. As always, I make copies for everyone on our team, and also for Mark

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Taylor, Jim Osborne and in some cases Darrell Benedict so everyone is well informed.

MR. VALDINA: I'm just glad she followed her word, even though I spoke to her three weeks ago.

CHAIRMAN EWASUTYN: They're busy. But thank you. We did receive something.

Karen Arent, Landscape Architect?

MS. ARENT: I have a bunch of technical comments with regard to planting. One of the things is on the north side of the property there's grading shown, and an existing tree is also shown. If you can review the plan and show the trees to be removed and perhaps a little bit more screening planted there.

MR. VALDINA: Yes. We will correlate with the final grading plan. Once the stormwater management is in approval status, then we can see what impact it has on the grading. So all the plans will correlate.

MS. ARENT: Great. Then there are Bradford Pear trees, but because they split within ten years, others are recommended.

We ask you to think a little bit about



1  
2 the growth of the trees, what the pears will look  
3 like when they grow up so close to the Pin Oaks.  
4 What that's going to look like.

5 Then just English Ivy is hard to get to  
6 grow. Sometimes it grows like a weed but a lot  
7 of times it's like you struggle to get it to  
8 grow. You might want to re-think that choice.

9 Warrantee information, did you get a  
10 copy of that?

11 MR. VALDINA: Yes, I have a copy of  
12 that. All that information will be correlated on  
13 the plans.

14 MS. ARENT: Great. And you will need a  
15 landscape cost estimate.

16 One of the remaining items is any of  
17 the air conditioning or cooling units, if they're  
18 not going to be on the roof they should be shown.

19 MR. VALDINA: They're going to be in an  
20 alcove here on the side of the building.

21 MS. ARENT: Okay. So as long as you  
22 show that, that would be good.

23 MR. VALDINA: They're not labeled.  
24 We'll have to label them so it's clear.

25 MS. ARENT: Thank you.

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CHAIRMAN EWASUTYN: Bryant Cocks,  
Planning Consultant?

MR. COCKS: Yes, John. I did see that  
Fax. I also have the original letter from the DOT  
giving their conceptual approval from September  
2010. If Frank needs that, I can send that over  
to him.

MR. VALDINA: That one I do have.

MR. COCKS: On the same note, we did  
get a Local determination from Orange County  
Planning Department, and they have no additional  
comments.

The Planning Board will need to discuss  
the waiving of the design guideline requirements  
for no parking in the front yard. The applicant  
has provided screening in the form of a stonewall  
and landscaping, so the intent of that design  
guideline is met.

Mr. Valdina, can you just explain how  
the line of truck parking is going to work up  
there? I know right now they're all back to  
back.

MR. VALDINA: This is an operational  
procedure. It would depend on, first, how many

1 trucks are on site at any point in time.  
2 Hopefully there won't be any, they'll all be out  
3 being utilized. In the normal course of  
4 operation, as the day goes on, they would most  
5 probably park them in vacant spaces and then  
6 stack them up at night for the next phase of  
7 utilization. So it would be maneuvering by the  
8 employees of U-Haul, not by the people renting  
9 the vehicles.  
10

11 MR. COCKS: Is that area going to be  
12 striped?

13 MR. VALDINA: With the different size  
14 vehicles, it's tough to stripe.

15 MR. COCKS: Okay. I was just  
16 wondering.

17 CHAIRMAN EWASUTYN: What would be the  
18 purpose and meaning of striping it? Maybe there  
19 is a significance. Why don't we discuss it.  
20 What are your thoughts on that? Why do you bring  
21 it up?

22 MR. COCKS: Just to be shown on the  
23 site plan. The striping would just inform, if  
24 there are three different types of trucks, since  
25 they're stacked one right next to the other, how

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they would be able to get in and out of the parking spaces, whether they were going to be parallel parked. Just the tightness that all the trucks are shown in there, I didn't know if that was the amount of trucks they were going to have in their fleet or if that just for demonstration purposes.

MR. VALDINA: Just showing you different types of vehicles that would be available for rental and showing how they could fit on the site. It's going to vary from day to day as to the number and the type that are on site.

CHAIRMAN EWASUTYN: Are you satisfied with that?

MR. COCKS: Yes. And the only other comment I had was just the submission of a revised EAF stating that there are no threatened or endangered species on site.

MR. VALDINA: I thought that had been submitted in August.

MR. COCKS: It just said from site review.

MR. VALDINA: I thought it was

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indicated on review of the DEC website. We'll furnish that.

CHAIRMAN EWASUTYN: To this point, the comments or final statements were received from our consultants, Ken Wersted, our Traffic Consultant; Karen Arent, our Landscape Architect; and Bryant Cocks, our Planning Consultant.

I'll turn to the Board Members for any further comments. Frank Galli?

MR. GALLI: I had one on the fire department emergency access. Did you say that was going to be twenty-eight feet?

MR. VALDINA: That's what's there now.

MR. GALLI: Just the other one is going to be twenty-eight?

MR. VALDINA: Just the other one is going to be twenty-eight feet. It will have the type lot that the grass can grow up through.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Are you going to be under the new regs for the stormwater runoff? Can you just briefly go through how that's going to work?

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2 MR. VALDINA: Well, what has been  
3 presented -- first, we have the existing  
4 stormwater system comes through the site. That's  
5 going to be intercepted and brought down and  
6 bypass this area. The new drainage will be picked  
7 up on both sides of the building, brought down  
8 into an infiltration system down in the northeast  
9 corner of this parking area prior to discharge  
10 and into the existing water course. We'll be  
11 utilizing infiltration as the main method of  
12 detention and reducing the volume.

13 MR. FOGARTY: Thank you.

14 CHAIRMAN EWASUTYN: John Ward?

15 MR. WARD: I was just going to say  
16 thank you for the deco block wall. How you  
17 designed it, it's very nice the way it's going to  
18 be on 9W.

19 CHAIRMAN EWASUTYN: So this site will  
20 have curbing?

21 MR. VALDINA: In the parking area.

22 CHAIRMAN EWASUTYN: Okay. It will have  
23 a stonewall to visually mitigate the impact along  
24 the Route 9W corridor?

25 MR. VALDINA: Yes. That is shown on

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several plans.

CHAIRMAN EWASUTYN: So what we're doing is we're being consistent with the 9W corridor and the Planning Board in general as far as having curbing on site. We're being consistent with the Planning Board as far as the design of the Route 9W corridor and having the stonewall for the visual impact along 9W. So any other additional projects of a like kind along this corridor would have the similar design guideline standards. We'll talk about that at a later date.

At this point I'll turn to Pat Hines, our Drainage Consultant, to follow up with the question that was presented by Tom Fogarty.

MR. HINES: Sure. As I discussed at work session, this is the first project before the Board since the new stormwater regulations that were proposed by the DEC in August, with a six-month window, to be implemented. That six-month window began March 1st of this year. So as Mr. Valdina mentioned, there is a requirement for both green infrastructure practices and runoff reduction. So we need some additional design information to document that the infiltration

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2 basins proposed, which are an acceptable runoff  
3 reduction practice, are going to function on the  
4 site. There was some conflict between where  
5 they're shown on the stormwater management report  
6 and the site plan, so that needs to be  
7 coordinated.

8           The stormwater management report  
9 submitted needs, for lack of a better term, the  
10 boilerplate information in the front, the  
11 certification as to the design data, the  
12 inspection forms and checklist. Again, these are  
13 more technical in nature. I believe they can be  
14 provided on the site and there's adequate area to  
15 address the drainage.

16           We need some soil information for the  
17 percolation and infiltration rates for that  
18 runoff reduction volume. That's going to be  
19 required.

20           Similarly, we need soil information for  
21 the septic system and a hydraulic loading rate.  
22 We're not saying that the 150 gallons a day used  
23 is right or wrong, we just wondered how it got  
24 there, whether it's based on an employee rate or  
25 number of people on the site. That information



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needs to be on the plans.

Deep soil testing. There was percolation testing done but no deep tests in the area of the septic. That needs to be provided.

That's where we're at with this. I think they're technical in nature.

I did have the opportunity to speak to the engineer that did the stormwater, I don't know if Craig is in the audience here, he's aware of what we need. I think we can accomplish that.

I don't have a problem issuing a neg dec at this time. There's adequate area on the site to manage the stormwater. The other comments are technical in nature.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, your recommendation to the Board as far as reaching a SEQRA determination?

MR. COCKS: I would agree with a negative declaration. All my previous comments have been addressed.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: I have minor technical comments but they did mitigate visual impacts

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along Route 9W.

CHAIRMAN EWASUTYN: And also as far as adhering to the design guideline standards?

MS. ARENT: They used the stonewall to screen parking in front of the building, so that guideline could be waived.

CHAIRMAN EWASUTYN: And the lighting fixtures are in compliance with what we consider to be pedestrian friendly?

MS. ARENT: Yes.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: I don't have any outstanding comments, so I recommend a negative declaration.

CHAIRMAN EWASUTYN: Okay. Comments from Board Members at this time?

MR. GALLI: No additional.

MR. BROWNE: Nothing more.

MR. FOGARTY: No.

MR. WARD: No additional.

CHAIRMAN EWASUTYN: I don't know if we ever did but I'll bring it up now, does the Planning Board want to hold a public hearing on

1  
2 this or do we want to waive the requirement for a  
3 public hearing? It's discretionary under the  
4 site plan approval.

5 MR. GALLI: Waive it.

6 MR. BROWNE: Waive it.

7 MR. FOGARTY: Waive it.

8 MR. WARD: Waive it.

9 CHAIRMAN EWASUTYN: Okay. The first  
10 motion -- I'll make it a combined two decisions  
11 -- actions in the motion. One is to declare a  
12 negative declaration under SEQRA for potential  
13 adverse impacts and the other is to waive the  
14 public hearing. So I'll move for that motion.

15 MR. GALLI: So moved.

16 MR. FOGARTY: Second.

17 CHAIRMAN EWASUTYN: I have a motion by  
18 Frank Galli. I have a second by Tom Fogarty.  
19 Any discussion of the motion?

20 (No response.)

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

23 MR. GALLI: Aye.

24 MR. BROWNE: Aye.

25 MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So  
carried.

ARB is something we haven't yet  
approved. That will be at a later date.

Karen, where are we on ARB?

MS. ARENT: They submitted the  
drawings.

CHAIRMAN EWASUTYN: Is that something  
we'll be reviewing this evening?

MS. ARENT: If the Board desires.

CHAIRMAN EWASUTYN: Why don't we then  
enter into the architectural review of this.

MR. GALLI: I had a question. Maybe I  
was sleeping at the time. Just going through the  
presentation, are they planning on selling trucks  
out in front?

MR. POLLOCH: No selling of trucks.

MR. VALDINA: It is just storage. Just  
an expansion.

CHAIRMAN EWASUTYN: I had seen that,  
too. On the original ARB there's a for sale  
sign.

MR. GALLI: That's what I was curious

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about.

MR. VALDINA: That is the treatment which will be on the base of new structures.

CHAIRMAN EWASUTYN: For the record, eventually you'll have to fill out one of our ARB forms. Can you discuss for the record colors that you're proposing?

For the record would you introduce --

MR. POLLOCH: I'm David Polloch, I'm the architect for U-Haul. Let me see if I can present materials and colors. It's a three-story building that we're proposing. The bottom half of the entire building around the entire site is till wall masonry construction. On the front of the building and the side will be a masonry stucco. It will also have the stone facade that will match the indigenous rock that's going to be along 9W. So it's all going to blend in.

As we improve the existing buildings they'll also have that same material, that will be the stucco along the front also. Around the side of the building, in reference to colors, the lower base of the building will basically be your natural concrete gray color. The balance of it

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2 is going to be an off white color. Then we have  
3 our sierra sunset, which is a U-Haul color, which  
4 we use as the band that goes around there.  
5 There's a slight green band that goes along the  
6 top to make up the aesthetics of it.

7 Other than that, I mean the material of  
8 the building is basically the masonry, the stone.  
9 There will be no -- the roof is a metal roof and  
10 it will -- there will be no penetrations. As  
11 Frank mentioned, there will be no air  
12 conditioning units, there will be no pipes  
13 sticking out of the roof. There will be nothing  
14 penetrating our roof. The other thing will be an  
15 access hatch so that you can get up from the  
16 stairwell.

17 MR. GALLI: All the units will be --

18 MR. POLLOCH: On the new building there  
19 are no units. They're all inside. There's the  
20 overhead door that goes into the hitch bay. One  
21 will be painted white and one will be painted  
22 black.

23 Then you have the refuse units which  
24 will have -- if I'm not mistaken, sort of mask  
25 the other building in terms of the doors. That

1  
2 you can't see from the street. There are no  
3 other doors on the remainder of the building  
4 except in the back which is the black door on the  
5 further side.

6 CHAIRMAN EWASUTYN: Cliff Browne?

7 MR. BROWNE: With respect to the  
8 materials you referred to sort of generally,  
9 you're going to need to provide the  
10 specifications, the material -- exact material,  
11 manufacturer specs and colors, so the code people  
12 can verify that's what you're putting in.

13 MR. POLLOCH: Exactly. That would be  
14 included on the ARB form?

15 MR. BROWNE: I believe so.

16 CHAIRMAN EWASUTYN: Karen, were you  
17 listening?

18 MS. ARENT: Yes.

19 CHAIRMAN EWASUTYN: Would that be part  
20 of the ARB form?

21 MS. ARENT: He's got some of them on  
22 the facade. If you can just be more detailed.  
23 On this drawing that was submitted, the black and  
24 white drawing, he's got listed black and white  
25 aluminum. There's a lot of information on it.

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There's some things that could be further explained.

MR. POLLOCH: What I can do -- what I'd like to do is put together a material legend. If you want to refer to the drawing I can refer to the sheet but it can have that. If I have to show pictures for the lights, I can do that and I'll give some more samples.

MS. ARENT: It would be great if the material legend is actually right on the drawing.

CHAIRMAN EWASUTYN: Does that satisfy your --

MR. BROWNE: That should also include the manufacturer's spec numbers and so forth.

MS. ARENT: Yes.

MR. BROWNE: The manufacturers all make things different. It doesn't look --

MR. POLLOCH: I'll be happy to. Okay.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No further questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: What was the overall height of the building?

MR. POLLOCH: It's less than



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U-HAUL

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thirty-five feet.

MR. WARD: And signage, it's only one sign?

MR. POLLOCH: Actually, our signage plan that we're doing -- well, this actually shows the signage plan that we have. We're limited on the signage as it relates to the linear of 9W. We eliminated the monument sign out front. What we're proposing is basically the climate control self-storage, the U-Haul, and then the custom hitches. Basically that makes up the allowable signage we can only do.

MR. WARD: I remember the first time --

MR. POLLOCH: Yes. That's why we've gone back to what -- to the development standards.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: I think it's a well presented ARB proposal.

Mike Donnelly, we're at a point now in the meeting where we refer to this as far as conditions for approval for the site plan and also as it relates to the ARB for the new proposed U-Haul located on Route 9W.

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MR. DONNELLY: Karen had a question.

MS. ARENT: I have one thing that I'd like to bring to the Board's attention that I noticed during the presentation of the architecture. There are really no drawings for improvement of the existing buildings, and I notice that you mentioned when you do improve them. Do you know when you're planning to --

CHAIRMAN EWASUTYN: Thank you.

MR. POLLOCH: Can I comment on that?

MS. ARENT: We should probably have a drawing as part of the set.

MR. POLLOCH: The rendering that you're seeing there is what is going to be taking place on the front facade. We can provide more details. I was under the impression and being directed tonight that that would be part of the building permit as to how it's going to go together. I would be happy to provide a final detail for you.

MS. ARENT: If you could include a drawing of what you're doing to the existing buildings and make a note they'll all be improved at the same time.

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2                   CHAIRMAN EWASUTYN: I think it's  
3 important to approve it now because what we're  
4 approving then would go to the building  
5 department, and what we're here really to do is  
6 work for the building department.

7                   MR. BROWNE: John, Karen just made a  
8 comment and I thought when you said what are you  
9 improving and Karen mentioned about going  
10 together. Is your intent to improve everything  
11 at this point in time or do you have a date set  
12 when it's going to be improved by? Where is that  
13 going?

14                  MR. POLLOCH: Maybe I don't understand  
15 regarding approve. Our plan is to build the  
16 three-story addition along with the improvements  
17 of the existing front facade to face 9W. The  
18 work that's going to be done with the wall on 9W  
19 and the landscaping, that's all going to happen  
20 at one time.

21                  MR. BROWNE: Okay. You're talking  
22 about the existing building. All that is going  
23 to happen --

24                  MR. POLLOCH: That's why I tried to  
25 include that.

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MR. HINES: So prior to the CO for the new building the existing storage units will also be upgraded?

MR. POLLOCH: Yes, it will be.

MR. GALLI: So we should probably have a note on the plans.

CHAIRMAN EWASUTYN: That would be -- thank you. Thank you, Cliff. Thank you, Karen.

That will be a condition in the resolution. It will be part of the conditions that Mike Donnelly will take the time to review with us now.

Mike, it's your choice whether you want to start with ARB or site plan.

MR. DONNELLY: I'll just go down the list. We will need three sign-off letters that were spoken about earlier, one from Pat Hines, one from Bryant Cocks, and of course one from Karen, which will include both their memo items and the things they raised here this evening. We'll reference the DOT concept approval and the need to get a highway work permit before construction begins. We'll have our standard Architectural Review Board approval condition but

1  
2 I will add a provision which states what we just  
3 discussed, and that is that no certificate of  
4 occupancy will be issued for the new building  
5 until all of the architectural facades on the  
6 existing buildings have been taken care of as  
7 well. We will need a landscape security and  
8 inspection fee.

9 Karen, am I safe to say \$2,000 would be  
10 the amount of the inspection fee?

11 MS. ARENT: Yes.

12 MR. DONNELLY: Okay. We will also need  
13 a stormwater improvement security and inspection  
14 fee. I don't believe there are any others  
15 required.

16 No water main, no sewer main, no Town  
17 roadway?

18 MR. HINES: No.

19 MR. DONNELLY: We'll have our standard  
20 condition regarding outdoor fixtures and  
21 amenities. That means you may not build anything  
22 on the site, whether it's a utility box or  
23 building, that isn't show on the site plan that's  
24 being approved at this time.

25 CHAIRMAN EWASUTYN: And I think maybe

1  
2 we should make part of the motion, if the Board  
3 agrees, at this point to waive the design  
4 guidelines --

5 MR. DONNELLY: That's in there as well.

6 CHAIRMAN EWASUTYN: -- for the parking  
7 in the front.

8 I'll motion for the Board to approve  
9 that. Frank Galli?

10 MR. GALLI: So moved.

11 MR. WARD: Second.

12 CHAIRMAN EWASUTYN: I have a motion by  
13 Frank Galli, I have a second by John Ward that  
14 the Planning Board has waived the design  
15 guideline standards which require -- which  
16 specify that parking not be in the front.

17 I have a motion by Frank, a second by  
18 John. I'll ask for a discussion first. Any  
19 discussion of the motion?

20 MR. BROWNE: Yes. I think as part of  
21 this we need to include as to the reason why we  
22 are waiving it. The basic reason is because the  
23 applicant has agreed to do the improvements along  
24 Route 9W and the stonewall to mitigate the  
25 situation.

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CHAIRMAN EWASUTYN: Okay. I have a motion by Frank Galli. I have a second by John Ward. I have discussion by Cliff Browne discussing to allow this waiver for mitigating the adverse impacts as far as the visual impacts along 9W by mitigating it with a stonewall and plantings to screen that potential impact.

Any further discussion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Thank you.

MR. GALLI: John, do we have to waive the public hearing?

MR. DONNELLY: I thought you did.

CHAIRMAN EWASUTYN: We did.

Mike, do you want to cover ARB?

MR. DONNELLY: I actually included the

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standard ARB.

CHAIRMAN EWASUTYN: Having heard the conditions presented by Attorney Mike Donnelly for the approval of the site plan and ARB for the U-Haul site located on Route 9W, I'll move for that motion for approval.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. Do I have a second?

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

(Time noted: 7:31 p.m.)



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

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

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DATED: April 5, 2011

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

----- X  
In the Matter of

MID-HUDSON MARINA  
(2010-19)

River Road  
Section 121; Block 2; Lot 1  
R-1 Zone

----- X

CONCEPTUAL RESIDENTIAL SITE PLAN

Date: March 17, 2011  
Time: 7:31 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHRIS VIEBROCK

----- X

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

1  
2 MR. BROWNE: The next item of business  
3 that we have is the Mid-Hudson Marina, project  
4 number 2010-19. It's a conceptual residential  
5 site plan being presented by Chris Viebrock.

6 MR. VIEBROCK: Yes. Good evening, Mr.  
7 Chairman, Members of the Board. Chris Viebrock  
8 with the Chazen Companies. I'm joined by Mr.  
9 Nick Cardaropoli of the Mid-Hudson Marina. We're  
10 here tonight to present a revised concept for the  
11 Mid-Hudson Marina.

12 We were last in front of the Board last  
13 year. We had a number of comments that we had to  
14 address from the Board's consultants and from the  
15 Board themselves, so we went back and we started  
16 really taking a hard look at those comments in  
17 conjunction with the current plan. That resulted  
18 in two major changes.

19 The first one -- first visual change  
20 you see here is Mr. Cardaropoli acquired a  
21 contract on one of the vacant lots on the  
22 Anchorage project, the original Anchorage  
23 project. The intent of this was -- when we  
24 started reviewing the Oak Street access, we  
25 actually physically went out there and looked at

1 this and noticed we had to pass two tanks. For  
2 the type of residence that we envision in this  
3 marina, we don't see this as being the most  
4 advantageous access for the residents coming in  
5 from a visual standpoint. From a marketing  
6 standpoint for that matter. We saw that we have  
7 such a very nice residential -- high-end  
8 residential development on the Anchorage at  
9 Balmville project that we believe that bringing  
10 in an access off that road, the visual appearance  
11 of that subdivision that was built, some of the  
12 houses there, it just fits in the character of  
13 what we're trying to accomplish in the Mid-Hudson  
14 Marina project. So it only felt natural to bring  
15 the access road in through that subdivision into  
16 this project. Also from a visual. I mean if  
17 you've been out there, if you know where this lot  
18 is, if you look and you can envision it, the road  
19 going down, your view is at the Hudson River.  
20 What better of a spot going down to your unit of  
21 seeing the Hudson River rather than a tank farm  
22 next door. So that was the thought process on  
23 the selection of where the road was.

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25 The Oak Street access is still there.

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The intent of that access is to keep it there.

We talked about, at the first meeting, we're trying to phase the project. We're trying do the marina second and the town homes first.

On the plan I had noted for phase I, that Oak Street road as being an emergency access. The reasoning for that was that we're only going to have town homes, we're not going to have a boat launch or any marina facility there, so why even really keep it open for people coming in and out. That's up for change. We can always amend that as necessary, whatever comments that come out as a result of that. So that new access road changed the plan dramatically in the sense it shifted all the buildings to the west, which, you know, as you look at the property it's just super tight as you get further and further west.

I know there were numerous comments that came up about the buffer. Right now, I agree, there's a very tight buffer space between the marina and the last -- one of the remaining vacant lots on the Anchorage property over here.

One of the things I will note to you is that the elevation change between that property

1  
2 and the marina is probably about forty, fifty  
3 feet. Just something to consider.

4 Also, the siting of this building on  
5 the filed map is close to the existing road. You  
6 have over a hundred feet of undisturbed land  
7 between the two. Now, I know I can't say that  
8 constitutes satisfying your buffer, but I'm just  
9 letting you know that was considered.

10 I was just looking at the plan now and  
11 talking to Mr. Cardaropoli about maybe we can  
12 start pushing this road a little closer to the  
13 units. A lot of these units have almost a  
14 driveway long enough to fit two cars. Instead of  
15 that, maybe we take away some of that driveway  
16 space and put service parking for the guests that  
17 may visit some of these units. That's something  
18 that I'm thinking about doing on the future  
19 submission.

20 Also, the second other -- just to get  
21 back to the major changes. The only second major  
22 change, which you don't see and which I need to  
23 revise, is Mr. Cardaropoli, he called me the  
24 other day and the marina itself, as you see, has  
25 a lot of slips. It was meant for power motorized

1 boats. That was the main intent. We're now  
2 thinking of changing that to sailboats, almost  
3 like a sailing club. How that fits in the  
4 definition of a marina, I believe it kind of fits  
5 because I believe there was something in there,  
6 and Mr. Donnelly can correct me on this, that  
7 said something about moorings. Where sailboats  
8 are actually moored to the ocean or to the river  
9 floor. I believe that constitutes it. Again,  
10 it's up for interpretation. That's the thought  
11 process we're going through right now. On any  
12 future plans I would totally remove the boat  
13 slips in here and probably replace them, maybe  
14 boxes of almost mooring locations for the future  
15 sailboats. That is the thought process we're  
16 going through. That's the second major change  
17 we have. You don't see that on there because it  
18 just happened maybe two days ago that we were  
19 discussing it.

20  
21 I got all the consultants' comments. I  
22 appreciate all their comments.

23 I believe -- the road. Yes, there is a  
24 major grade change through there. We did a rough  
25 calculation on the road slope. We're looking at

1  
2 probably a ten percent road coming down off  
3 Anchor Drive. It's down there. I think ten  
4 percent is within I believe -- I believe, within  
5 reason, most towns allow up to ten percent. This  
6 is a private road.

7           So with that said -- we also do -- I do  
8 acknowledge we do encroach into the buffer. As  
9 one of the comments stated, this is an access  
10 drive. When we go back and start going into the  
11 details, I will retool that road. I'll try to  
12 pull that road as far away from the property  
13 line. I'll incorporate, whether it's stonewalls,  
14 significant greenery, a lot of evergreens to try  
15 to screen this other property -- the existing  
16 property to the north. I think that's actually  
17 the Mid-Hudson Oil's property anyway. That's why  
18 I did go so close to the property line whereas I  
19 stayed the full forty feet next to the Mid-Hudson  
20 Landing, which is the other vacant lot.

21           So that being said, those are kind of  
22 the highlights of the changes to the plan. I  
23 welcome any other comments the Board may have on  
24 the plan and any other thoughts on any potential  
25 changes.



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CHAIRMAN EWASUTYN: At this point I'll turn first to our Board Members. Frank Galli?

MR. GALLI: So if you take out all the docks completely, you're going to put a sailboat mooring like in Chelsea?

MR. VIEBROCK: Exactly.

MR. GALLI: And how many will be out there?

MR. CARDAROPOLI: We'll probably take in like 110.

MR. GALLI: 110?

MR. CARDAROPOLI: Yeah. Moorings. I think Chelsea has about 135. We're thinking of something a little smaller than that. Also we were looking to have the provision for it but see what the demand is. Try it out this year and see what the demand is. If they go with larger boats, maybe we do less moorings.

MR. GALLI: How far out in the river can you go with the moorings? I know there are some kind of --

MR. CARDAROPOLI: Yeah. Actually --

MR. VIEBROCK: About 200 feet out.

MR. CARDAROPOLI: -- there is a -- I'm

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not sure on the technical aspect. We're actually looking into that, to see how far we can go out.

MR. GALLI: How much frontage do you have there for the marina now?

MR. VIEBROCK: There's at least -- that's thirty-two.

MR. GALLI: I mean length wise.

MR. VIEBROCK: Oh, length wise.

MR. GALLI: The marina part.

MR. VIEBROCK: It must be over a couple thousand feet.

MR. GALLI: That's the only question I had.

MR. BROWNE: My understanding is, from your proposal, that you're proposing the access as you're showing it up through Anchorage.

MR. VIEBROCK: Correct. Only for the residents. I know there was something -- I believe there was something written in the zoning that there would be a public access down below. Any public access will come through Oak Street, not through Anchor Drive.

There was a comment, if I refresh my memory, about I guess an issue with possibly the

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character and how the traffic may affect that character.

MR. GALLI: That would be a gatehouse up on top?

MR. VIEBROCK: Correct. A gatehouse on top. Also for the record, too, right now we're not going to have a boat launch. This boat trailer that you see here, that's going to get removed. So you have no launch there, you have no boats. If it's a sailboat community the only place to launch the boats is down around Gully's. The river dips pretty deep and that's the only place you can launch a sailboat.

MR. BROWNE: For the project you're proposing now will Oak Street be used for anything?

MR. VIEBROCK: Yeah. It will be open for anything. At that point it's essentially an open access with primary access having to be here. Mostly this whole property is going to be for residents. Any public access that you're saying, I think I know, it is going to be wide open. For the first phase, though, I would like to close it for emergencies.

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MR. BROWNE: That is private property going through; correct?

MR. VIEBROCK: Correct. We have to obtain an agreement with Mid-Hudson Oil for the easement that crosses. I believe there's an existing access easement through Mid-Hudson Oil onto Oak Street, which I believe -- it's my understanding it is a Town road or going to become a Town road.

MR. BROWNE: My understanding also is with the buffering, that your current plan is far from agreeing with the zoning. I think it's --

CHAIRMAN EWASUTYN: Forty feet.

MR. BROWNE: -- forty feet.

MR. VIEBROCK: I mean just to answer, it's mostly around this Mid-Hudson Landing property. I was just thinking, and this is an idea, too. I'm shooting off here without really taking a closer look at your zoning. This is a twenty-four foot wide road. I don't know if there's an opportunity to narrow that road, and also to take that road and move it closer to the existing units, maybe provide -- instead of having twenty feet to the road, maybe I'll

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shorten that down to maybe six and try to get as much as I can to buffer that property.

MR. BROWNE: You understand we can not change that? As far as I understand, that's code.

CHAIRMAN EWASUTYN: Is that correct, Mike?

MR. DONNELLY: I believe that's what we looked at earlier, that the buffering in the marina overlay is not one that's waivable by the Planning Board. So you either need to get it amended or obtain a variance.

How high are those buildings? How tall?

MR. VIEBROCK: We're allowed up to --

MR. CARDAROPOLI: The town homes can't exceed thirty-five feet.

MR. DONNELLY: Jerry Canfield is not here tonight, but under the fire code you have, depending upon the height of the building, a requirement that those roadways become very, very wide if you're too close. You may not be able to accomplish what you just suggested.

MR. VIEBROCK: Again, I have to take a

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look at that. That might be an eliminating factor.

MR. GALLI: I just have one more question. The access road that we're showing now would just be strictly used for twenty-one townhouses, or whatever you're building?

MR. CARDAROPOLI: Yes.

MR. GALLI: And then the sailboat club on phase II would have to use Oak Street? They would have no access?

MR. CARDAROPOLI: No access. Oak Street.

CHAIRMAN EWASUTYN: It isn't twenty-one units, it's twenty units.

MR. VIEBROCK: Twenty units. That was one of the previous counts. We had twenty-four.

MR. GALLI: The only reason why you would want -- they're million dollar homes in there, good or bad or whatever. Having a road through there, I don't know if the residents are going to be very happy. Why couldn't we use Oak Street? Only because of the tank farms? I know you're driving down to your luxury condo and there's a tank farm on your left, which you can

1 start screening. People are driving down the  
2 road. When they get to their unit they don't  
3 want to see the tank farm. As they're driving to  
4 their unit, I don't think there will be too much  
5 concern about the tank farm. That would  
6 eliminate the road going up to Anchor Drive,  
7 which I think you're going to have more  
8 opposition coming in from Anchor Drive than if  
9 you came in from Oak Street. That's my own  
10 personal opinion. There's a lot of luxury homes  
11 on River Road that could access from different  
12 things, the condos and stuff. Being it's your  
13 unit is the important part. You're not looking  
14 at the tank farm out your window. I think  
15 driving to it -- I really don't think it affects  
16 a person's perception of where they're living  
17 until they're actually right in their unit or in  
18 their unit looking out at the front yard, sitting  
19 in their front yard in this case, sitting looking  
20 at the water. They're not thinking about the  
21 tank farm that they just drove past. Pier Loon,  
22 not that it's luxury, you're driving down that  
23 road, you go through the underpass. Once you get  
24 out to the unit out in front, you don't even know  
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2 that's behind you. So I mean that's my own  
3 personal opinion on that. I would actually  
4 rather see you go through Oak Street than going  
5 down through that nice development. Not that it  
6 won't be nice. From what I saw it's going to be  
7 beautiful. I think you're saving yourself a lot  
8 of headache, especially if you're going to be a  
9 resident of that community.

10 CHAIRMAN EWASUTYN: Tom Fogarty?

11 MR. FOGARTY: I'm not comfortable with  
12 it because I don't have anything to compare the  
13 new road with. I don't have any drawings to show  
14 how the Oak Street connection would be, all  
15 right. So I'm uncomfortable with it right now.  
16 I understand what Frank is saying.

17 MR. GALLI: We saw it on the last plan.

18 MR. FOGARTY: I'm sure out on the river  
19 you're going to be able to see the scar on the  
20 side of the mountain where you're going to be  
21 putting this road up.

22 Also, there's a seventy foot drop from  
23 the drawings I see, which is fairly a steep drop  
24 down that road.

25 So right now I would be leaning more



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towards the Oak Street one, even though I don't have any drawings to show what that would look like either.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Two things. With the Hudson Landing Corporation, lot 20, basically I'm looking at as a buffer there. Whoever owns that property, you know, would there be any chance to purchase or whatever, make the lot line bigger?

MR. VIEBROCK: You mean purchase this lot, lot 20, in conjunction with lot 21?

MR. WARD: That would help the buffer for you with the access road because --

MR. DONNELLY: Purchase a strip of it.

MR. WARD: A strip of it.

MR. VIEBROCK: We provide actually forty feet.

MR. WARD: I'm saying from here, from the border. Where you drive -- where the road is going.

MR. HINES: From the townhouse road.

MR. VIEBROCK: Oh, behind. Okay. Okay. Purchase the strip behind that?

MR. WARD: That's what I'm saying.

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That would be an idea.

MR. VIEBROCK: What about a conservation easement along the back? Is that a potential?

MR. DONNELLY: It wouldn't satisfy the buffer requirement because it's not on your land. It might solve the issue in a way that might appeal to the Zoning Board or the Town Board. I'll check it again but my memory was that the marina buffering requirements are not ones that are waivable.

MR. VIEBROCK: No, no, no. I'm not asking if they're waivable. I'm just trying to find some --

MR. DONNELLY: It might be a rationale for getting a variance because you provide the buffering on the other side.

MR. VIEBROCK: I didn't know if the Board had any experience or had a project where they did do a conservation easement and that satisfied any buffering requirements.

CHAIRMAN EWASUTYN: We may have at one time with -- I know the Town -- there's always a question.

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2 MR. DONNELLY: We have had, using the  
3 term loosely, a conservation easement in the  
4 past, several of them, but not in the context of  
5 the marina buffering regulations. I think that  
6 it might be a logical way to obtain a variance  
7 because you provide the same protection to that  
8 lot owner if they would give you the conservation  
9 easement.

10 MR. GALLI: The only problem I think as  
11 far as trying to purchase it, that whole strip  
12 behind there, even though it's not usable, when  
13 you look at it, to the homeowner up above, I  
14 think they hold you hostage, the money part of  
15 it. If they know you need it, even though they  
16 can't use it, the price on it would probably be  
17 ridiculous.

18 MR. VIEBROCK: I think the other  
19 problem too with that lot, I think those lots are  
20 set at the minimum lot area.

21 MR. GALLI: For the top part to be  
22 built on.

23 MR. VIEBROCK: If we bought that piece,  
24 that may get you below the --

25 MR. DONNELLY: You need a variance,

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too, then.

MR. WARD: It's an option. Anchor Drive, basically I think you have to overall look at the character of the residential area, the houses there, the impact of what that would be for the elevation and visual. I do favor the other way with Oak Street. If you could show us some type of plan of what you would do.

MR. VIEBROCK: A visual corridor?

MR. WARD: A plan of what you would do. All right. Thank you.

CHAIRMAN EWASUTYN: I think we're looking at two different concepts, one that we really don't know that much about because we weren't cc'd on the correspondence that went to the Town Board the other night, and I find that I'm at a disadvantage like that. Since we're such an open body, we've always said to applicants please cc us on what's going on. If you look at it as far as establishing a rapport and a friendship with you, we're at a disadvantage because you're not making us part and parcel of what you're considering doing. I think that's a very poor business practice. We're professionals

1 sitting here, we need information because  
2 eventually you're going to put us in a position  
3 to where we're going to have to inform the  
4 public, or the public may come to us and say what  
5 do you think about this and what did you hear,  
6 and we're going to say to them the developer  
7 wasn't kind enough to give us information. So  
8 we're spending a great deal of time talking about  
9 one concept which in fact there's another concept  
10 being floated as far as an open development  
11 agreement. We realize in fact that the easement  
12 that you have -- we're learning that the easement  
13 that you have doesn't allow you to have a  
14 building permit. Right now it's really a mute  
15 point. All you really have is an emergency  
16 access there. So I don't know -- I think what  
17 the Board has realized is whether it's twenty  
18 units or now you're proposing twenty-four units,  
19 okay, what the Board would like to see from you  
20 is what it is you're really looking to do. We'd  
21 like to see a concept. If an open easement --  
22 open development agreement is reached, if you go  
23 ahead with the twenty-four units that you really  
24 want, we need to have something that we can  
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really comprehend. At this point we're sort of caught between what you're discussing with the Town Board and what you're presenting here, and it's a no-win situation.

MR. CARDAROPOLI: Right.

CHAIRMAN EWASUTYN: We're in a very awkward position.

MR. CARDAROPOLI: I understand. Even the position last night was go to the Planning Board and let us know how you do.

CHAIRMAN EWASUTYN: So I ask you politely, if that's what they said to you, I'll be very serious, why do you spend the first twenty minutes talking about something that isn't really the thought process that you currently have?

MR. CARDAROPOLI: Well, I think they were more or less talking about the new access.

CHAIRMAN EWASUTYN: We're not even discussing it. You didn't even discuss it with us. You didn't discuss the possibility of the open development area.

MR. CARDAROPOLI: What's the open development area?

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2 MR. VIEBROCK: The open development  
3 area is the 280-A that Mr. Donnelly alerted us of  
4 the last time we were in front of the Planning  
5 Board.

6 CHAIRMAN EWASUTYN: Let me stop you.  
7 What were you discussing with the Town Board the  
8 other night that we weren't part of?

9 MR. VIEBROCK: We were discussing  
10 potential zoning amendments that would give the  
11 Planning Board more flexibility in interpreting  
12 certain aspects of the marina/townhouse overlay  
13 district that was established. The marina  
14 townhouse overlay district was established with  
15 this plan in mind. As I read the code and as our  
16 first meeting brought about, there were certain  
17 flaws or certain, as to say, oversights on  
18 certain types of zoning requirements. So at that  
19 point we discussed with the Town Board making  
20 amendments to give the Planning Board flexibility  
21 in interpretation and waiving of those potential  
22 requirements. So that was our discussion with  
23 the Board. It just so happened that we had the  
24 newer plan with us. We weren't able to get in  
25 front of the Board with the plan before that Town

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Board meeting so we weren't able to discuss with you the plan until tonight. It just so happened that the Town Board meeting fell before the Planning Board meeting.

CHAIRMAN EWASUTYN: What is the new plan? Is this the newer plan --

MR. VIEBROCK: That is the newer plan.

CHAIRMAN EWASUTYN: -- or the twenty-four units being the newer plan?

MR. VIEBROCK: The newer plan. This is the newer plan.

CHAIRMAN EWASUTYN: Twenty units, not twenty-four units?

MR. VIEBROCK: We would like to have twenty-four but as it stands it would require a use variance, and, you know, a use variance is a very difficult variance to obtain.

CHAIRMAN EWASUTYN: We're going to turn to Mike Donnelly maybe to try and bring us all to a point in time that we understand what we're discussing.

MR. DONNELLY: We received an e-mail from Mark Taylor, the town attorney, on behalf of the Town Board asking the Planning Board to



1 report on four separate things. The first would  
2 be a consideration of the Planning Board's  
3 recommendations for changing the density  
4 provisions of the marina district to allow the  
5 four additional units. The second were some  
6 unspecified modifications to the buffering  
7 requirements, and their advisability. The third  
8 was the Board's position on, if required,  
9 changing the definitional provisions of the  
10 marina overlay district to explicitly allow a  
11 sailing club with docks and moorings to be  
12 defined in some fashion as permitted within that  
13 district. And lastly, the Board's recommendation  
14 on creation of an open development area which  
15 would allow access to the marina portion of the  
16 project by means of the easement you have to Oak  
17 Street. Under the Town Law of the State of New  
18 York, Section 280-A, that would require a report  
19 from the Planning Board. I think what the  
20 Chairman was saying was we can do all those  
21 things but we're only learning of them for the  
22 first time the afternoon of the meeting and we  
23 would need to see, obviously, more information to  
24 make an intelligent recommendation. I think a  
25

1 member of the Board said earlier we would like to  
2 see exactly how that easement would look all the  
3 way out to Oak Street, how it was proposed to be  
4 built, the roadway surface, any landscaping,  
5 buffering, et cetera. I think the Board clearly  
6 would like to see, and Mr. Ward mentioned, a  
7 conforming plan, one that would show twenty units  
8 with the buffering honored, particularly we're  
9 talking now to the rear of those units, so we can  
10 see what the implication is for you because  
11 that's the basis of your request. And finally,  
12 there was an impact statement prepared earlier.  
13 It appears likely, given the grades there,  
14 there's some significant visual impact to the  
15 river and to the far shore of building that  
16 roadway in that location, and that needs to be  
17 analyzed in some fashion. Those are the issues  
18 that came to mind I think at our work session,  
19 and I think we need you to come forward with that  
20 first and then the Board can try to digest it.  
21 Is that consistent with what happened last night?

22 MR. VIEBROCK: Yes.

23 CHAIRMAN EWASUTYN: Is the Board in  
24 agreement with that?  
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MR. GALLI: Yes.

MR. BROWNE: Yes.

MR. FOGARTY: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: I think in a general flavor the Board was in favor of an open development agreement, and for the benefit of the residents that are living in Anchorage who probably bought there with the idea of having the tranquility of a neighborhood that didn't have as much vehicles going in and out of it.

MR. DONNELLY: Of course John, we're hearing that this is not an either or but a both proposal as I understand it. You want both the open development area to access the marina and you would like to utilize that roadway to access Anchorage Drive for the town homes.

MR. VIEBROCK: The question is whether we actually need the open development plan if we have a primary off of Anchor Drive.

MR. DONNELLY: You may be correct, and I'd like to see what research or opinion your attorney would give on that. I thought I heard you couldn't get to the marina from Anchor Drive.

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MR. VIEBROCK: If it is a gated community -- gated, yes. Yes. For the public's standpoint; no, they can not access through Anchor Drive. So then at that point --

MR. DONNELLY: It would take some research.

MR. VIEBROCK: I agree. It's a complicated issue at hand.

MR. DONNELLY: I think it might be helpful if you had your counsel analyze that and present it to us. I'll certainly read that and look at my own research and see.

CHAIRMAN EWASUTYN: Do you think you would want to have a collaborative meeting with the residents of Anchorage to review this alternate plan that may in fact allow for access through that development? Many times what happens with public hearings is at the time a public hearing is brought forth, the residents will say why didn't I know about this, why didn't I learn about this before, and the weight of that discussion during the meeting is such that it may be beneficial. I believe that when the Town did an overlay rezoning of this property there were

1  
2 informational meetings with the residents in that  
3 area. I don't think we could require it. I'll  
4 ask Mike Donnelly. I think the Board would look  
5 very favorably on you bringing this before the  
6 residents.

7 MR. VIEBROCK: I fully agree. I think  
8 community outreach is something that's  
9 beneficial.

10 MR. HINES: John, I think it should be  
11 property owners. There are a significant number  
12 of lots but very few residents in that  
13 development right now.

14 CHAIRMAN EWASUTYN: So specify mailing  
15 to current residents in that development --

16 MR. HINES: Property owners.

17 CHAIRMAN EWASUTYN: -- and residents.  
18 Existing residents.

19 MR. HINES: Residents and the property  
20 owners. There's a lot of vacant lots there that  
21 people certainly intend to develop in the future.

22 I have another concern. As the Board  
23 was talking, and I heard marina overlay district  
24 several times, it came to me the plan before you  
25 right now doesn't have a marina on it.

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MR. DONNELLY: That's why they need this definitional change.

MR. HINES: Not only that, but it doesn't have a sailing club on it either. As a phase I here in the marina overlay, I think they need the marina, because otherwise you could end up with a townhouse project, what I'm looking at right now, and phase II doesn't come and you don't have a marina in the marina overlay, you have a townhouse project --

MR. DONNELLY: Which isn't allowed.

MR. HINES: -- which isn't allowed.

CHAIRMAN EWASUTYN: That's a very valid point. Very valid.

MR. HINES: I just wanted to throw that out before you got much further.

MR. VIEBROCK: The sailing club, I will revise the plan and that will be the new -- again, that's the interpretation.

MR. HINES: I don't know that it can be a phase II is what I'm saying.

MR. VIEBROCK: The phasing is gone. The sailing club is part of the project. That's going to go.

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CHAIRMAN EWASUTYN: That's the reason why we have to see that. Thank you.

MR. DONNELLY: I don't think either Mark Taylor or I are saying that necessarily a sailing club doesn't fall within the existing definition but that there's an issue, and if it doesn't clearly fall within it, you have two choices; you can seek an interpretation from the Zoning Board or you can discuss amending the definition to make it clear. I think in the first instance it will be helpful for you to come forward with why you think it does fall within the definition, and the Town Board and Planning Board can take it from there.

MR. GALLI: Usually sailboat club moorings are considered marinas, they just don't tie to a dock.

MR. DONNELLY: You may well be -- I haven't had a chance, since I just got this this afternoon, to even look at our existing definition.

CHAIRMAN EWASUTYN: Bryant, do you have any bullets that you may want to mention at this point?

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2 MR. COCKS: It might be a good idea for  
3 the Planning Board to meet with the Town Board to  
4 discuss some of these issues, too.

5 CHAIRMAN EWASUTYN: Karen?

6 MS. ARENT: We reviewed the buffer  
7 requirements and the access drive to the units.  
8 If it's in the buffer it's supposed to be  
9 perpendicular to the buffer, not parallel. Just  
10 for your information.

11 Like Mike brought up, the visual impact  
12 of the road from the Hudson River will be a very  
13 important consideration.

14 CHAIRMAN EWASUTYN: Ken Wersted?

15 MR. WERSTED: In comparing the current  
16 project as of a couple days ago to the 1997  
17 project in terms of traffic, the SEQRA impact has  
18 been otherwise reduced, obviously by the number  
19 of boat slips and the units that were proposed.  
20 The only main difference being that the access  
21 was originally envisioned to come down Oak Street  
22 and under this plan it shows it connecting to  
23 Anchor Drive. So there's a number of  
24 recommendations and improvements that were  
25 originally listed as part of the original plan,



1  
2 some of which may still be applicable under this  
3 proposed plan, or even in the alternative of  
4 using Oak Street.

5 So at this point the project has been  
6 or is consistent with that previous SEQRA  
7 document relative to traffic.

8 MR. VIEBROCK: Okay.

9 CHAIRMAN EWASUTYN: John Ward?

10 MR. WARD: One other. Before Anchor  
11 Drive even was on this plan you had it planned to  
12 have a gated community coming from Oak Street,  
13 and you had access going to the marina for the  
14 public. Somewhere along the line you should be  
15 able to figure that out if you had that plan.

16 MR. VIEBROCK: The old original  
17 subdivision. No. Even back when it was a  
18 restaurant it was -- you know, our full intention  
19 with the access drive was we were just throwing  
20 it out as an idea. We thought it would be a nice  
21 idea to do. I guess after hearing some  
22 comments --

23 MR. CARDAROPOLI: It's funny because if  
24 you come down Oak Street --

25 CHAIRMAN EWASUTYN: For the record

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would you give your name.

MR. CARDAROPOLI: Nick Cardaropoli,  
part owner of Mid-Hudson Marina.

When I drove down Oak Street many  
times, just like what you were saying, if  
everybody just looks to the left, to the river,  
they never see the tanks. I was almost saying --  
I was thinking about how can I, as a builder/  
developer, get everybody's view -- like is there  
landscaping that I could do so when they pulled  
up they wouldn't look at the tanks. You can't  
get Hess to do anything. They won't even return  
a call. Is there some way we can keep them  
looking at the river. That was really kind of  
like what you had said. Sure, you look at the  
river, everybody feels good. It's just when you  
turn, if you look to the right, you're looking  
right at the tank. This access was really just  
for an aesthetic thing.

CHAIRMAN EWASUTYN: We have done a site  
inspection of the property. We drove down there  
and we saw the tanks, so on and so forth.  
There's an existing house that's up on the right  
there right after the tanks. So we have a

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general understanding of how it looks.

MR. CARDAROPOLI: And I think the position of the buildings, we can capture -- you know, you're right, they're going to be looking toward the bridge. They're going to have a southeast view towards the bridge. I mean that really jets out there. So you're kind of like positioned perfectly. That's the view. I think when they're -- absolutely. When they're on their decks having cocktails or whatever, that's fine. It was just from an entrance standpoint.

MR. GALLI: You can decorate the entrance to make it beautiful. When people start driving in, they're going to be looking for one thing, the final destination and what's in front of them. They'll be sitting there having cocktails. That's all they're going to be worrying about.

CHAIRMAN EWASUTYN: That's why we understand the design of the road and what we'll call the rear now, because people want to enjoy that view looking south and east and not be encumbered by anything like a road. Work on it. Come to an understanding of what you would like

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to do.

MR. VIEBROCK: So moving forward, my thought process is how are we going to address -- how would we do the public outreach? Should we do the mailing?

MR. GALLI: I think what they have to do is find a place to hold it, pick a date, put some postcards in the mail. Pick up a list from the town assessor's office.

MR. BROWNE: That's not sanctioned through us at all.

MR. VIEBROCK: But you want to be --

MR. GALLI: One or two of us would come.

MR. VIEBROCK: So I'll send it.

CHAIRMAN EWASUTYN: We want to be notified.

MR. GALLI: I think after you find the place, notify the residents of the date. Have some coffee and cookies for them and present your plan.

CHAIRMAN EWASUTYN: There have been a few that have been presented in the Town over the course of the last few years. I think the one

1  
2 that, in my opinion, was the most -- the one that  
3 had provided information to the public was one  
4 that was prepared for the Driscolls, which is  
5 almost directly across the street. It was a 107-  
6 unit single-family home development and it took  
7 into account one or two existing homes. It was  
8 presented by Engineering Properties and they had  
9 engineering staff there, they had people from the  
10 architectural firm showing what the proposed  
11 units would look like. It was a very informative  
12 meeting. I think that works well. I've been to  
13 some where they just broad brush the project,  
14 there's not much to see and it's not effective.  
15 You're professional people, you know how to  
16 market a project, what you're looking to market.  
17 I think that's the kind of information the public  
18 wants to see.

19 MR. VIEBROCK: Okay. That's the first  
20 one. The second, when we do come back it's to  
21 have two plans, one is the plan we want to do and  
22 the second is a plan that meets all your zoning  
23 regs.

24 CHAIRMAN EWASUTYN: Mike, Bryant?

25 MR. DONNELLY: Yes. And then you

1  
2 specifically quantify, if you're still going to  
3 pursue your proposed zone changes, why they're  
4 needed. I would think if you're going to  
5 maintain the access to Anchor Drive, get us a  
6 position piece as to whether or not you think an  
7 open development area is needed if you're going  
8 to have two access ways.

9 MR. VIEBROCK: Okay. Understood.

10 MR. DONNELLY: If you're going to  
11 abandon the roadway to Anchor Drive, then clearly  
12 you'll need an open development area, and I think  
13 you should put before the Board the reasons why  
14 you think it's appropriate so they can formulate  
15 their recommendations to the Town Board.

16 MR. VIEBROCK: Okay.

17 CHAIRMAN EWASUTYN: Somewhere along the  
18 line, I think like Mike said, we might have to  
19 look at the original Findings statement.

20 MR. DONNELLY: I wasn't with the Board.  
21 I don't know how far we went, whether we need a  
22 supplemental impact statement here or not.

23 MR. VIEBROCK: For traffic maybe.

24 CHAIRMAN EWASUTYN: The visual is  
25 strong. Ken Mennerich and myself, who isn't here

1  
2 this evening, were part of the original SEQRA  
3 document. I know that there was a visual  
4 analysis done from the other side of the river,  
5 Fishkill and Beacon.

6 MR. BROWNE: John, with the visual,  
7 doing that, you would need to include -- also I  
8 think they need to include what it would look  
9 like with the sailboats moored out there. That  
10 whole thing is all part of the visual.

11 CHAIRMAN EWASUTYN: Okay.

12 MR. GALLI: I think once you get the  
13 informational hearing and comments from the  
14 people, I think your plan will -- then you start  
15 designing your plan and know where you're coming  
16 from.

17 CHAIRMAN EWASUTYN: Thank you for your  
18 time.

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20 (Time noted: 8:11 p.m.)  
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C E R T I F I C A T I O N

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

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DATED: April 5, 2011



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

----- X  
In the Matter of

MAGYAR/BUDGET TRUCK RENTAL  
(2011-04)

5465 Route 9W  
Section 9; Block 1; Lot 3  
B Zone

----- X

CONCEPTUAL SITE PLAN

Date: March 17, 2011  
Time: 8:12 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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2 MR. BROWNE: The next item of  
3 business we have before us is Magyar/Budget  
4 Truck Rental, conceptual site plan. Frank  
5 Valdina is here. The project number is  
6 2011-04.

7 MR. VALDINA: This project is on the  
8 northerly parcel. The project was before you  
9 recently as far as the lot line change is  
10 concerned. This is now the two-and-a-half acre  
11 parcel which is to the north of the existing  
12 Magyar Service Center.

13 What they're proposing to do is  
14 construct a sixty-by-sixty building and relocate  
15 their U-Haul -- Budget Truck Rental service and  
16 the landscaping business to this new proposed  
17 building, relocate the existing building on the  
18 southerly side on to the northerly side.

19 There are several items that still have  
20 to be worked on. I have discussed this briefly  
21 with DOT. I know we have to go through the  
22 approval process with DOT, which is part of the  
23 SEQRA.

24 We're going to request a waiver from  
25 the Town fire bureau pertaining to the sprinkler

1 ordinance. We touched base with the fire  
2 inspector's office. The application will be  
3 submitted to them fairly recently for their  
4 review, and discussion, and decision. The reason  
5 for that basically being the water line is on the  
6 east side of 9W which you have all your  
7 shoulders, you have your pavement widths, another  
8 shoulder. There happens to be a five-foot  
9 culvert running north and south along 9W carrying  
10 the stream. It's going to be extremely difficult  
11 to tie into the existing water main.  
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13 If that is approved I know I have to go  
14 before the Town Board to get permission to  
15 connect into the existing service that goes to  
16 the service center. It's proposed to tie in and  
17 bring the service over to service this building.  
18 So the plan is to have municipal water available  
19 to the building, as I had stated previously.

20 The parking is in the front. The  
21 reason being that with the storage area for both  
22 the Budget trucks and the landscape materials, we  
23 have no -- we don't have much of a choice. To  
24 put the parking in the back is not conducive.  
25 The entrance is in the front of the building.

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2 This is basically going to be a little sales  
3 office, a landscape office, which is half the  
4 facility in the back. Half is going to be the  
5 service area where they'll be servicing, washing,  
6 oil changes in the building. Floor drains will  
7 go to a holding tank.

8 The septic system we propose on the  
9 south side. That has been designed. That  
10 information is included within the plans.

11 The stormwater management, basically  
12 we're proposing at this point in time sheet flow,  
13 and the reason for that being trying to keep it  
14 green. One of the recommendations in the State  
15 code or the State design manual is to utilize  
16 grass swales for two reasons: One, it will  
17 reduce your rate of runoff; and two, it improves  
18 the water quality. So we're basically in the  
19 middle of building to the east with flow to a  
20 swale coming around under the driveway with a  
21 culvert system, tie into the existing sixty-inch  
22 culvert, the drainage will go to the rear, it  
23 will be picked up by the swale which will loop  
24 around the site, tie in. The emergency access is  
25 from this side and then tie into that same

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facility.

There's an existing building just to the north of the site. We're proposing a buffer around that. It is a residence. Actually, it's owned by the same family. We're just looping around to provide a buffer between that building and the storage area.

The area to the rear of the site is zoned business and it's heavily wooded. The parking in the front is proposed. We're proposing to screen it through a series of Rose bushes, basically all the front of it. The rest of it will be grass area.

The preliminary analysis of the stormwater management with the sheet flow and the swales and so on, the actual runoff is projected to be less after development than there is at the present time, basically because of the soil conditions that are there now.

The access drive, the area up to the fence, which is this line here, this is proposed to be asphalt pavement. The rear area, because of the length of materials that will be stored there, it's proposed to have a gravel surface on

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that area there.

That's basically the scope of the proposal.

CHAIRMAN EWASUTYN: At this point I'm going to turn to our consultants for their comments. We'll start with Pat Hines, Drainage Consultant.

MR. HINES: Our first comment has to do with the shared water service lateral. I don't know that that's permitted by code. It will need approval of the water department and the Town Board if it's allowed. It's certainly not something we would recommend as properties' ownerships transfer. I know it's in the same family right now but that could change very quickly. That will need approval. If it is approved, then it will need an easement.

The second comment has to do with the drainage layout at 9W. I know I had the ability to discuss that with you the other day. My office will take a look at that.

Stormwater management does need to be addressed in compliance with the DEC and Town of Newburgh standards.

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2 A similar comment, the green  
3 infrastructures and the runoff reduction volumes  
4 that are now required.

5 The truck and landscape storage area,  
6 we've had issues in the past with landscape  
7 operations that have attempted to use gravel  
8 parking lots or "dust free surfaces" which wasn't  
9 very successful on several occasions. The Board  
10 is going to want to see some detail on how that's  
11 going to function, where the trucks are going to  
12 park, the types of material, how that access is  
13 going to work. Just the whole general area shown  
14 isn't going to be acceptable. They're going to  
15 need to show landscaping bins and the type of  
16 material, how high the material is going to be.  
17 We've had situations where the piles of landscape  
18 material outgrew the buildings on the site. So  
19 there needs to be some limits on there, and  
20 there's some code issues I know Bryant and Karen  
21 will touch on there.

22 The parcels tie together to the north  
23 and south. They're adjoining parcels. There  
24 needs to be cross access easements for that.  
25 Again, I know they're in common ownership right

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now, but that can change.

Bryant is going to comment on the residential buffer requirements.

Curbing on the site, it's the Planning Board's policy, and I did confirm at work session, the commercial sites in the Town all need to be curbed. We have made or required projects, such as residential conversions to office even, do the curbing. So that's going to have to be shown on the site and addressed. There is a potential to use drop curbing in areas to get stormwater out beyond the curbs and into grass swales if that's one of the stormwater strategies you're going to utilize.

That can be worked out with the grading, and we'll take a look at that. Details for the sidewalk and the handicap accessible ramp should be provided.

DOT access I know Ken Wersted will comment on.

We've reviewed the septic and found the septic system acceptable.

MR. VALDINA: The only reason we haven't indicated there would be easements



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involved, that was years ago. The attorney at that point in time indicated that you can not give yourself an easement.

MR. DONNELLY: You're correct. They merge if the fee is owned by both. But you can record a declaration which announces the intent that there will be easements that pass at the time of conveyance.

MR. VALDINA: If there's a transfer of title there's going to have to be easements for access.

MR. DONNELLY: You can record a declaration. You can't give an easement to yourself. It automatically merges into the fee.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: Yes. As mentioned, there are residential buffer requirements for lots that are next to business uses. That back lot, you mentioned it is in the B District. There is a residence on that back lot?

MR. VALDINA: It's vacant.

MR. COCKS: That back lot --

MR. VALDINA: It's heavily wooded.

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MR. COCKS: Okay. When we did the subdivision public hearing for the Magyar Service Center, didn't the woman come and say that she lives directly behind this lot?

CHAIRMAN EWASUTYN: Answer his question. That's fine. The woman who spoke, where does she live, Frank?

MR. VALDINA: I do not know. There's only two houses which are much further south along the firehouse access.

CHAIRMAN EWASUTYN: Why don't you show this to Bryant. I thought there was somebody that said she lived directly behind the project.

MR. COCKS: She did.

MR. VALDINA: I would like to know where. This is the site. This is all heavily wooded. There's two houses over here. This is owned by the fire department. I don't know who owns this field here. So this owner here, the fellow that was here, Mike, I believe he lives here. She may live over there. I don't know. This is all Middlehope.

MR. HINES: Doesn't this lot extend along here? I believe the lot looks like this.

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MR. VALDINA: It was zoned business.

MR. HINES: Understood. But they're residential lots.

MR. COCKS: In the buffering requirements it says a buffer must be provided between residential and non-residential use.

MR. VALDINA: And that is limited to -- my question was how do they get -- that was the subdivision in there. How did they get subdivision approval in a business zone?

MR. COCKS: How did those two lots get subdivision approval?

MR. VALDINA: There's a subdivision behind here in the B Zone.

MR. GALLI: Frank, who is this Keane, K-E-A-N-E, property? Is that behind him? This property. Is that what he's talking about?

MR. VALDINA: He's the fellow that owns Mike's bar down here.

MR. GALLI: And they own property that goes behind it?

MR. VALDINA: I believe there's been a subdivision here. I believe you approved a residential subdivision.

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CHAIRMAN EWASUTYN: Yup. A two-lot subdivision. I remember.

MR. COCKS: Three-lot.

MR. BROWN: Three lot.

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

MR. BROWN: Charlie Brown.

MR. COCKS: There's two separate requirements for buffering anyway. One is in 185-21 which states a buffer must be provided between any non-residential and residential use. Then also it is stating that the outdoor storage of goods, we're going to have to -- we do have an outdoor storage section, which is 185-30, which states that all outdoor storage areas shall be appropriately screened with landscaping as well as to provide an opaque site barrier at least eight feet in height. You did provide that fence. Then the second quote is such materials or products shall not be stored within the front yard and shall not be closer than ten feet to any side yard or rear lot line or fifty feet from a side or rear lot line adjacent to a residence district or lot in residential use. So that

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wouldn't be allowed within 250 feet of the side or rear lot line either way. So there's going to need to be a buffer provided from the back for your lot lines.

CHAIRMAN EWASUTYN: Is there a height restriction on that?

MR. COCKS: Eight feet.

MS. ARENT: Read the storage height.

MR. DONNELLY: At least eight feet but at least as high as the stored materials.

MR. VALDINA: You can't store higher than your enclosure. We went to a ten-foot enclosure realizing we're not allowed to go above that. Lowe's if you recall, and Home Depot, they're thirty feet high. They can store thirty feet high because it's enclosed.

MR. DONNELLY: Correct.

MR. COCKS: Okay. They still do have to be fifty feet from the side or rear lot line.

MR. VALDINA: I'll have to check.

MR. COCKS: 185-30 A(2).

CHAIRMAN EWASUTYN: We'll look at that a little later.

MR. COCKS: It says a Type II action,

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2 so no SEQRA determination is required, but the  
3 plans will need to get approved by the DOT and be  
4 referred to the Orange County Planning  
5 Department.

6 The front yard setback needs to be  
7 shown at sixty instead of forty in the bulk  
8 table.

9 MR. VALDINA: Is that a separate  
10 section of the code? It's not in the table.

11 MR. COCKS: That's one of the  
12 exceptions, district regulations for it being on  
13 a State highway.

14 MR. VALDINA: I didn't think it covered  
15 that area. It's no problem.

16 MR. COCKS: The Town of Newburgh design  
17 guideline requirement for recommending not  
18 placing parking in the front yard was not met on  
19 this site. You'll have to install some  
20 landscaping as per waiver from the Planning  
21 Board. The applicant is proposing one pylon sign  
22 with 160 square feet of signage, so no additional  
23 signage would be allowed on the buildings.

24 The architectural drawings need to be  
25 provided and the dumpster location will need to

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be provided on the site plan.

CHAIRMAN EWASUTYN: Karen Arent,  
Landscape Architect?

MS. ARENT: A lot of my comments were  
discussed. One of the big concerns is the parking  
shown five feet away from the right-of-way line  
and the fact that it would be impossible to  
adequately screen that parking from view from  
Route 9W unless a stonewall or something like  
that is proposed.

MR. VALDINA: Well, the only other  
option, because of the granted easement -- I  
don't think a stonewall is really practical.  
What may be feasible is between the property line  
and the culvert, to put plantings along there to  
screen it.

CHAIRMAN EWASUTYN: Why wouldn't it be  
practical? I think what we discussed earlier,  
what we're trying to do with the 9W corridor, as  
we had done with Quick Chek, a stonewall is  
provided; as we had done with U-Haul, a stonewall  
is provided; as we had done with Ira Conklin's  
daycare center, a stonewall was provided; as we  
have done with the new Santa Monica Holding

1 restaurant on 9W, a stonewall was provided; and  
2 also as we had done with the Route 9W convenience  
3 store across from Carter Avenue, a stonewall was  
4 adhered to. What we're trying to do is upgrade  
5 Route 9W, which is a major carrier of vehicles,  
6 to establish a gateway to the Town of Newburgh.  
7 I think, Frank, in all fairness, what we're  
8 suggesting to you is you look at this project to  
9 implement a stonewall. If we're going to go back  
10 and forth as to why we don't want something and  
11 not -- this is a landscape garden center. You  
12 plan on selling materials. From what I  
13 understand now, there's going to be two uses for  
14 this building, one use being for Budget Rental,  
15 the other use being for landscape materials. I  
16 think in all fairness, Frank, it would be a good  
17 marketing tool to have a stonewall. There may  
18 come a point in time where you may be selling  
19 that type of material. Let's try and work with  
20 what we're trying to do with 9W. We're trying to  
21 upgrade 9W.  
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23 I think you were part and parcel of the  
24 Quick Chek public hearing, were you not.

25 UNIDENTIFIED SPEAKER: Me?



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CHAIRMAN EWASUTYN: Yes.

UNIDENTIFIED SPEAKER: No.

CHAIRMAN EWASUTYN: There were comments on that. We're just trying to design it accordingly.

MS. ARENT: The building, too. There's design guidelines with reference to the architecture of the building. If that's going to be very visible, maybe there's -- if it's not going to be in conformance with the Town of Newburgh design guidelines, perhaps landscaping or another means to make it attractive from the road. Explore it so that the Board can review your options. If it's not in conformance with the guideline, they often times waive the guideline as long as you present something that's aesthetically pleasing for the views from Route 9W.

The good thing is that your plan is not built yet so you can change your parking, your location of the building to try to conform to some of the guidelines, or try to figure out a way so that you can --

MR. VALDINA: Negate some of the

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concerns.

MS. ARENT: Yeah. A waiver of the guideline.

The storage of materials was discussed. There's a bunch of technical comments.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant?

MR. WERSTED: We looked at the site plan. Also being familiar with the corridor there, the project as it's shown has access to the north and the south parcels. Right now the northern driveway for the service center has a pretty well defined entrance with, I believe, curbs and a hedgerow, kind of setting the tone of that entrance. Also, the existing business in the service center includes the Budget Truck Rental. The landscaping has obviously already taken place on the site now. With those two uses I don't believe that there's going to be a large turnover of vehicles coming and going. Obviously some people will come in to the sales area and go over the rental agreements and what not. I believe that the existing driveway on the north end of the service center would easily serve this

1 project without the need for an additional curb  
2 cut right in the center of the site. It has the  
3 benefit of reducing the number of curb cuts along  
4 the area. Also not shown on this site plan, but  
5 it does in some of the those larger views, show  
6 the approach of Old Post Road which comes in, not  
7 quite opposite, it's about 100, maybe 150 feet  
8 north of this. By eliminating the driveway to  
9 the project, it could easily be shared with the  
10 northern service center entrance, and simply  
11 moving the sign over to there would indicate to  
12 customers where that entrance would be.

14 Other than that, we didn't have any  
15 other significant comments based on that.

16 CHAIRMAN EWASUTYN: The Board Members  
17 for their comments. Frank Galli?

18 MR. GALLI: The only concern I had was  
19 the water line going in. I'm not real fond of  
20 sprinkler variances in commercial buildings. If  
21 they could put a municipal line in from the other  
22 side of the road, I think that would be the way  
23 to go instead of running off somebody else's  
24 line. The phrase used was open up a garden hose  
25 and run it from somebody else's house to your

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house. That's about what you're doing. That's the only problem I have with the site itself.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

MR. BROWNE: Along with the other comments, I agree, particularly with what Frank just said. Short term it sounds fine. Long term, it's poor in my opinion.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: You're actually moving the propane tanks?

MR. VALDINA: Yes. From here to here.

MR. FOGARTY: Are there certain guidelines you have to follow in doing that?

MR. VALDINA: Basically it has to be twenty-five feet from the property line based on 1,000 gallon tank. If you recall, this came up when we did the lot line change. It's twenty-five feet off. The new one will be twenty-five feet off. That's the only requirement.

MR. FOGARTY: I have the same concerns about the water as Frank did. Right now all three lots are connected. You can drive from one lot all the way through to the second one to the

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third?

MR. VALDINA: Through here, through here, through there. There's a road through here that goes back to a residential area back in here.

MR. FOGARTY: I'm thinking down the road the three lots could be owned by three different people. I don't know if there's something that has to be designated now as to what happens to those.

MR. VALDINA: I think that's the declaration that was discussed as far as access. If we go with the water line as far as the easements, we're fully aware that if any parcel is sold, they're going to need easements prior to the sale to maintain access.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward -- Frank Galli?

MR. GALLI: I was going to say on the easement, maybe I'm misunderstanding, that they can still keep what they have in place now? In other words, if they sold it off to somebody else, the lot, so one person owns it and the

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other person owns the other lot, they can still keep the pipe -- they can still keep the water off of that? They don't have to dig under and put their own line in?

MR. VALDINA: No. The same thing with access.

MR. GALLI: What if one guy forecloses and they want to shut the water off or something?

MR. VALDINA: I've already discussed this with the town engineer. It still has to go to the Town Board for their approval. There will be separate valves on each service, plus one on the main, the line coming across. Utilization of the water is very low in both of these facilities.

MR. GALLI: Unless it becomes a landscape center.

MR. VALDINA: It's not a proposed landscape center.

MR. GALLI: I'm saying in the future if it turns into landscaping.

MR. BROWNE: Things change. Even though you're not proposing it today, tomorrow it can be. We've seen them come in that way.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: If he can specify what landscaping materials are going to be in the back --

MR. VALDINA: As far as what's going to be stored on site?

MR. WARD: -- yes -- on the plan.

Basically the parking up front, is that going to be for employees?

MR. VALDINA: No. This is considered a retail building. Based on the code, the parking requirements have been on the plan and that's the number of spaces required under the code. Even though it's in conjunction with the Budget Rental, it's considered retail because they do have storage containers for sale, they have blankets, packing materials. They'll be for sale so it's considered retail. It's not strictly an office per se.

MR. WARD: Basically what I'm saying too is with the parking up front, with the guidelines, I recommend highly go along with the stonewall and concrete curbs in the front to coordinate with everything for the parking up

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front.

MR. VALDINA: As far as the curbing, it was proposed to curb the entrance way, loop back on these returns in here. Is this the extent or are you extending it more than that?

CHAIRMAN EWASUTYN: Curb the parking lot. Pat, why don't you speak to that.

MR. HINES: The Board's policy is that for all commercial sites, parking and access drives are required to be curbed, and they've been very consistent throughout.

MR. VALDINA: Basically if I understand correctly, you're saying this --

MR. HINES: Correct. Any publicly accessible areas.

MR. VALDINA: This area here is all -- this curb will meet the DOT requirement as far as entrance curb.

MR. HINES: Mm'hm'.

CHAIRMAN EWASUTYN: The project we recently approved, which I think you were part of it originally, was the Maddox property which was Harry Servis's project on Route 32. The applicant will be putting in curbing there also.



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He also is putting in a stonewall or the stonewall is there. It's really consistent with many years of the process and planning for the Town of Newburgh.

MR. VALDINA: I think his stonewall is a little different.

CHAIRMAN EWASUTYN: It's nice.

MR. VALDINA: A variation.

CHAIRMAN EWASUTYN: Maybe he did it beforehand.

MR. BROWNE: The new building is going to be a truck rental as well as the landscape thing?

MR. VALDINA: In the back behind the fence.

MR. BROWNE: Did we show that someplace?

MR. VALDINA: We just show a parking area because, again, it hasn't been designated as far as what area is going to be designated for what specific landscape material. Right now they're parking the trucks around the existing building and they're going to move them over here and park them back in this area here. The

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landscape materials right now pretty well cover this area in here.

MR. BROWNE: Have you designated the service area or the parking area for the trucks?

MR. VALDINA: This is what we had discussed earlier as far as the proposed gravel in there. We're trying to move landscaping materials and so on. We start ripping up asphalt.

MR. BROWNE: I would imagine in six months it's going to be mud.

MR. VALDINA: Landscaping material is there now and it's a hard surface there now. It's gravel.

CHAIRMAN EWASUTYN: The other thing you might want to show on the building in the front, if you plan on having any outdoor displays, I think you should show them on the site plan. That's always been a requirement.

MR. VALDINA: The only thing that's proposed is a pylon sign at this point. I'll discuss it with my client.

MR. BROWNE: Can we put a restriction on this saying that the trucks that are being

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rented will be behind the building, not in front of the building?

MR. HINES: I think we're going to show a designated area, the number of those that are stored, much like we did with the U-Haul site previously here. I think there should be an area shown for whatever type of landscape material is going to be there. It's normally kept in bins or a Jersey barrier or concrete block.

MR. BROWNE: Something that makes it enforceable.

MR. HINES: Right now it's too wide open. It could be 10,000 yards of wood chips.

MR. VALDINA: As long as they don't go within ten feet.

MR. HINES: I think the Board wants you to show it on the plans. I don't think they want to leave it wide open with a two-acre area that you can do whatever you want with back there. I think that's the issue.

CHAIRMAN EWASUTYN: Uniformity I think is what we're looking for.

MR. VALDINA: Like most things, that's going to fluctuate with the season. In the

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wintertime they aren't going to have much there.  
It depends on the demand. Sometimes trucks are  
out, sometimes they're back in.

CHAIRMAN EWASUTYN: We're trying to  
define it as closely as we can.

MR. VALDINA: I'll see what I can work  
out.

CHAIRMAN EWASUTYN: Thank you. If you  
want to address the comments and resubmit it. At  
the time you resubmit and we have a better  
layout, then we'll move for a motion to grant  
conceptual approval. At this point, since the  
concept is in a draft state and we don't have  
enough definitive information, I don't think the  
Board is in a position to grant conceptual  
approval.

(Time noted: 8:40 p.m.)

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

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

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DATED: April 5, 2011

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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

CONCEPTUAL SIX-LOT SUBDIVISION

Date: March 17, 2011  
Time: 8:40 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

1  
2 MR. BROWNE: Cronk Estates II, there's  
3 no plan number on this one. A conceptual six-lot  
4 subdivision being presented by Taconic Design  
5 Engineering.

6 MR. BROWN: This is a 22-acre piece at  
7 the end of Peaceful Court. This was formerly Fox  
8 Crest Lane that comes up to Cronk Road, that very  
9 sharp ninety-degree turn. It's 22 acres. The  
10 proposal is for six lots. It was before the  
11 Board last year, I think in March or April.

12 The lots are proposed to be serviced by  
13 individual wells and septic.

14 We have a common driveway for lots 6  
15 and 7. The other ones have individual driveways.

16 We put together with this submission  
17 the stormwater pollution prevention plan using  
18 some green infrastructure due to the DEC  
19 regulations.

20 CHAIRMAN EWASUTYN: We'll start with  
21 our consultants. Pat Hines?

22 MR. HINES: John Szarowski from my  
23 office has reviewed the stormwater pollution  
24 prevention plan and has provided comments for the  
25 applicant to address. Those are attached to my

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comments.

I have a comment regarding the well separation on lot 6. It appears the septic is upgradient of the well there. You can take a look at that.

The grading plan for the shallow absorption trenches on lots 9 and 10 appear to have in excess of four feet of material. You can only have thirty inches of material in a shallow absorption trench system.

Operation and ownership of the stormwater management facilities that are shown for several of the lots needs to be addressed. That can be handled through the private road access and maintenance agreement.

MR. BROWN: That's our intention.

MR. HINES: We need to do something there.

What happens to the cul-de-sac in front of lot 10 right now should be addressed, if that's going to be removed or dedicated back to -- normally we don't want two cul-de-sacs that close together.

MR. BROWN: We can take that out. It's



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not a problem.

I did look at the septics for lot -- actually lot 9 is okay, Pat. Lot 10, I did today look at the grading. There's too much grading there. I did regrade it.

MR. HINES: I'll take a look at those. That's fine.

MR. BROWN: We're okay with that.

MR. HINES: I was out on the site the other day with the DEC representatives regarding some soil erosion and sediment control issues. They're going to send the contractor that was working out there a letter. There was no soil erosion and sediment control on the site when we were out there. The gentleman who was out there was very proactive when the DEC showed up.

MR. BROWN: He better be.

MR. HINES: We need to keep that addressed. There was a complaint from a local resident that was a valid complaint.

MR. BROWN: I did also look at that well separation for lot 6 you were talking about. We have no problem meeting that. That's a two-acre lot. We have plenty of room to move that.

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2 MR. HINES: I do think there needs to  
3 be some work on the stormwater management issues  
4 John had brought up. Obviously the site is on  
5 someone's radar already. We need to make sure of  
6 that. There's a lot under construction. Just  
7 for the Board's information, I don't know if  
8 you're familiar with this, there's a lot under  
9 construction on the 21-acre balance parcel which  
10 was the subject of the DEC visit the other day.  
11 They obtained one building permit for one house  
12 on the 21 acres.

13 Charlie, can you indicate, one of the  
14 houses is being constructed at this time on one  
15 lot on the 21-acre parcel. It does not currently  
16 have coverage under the DEC SPDES permit. The  
17 initial four lots did, which is what the DEC  
18 thought they were coming out to look at but it  
19 was actually this lot.

20 MR. BROWN: The four lots I don't think  
21 at that time were required to --

22 MR. HINES: It has a SPDES permit.

23 MR. BROWN: Okay.

24 MR. HINES: Good thing it did, too.

25 MR. BROWN: That might be in effect.

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MR. HINES: It's in. Good thing it is, too.

MR. BROWN: Okay.

MR. HINES: That does have coverage. This lot did not have coverage and there was less than an acre of disturbance. It didn't raise any red flags with the DEC because it was one house on 21 acres right now. They're aware of it. My office is also -- since I've been out there I have a field rep keeping an eye on this when they're in the area also. Just for the Board's information. That's what we have on this so far.

MR. BROWN: The last time we were before the Board the existing private road had not been upgraded. It is at this time. This is an as-built of that. The cul-de-sac is in to this point, just for the record.

CHAIRMAN EWASUTYN: Okay. Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant addressed my previous comment regarding moving the house on lot 6 and providing landscaping and fencing around the stormwater facility.

The Orange County Planning Department

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issued a Local determination on April 21st.

The shared driveway access agreement also needs to be finalized.

The size and location of the conservation easement areas needs to be finalized.

Those were my only comments.

CHAIRMAN EWASUTYN: Okay. Charlie, did you get a comment of -- a copy of Jim Osborne's letter on the design?

MR. BROWN: No.

CHAIRMAN EWASUTYN: I didn't think you did.

MR. BROWN: Is this one regarding the stop signs?

CHAIRMAN EWASUTYN: Yes. I'll have Ken speak next and then we'll call back to you if you don't mind. We'll start by referencing that letter and the history associated with it, please.

MR. WERSTED: Jim Osborne had produced a memo to the Planning Board on March 2nd to talk about the project and the recent submittal by the applicant. I had --

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2 CHAIRMAN EWASUTYN: For the record do  
3 you want to read that letter, please.

4 MR. WERSTED: Sure. To John Ewasutyn,  
5 Planning Board Chairman from Jim Osborne, Town  
6 Engineer, dated March 2, 2011. "I recently  
7 received the latest submittal letter from Taconic  
8 Design Engineering for the above-referenced  
9 project. The project proposed to extend Peaceful  
10 Court to a private road off Cronk Road and add  
11 several more lots. As I'm sure you are aware,  
12 there have been concerns expressed about the  
13 sight distances for Peaceful Court. It is on an  
14 S curve and the speed when vehicles" -- this is  
15 where my copy cuts off a little bit -- "travel  
16 through the" -- "Based on a field inspection I  
17 conducted with Ken Wersted of Creighton, Manning  
18 Engineering, I'm recommending that during the  
19 Planning Board's review of this project they give  
20 careful consideration to requiring a three-way  
21 stop, one in each direction on Cronk Road, in  
22 addition to the existing stop on Peaceful Court.  
23 In order to implement this the geometry of the  
24 road should be modified to create a T  
25 intersection instead of leaving the existing curb

1  
2 in place. I believe that the above site  
3 improvement would greatly improve the safety of  
4 the traveling public on Cronk Road, and  
5 especially the safety of the existing and future  
6 residents of Peaceful Court. If this off-site  
7 improvement is required for this project, it will  
8 need to be referred to the Town Board for  
9 approval of the installation of the new stop  
10 signs. Also, it will need to be secured as a  
11 condition of subdivision approval. If you have  
12 any questions or comments, I'm available to  
13 discuss them with you."

14 In reference to that, Mr. Osborne had  
15 referred that him and I had conducted a field  
16 visit out there. I believe that was over the  
17 summer. One of the things that we observed is  
18 the existing alignment of Cronk Road intersects  
19 this area and then proceeds through an S curve  
20 through the area. There is a hill on that road  
21 just to the east of where Peaceful Court  
22 intersects which basically limits your sight  
23 distance for people coming up the hill and  
24 looking over into this intersection. So one of  
25 the thoughts that we had discussed was taking the

1  
2 S curve, and where Peaceful Court intersects, it  
3 essentially creates a T intersection, and to put  
4 in the installation of stop signs so that people  
5 on Cronk Road, as they're traveling through  
6 there, if they're continuing through they would  
7 come to a stop, make a right turn and continue  
8 west, vice versa. The residents coming out of  
9 Peaceful Court would also come up to a stop sign  
10 before either going straight to travel west on  
11 Cronk Road or to turn right and go east.

12 Basically it would accomplish a couple of things.  
13 It would basically help mitigate the sight  
14 distance for drivers coming out of Peaceful  
15 Court, it would require the approaching drivers  
16 to stop, and it would also address some of the  
17 travel speeds through that area and the concern  
18 that there may be drivers speeding through the  
19 corner and then losing control under unfavorable  
20 conditions. So we had basically looked at those  
21 items, and that's how Mr. Osborne had come up  
22 with this letter to present to the Board.

23 MR. BROWN: I think it's a very good  
24 idea. To proceed with that we would have to go  
25 to the Town Board you were saying?

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MR. WERSTED: That's what Mr. Osborne had noted in his memo. I don't know the procedure for that or the --

MR. BROWN: Legal aspect of it. There would be some pavement modifications in addition to the signage, and that would actually be in the Town right-of-way.

MR. WERSTED: Yes, there would be. It would essentially mean removing some pavement on the inside of the curb and adding some pavement on the outside of the curb to create that T intersection.

MR. BROWN: Right. So I can talk directly with Jim Osborne as far as procedure --

MR. WERSTED: Correct.

MR. BROWN: -- and who engineers the intersection and all that?

MR. WERSTED: Yes.

CHAIRMAN EWASUTYN: Mike, do you have anything you want to add to that?

MR. DONNELLY: No.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: No.

CHAIRMAN EWASUTYN: Karen Arent,



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Landscape Architect?

MS. ARENT: I'm sorry, I didn't formally review the project. Street trees need to be shown and details.

MR. BROWN: They are.

MS. ARENT: I'll look at that. A detail of the --

MR. BROWN: I have it.

MS. ARENT: I apologize.

CHAIRMAN EWASUTYN: That's all right.

MR. HINES: Charlie, when you said you were going to work with Jim Osborne, just keep Ken and the Board in the loop there.

MR. BROWN: Of course. I'm trained well.

CHAIRMAN EWASUTYN: It's really --

MR. BROWN: I understand.

CHAIRMAN EWASUTYN: It's just a matter of being informative.

MR. BROWN: Keeps the flow of information. Okay.

MR. GALLI: I have a couple of concerns. I happened to be at the Town Board meeting the night that some of the residents in

1  
2 the area had some issues. I guess one of them  
3 was the drainage. A lady got up and spoke, and I  
4 had a concern when she said, I don't know if it  
5 was true because I didn't get a chance to get out  
6 to the site, that they were clear cutting the  
7 site, that he was chopping down all the trees.

8 MR. HINES: I didn't see that. I saw  
9 them cutting trees for the extension of the  
10 private road and the single-family residential  
11 structure under construction.

12 MR. GALLI: Who keeps an eye on that in  
13 the future? If these lots that are proposed  
14 finally get approved and they start cutting down  
15 the trees and the landscape --

16 MR. HINES: You would impose -- we  
17 don't often do that on large lot subdivisions  
18 such as this because the house locations are  
19 shown basically to comply with the zoning. They  
20 can build the house anywhere within the building  
21 envelop. If you've had a specific concern in the  
22 past, we have dedicated the house locations.  
23 They can't move the well or septic but you've  
24 shown actual house locations and limits of  
25 clearing. We have certain notes and Karen often

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2 gets involved with going out in the field and  
3 making sure those clearing limits are enforced.  
4 My office, upon approval, because right now it's  
5 kind of -- it's only one house on 21 acres. My  
6 office wasn't involved until I got a call from  
7 the DEC that they were going out. Knowing that  
8 my office does the MS-4 work for the Town, they  
9 called me. After approval of a subdivision this  
10 size they would need coverage under the Town's  
11 permit system.

12 MR. BROWN: A SPDES permit.

13 MR. HINES: We would be aware of that.  
14 We also provide periodic inspections of the sites  
15 under construction. If you think clearing is an  
16 issue here, then clearing limits would be the way  
17 to address that.

18 MR. GALLI: I think clearing limits  
19 should be imposed on this project, only because  
20 what's happened in the past. I think we should  
21 keep a better eye on the actual project itself.  
22 I don't know how we do that but somehow.

23 MR. BROWN: This is going to require a  
24 SPDES permit from the DEC as far as the approval  
25 process. So they'll be notified of the notice of

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intent.

MR. DONNELLY: Back in April we did talk about, and the applicant offered to record a conservation easement for the benefit of contiguous property owners.

MR. BROWN: We're showing the buffer areas, 150 foot here, 150 foot across here and 150 foot there, with notes that those areas are not to be disturbed at all.

MR. GALLI: That's on the outside.

MR. BROWN: Pretty much the perimeter.

MR. GALLI: I'm talking about the actual people that abut next to the development. Those are the ones affected, not the people on the wood side on the outside perimeter.

MR. BROWN: When we did Cronk we actually took the forty foot, which was the rear setback, and we set that as a conservation easement. So that couldn't be cleared. We could do the same thing with the side yard setbacks of where --

MR. GALLI: I think you need to keep a closer eye on the development.

MR. HINES: You just have to remember

1  
2 lot 10 is under -- the closest under  
3 construction. That was done through a separate  
4 building permit application separate from this  
5 Board and my office.

6 MR. GALLI: I just feel like you said  
7 the DEC got involved, you went out there and the  
8 guy didn't have soil erosion in place. That's  
9 number one. If he's not following that rule, why  
10 is he going to follow any of our other rules?

11 MR. BROWN: He won't be doing the  
12 remainder of the job. That's been determined for  
13 that reason.

14 MR. DONNELLY: Frank, I think you're  
15 referring to construction phase limitations, not  
16 permanent ones.

17 MR. GALLI: Construction phase  
18 limitations.

19 MR. BROWN: Limits of disturbance.  
20 That's fine.

21 MR. GALLI: I don't want to see a clear  
22 cut and all of a sudden we get out there and he  
23 says I took them down by mistake.

24 MR. HINES: That was an issue at the  
25 earlier phase, the issue with the S turn and the

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stonewall. It has a long history.

MR. BROWN: Which actually there we were required to clear for sight distance because of the S curve on Cronk Road.

MR. GALLI: That's all I had.

MR. BROWN: That was a requirement the Planning Board put in effect with the last subdivision.

MR. HINES: I believe it was a requirement of the highway department, not the Planning Board.

CHAIRMAN EWASUTYN: Cliff Brown?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I'm glad we got that stop sign thing settled.

Also, what Frank was talking about, I think we should maybe think about doing those kinds of things with other projects as well.

MR. WARD: I'm fine.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual approval for the six-lot subdivision of Cronk Estates II.

MR. DONNELLY: I think you did on April

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15th.

CHAIRMAN EWASUTYN: I did, Mike?

MR. BROWN: I don't think we did.

MR. DONNELLY: Do it again.

MR. BROWN: I don't think we did.

CHAIRMAN EWASUTYN: Thank you, Mike.

I think you're right. On 4/15, you're right, we did grant conceptual approval. At the same time we circulated to the Orange County Planning Department. Correct?

MR. DONNELLY: Yes. You already have a Local determination back.

MR. BROWN: Thank you.

(Time noted: 9:00 p.m.)

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

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

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DATED: April 5, 2011



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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 an Extension of Conditional  
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: March 17, 2011  
Time: 9:00 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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

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CHAIRMAN EWASUTYN: We have four items of Board Business to end the meeting. Cliff.

MR. BROWNE: The first item is Driscoll Subdivision, project 2005-46. The applicant is requesting an extension of conditional final subdivision preliminary approval. The current approval expires on March 29, 2011. The applicant is requesting an extension that will run through September 29, 2011.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye. So

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DRISCOLL SUBDIVISION

123

carried.

(Time noted: 9:01 p.m.)

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

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

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DATED: April 5, 2011

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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 an Extension of Conditional  
Preliminary Site Plan Approval

----- X

BOARD BUSINESS

Date: March 17, 2011  
Time: 9:01 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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

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MR. BROWNE: The next item is The Polo Club, project 2006-09. The applicant is requesting an extension of conditional preliminary site plan approval. The current approval expires on March 29, 2011. The applicant is requesting an extension that would run through September 29, 2011.

CHAIRMAN EWASUTYN: I'll move for a motion to grant the extension of conditional preliminary approval as read by Cliff Browne.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

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THE POLO CLUB

126

(Time noted: 9:02 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.

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DATED: April 5, 2011

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

----- X

In the Matter of

RE-SUBDIVISION OF LOT 2  
OF PALMERONE & TAYLOR'S WAY  
(2010-14)

Request for an Extension of Conditional  
Preliminary Subdivision Approval

----- X

BOARD BUSINESS

Date: March 17, 2011  
Time: 9:02 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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

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2 MR. BROWNE: The next item is the  
3 re-subdivision of lot 2 of Palmerone and  
4 Taylor's Way, project number 2010-14. The  
5 applicant is requesting an extension of  
6 conditional preliminary subdivision approval.  
7 The current approval expires on March 7, 2011  
8 and the applicant is requesting an extension  
9 of that to run through September 7, 2011.

10 CHAIRMAN EWASUTYN: I'll move for a  
11 motion to grant conditional final subdivision  
12 approval extension for lands of Zazon.

13 MR. FOGARTY: So moved.

14 MR. WARD: Second.

15 CHAIRMAN EWASUTYN: I have a motion by  
16 Tom Fogarty, a second by John Ward. Any  
17 discussion of the motion?

18 MR. BROWNE: John, that was  
19 re-subdivision of lot 2, not Zazon.

20 CHAIRMAN EWASUTYN: I apologize. That  
21 always happens to me. All right. I'll restate  
22 my motion for approval of re-subdivision of lot 2  
23 of Palmerone and Taylor's Way. I have a motion  
24 by Tom Fogarty. I have a second by John Ward.  
25 I'll ask for a roll call vote starting with Frank



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Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Yes myself. So  
carried.

(Time noted: 9:04 p.m.)

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

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

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DATED: April 5, 2011

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Request for an Extension of Conditional  
Final Subdivision Approval

----- X

BOARD BUSINESS

Date: March 17, 2011  
Time: 9:04 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
KENNETH WERSTED

----- X

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

MR. BROWNE: The last item is lands of

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LANDS OF ZAZON

131

Zazon, project number 2004-29. The applicant is requested an extension of conditional final subdivision approval. The current approval expires on March 19, 2011. The applicant is requesting an extension that would run through September 19, 2011.

CHAIRMAN EWASUTYN: I'll move for a motion to grant an extension of the conditional final subdivision approval for lands of Zazon.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli, 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. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 9:05 p.m.)

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

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DATED: April 5, 2011

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

----- X  
In the Matter of

LANDS OF MITCHETTI  
(2004-67)

Required Improvements That Have Not Yet  
Been Implemented

----- X

BOARD BUSINESS

Date: March 17, 2011  
Time: 9:05 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
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KENNETH WERSTED

----- X

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CHAIRMAN EWASUTYN: Just as a matter of record, Joe Matini looked at Rick's Automotive. It was originally discussed there was no bonding for the amended site plan or site plan approval for Rick's Automotive. The owner of the property has tried his best to move forward with improving the site as best as he could.

At this point, Karen, financially he just doesn't have the wherewithal. We did our best and we're just going to have to move on with the fact that maybe at a later time he'll be able to make some improvements that he can't afford to make now.

MR. GALLI: What happens to the improvements that he didn't do as far as the building plans? There was some interior stuff.

CHAIRMAN EWASUTYN: That's a code compliance issue. That would have to be managed by the building department.

So I'll move for a motion to --

MR. BROWNE: One other item, John, if you don't mind. The letter that Joe Profaci put out, we'll put that out for discussion.

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CHAIRMAN EWASUTYN: When Joe is back.

With that, I'll move for a motion to close the Planning Board meeting of the 17th of March.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

(Time noted: 9:06 p.m.)

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

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DATED: April 5, 2011