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

----- X

In the Matter of

MINARD SUBDIVISION
(2008-06)

97 Leslie Road
Section 20; Block 1; Lot 31
R-2 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: March 19, 2009
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MINARD SUBDIVISION

MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of March 19, 2009.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

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MINARD SUBDIVISION

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

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

MS. HAINES: Thanks. At this time I'll turn the meeting over to Cliff Browne.

MR. BROWNE: Please rise.
(Pledge of Allegiance.)

MR. BROWNE: Please turn off your cell phones.

MS. HAINES: The first item on the agenda we have tonight is the Minard subdivision. It's on for a public hearing. It is a two-lot subdivision located at 97 Leslie Road in an R-2 zone and being represented by Charles Brown.

I will ask that Ken Mennerich please read the notice of hearing.

MR. MENNERICH: "Notice of Hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the

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MINARD SUBDIVISION

Town Law on the application of Minard Subdivision for a two-lot subdivision on premises 97 Leslie Road in the Town of Newburgh, designated on Town tax map as Section 20; Block 1; Lot 31. Said hearing will be held on the 19th day of March at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated February 23, 2009."

MR. GALLI: The notice of hearing was published in The Sentimental on March 13, 2009 and in The Mid-Hudson Times on March 11, 2009. The applicant's representative sent out seventeen registered letters, fifteen were returned. All mailings and publications are in order.

MR. BROWN: This is a two-lot subdivision of a ten lot -- ten-acre parcel, I'm sorry, that contains an existing single-family residence. The purpose is to create one new building lot.

The property is serviced by Town water.

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MINARD SUBDIVISION

It's in the R-2 zone. It's located on the south side of Leslie Road about 250 feet from the intersection of Frozen Ridge Road.

The proposed lot will be created for one new single-family residence. It will be served by Town water and an on-site septic system.

CHAIRMAN EWASUTYN: At this time we'd like to open up the meeting to the public. If you have any questions or comments, will you please raise your hand and give your name and your address so the Stenographer can record it.

The gentleman in the back.

MR. HUGHES: My name is Hughes and I have a chunk of property within 300 feet of this and I wasn't notified. I heard about it. I'd like to know why I wasn't notified.

CHAIRMAN EWASUTYN: Dina, would you explain to Mr. Hughes what happens when we have to have a public hearing.

MS. HAINES: Sure.

MR. HUGHES: It's within 300 feet, isn't it?

MS. HAINES: Right, but for minor

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MINARD SUBDIVISION

subdivisions, which this is, it's a two-lot, we only have to do properties that are contiguous and across the street from the project. I sent the assessor's office a request to do the streets -- the properties that are contiguous and across the street. They did send me back a list and that is the list that the representative did use to do the mailings, and we got that from the assessor's office.

MR. HUGHES: That doesn't make it correct but thank you for answering the question.

MS. HAINES: You're welcome.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this time I'll turn to the consultants for their comments. Jerry Canfield.

MR. CANFIELD: The previous comments of October 8th regarding the scale that Mr. Brown used and the setbacks, they've been addressed.

The standard notes have been added we requested about the stake out. Pat has a comment on that as well, it should be by a PE,

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MINARD SUBDIVISION

professional engineer -- surveyor.

MR. HINES: Surveyor.

MR. CANFIELD: Or engineer. A clean-up item, on the bulk use requirements that you use on lot 2, the front yard setback proposed for lot 2 I believe says plus or minus 239 feet. It should be 40 feet compliant with the zoning table.

MR. BROWN: You're right. Yes.

MR. CANFIELD: That's all I have, John.

CHAIRMAN EWASUTYN: Okay. Pat Hines, Drainage Consultant.

MR. HINES: We have a couple comments on the septic system. The test pit 4 should be added to the plans via the data format. There is a location but no data.

Also perk test 5, the location isn't shown, and that's the worst case.

MR. BROWN: Perk test 5 is outside of the septic area right over here. I'll note it on the map.

MR. HINES: There was --

MR. BROWN: The range is what, 24 to 30 minutes, so it's the same anyway. The D5, that

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MINARD SUBDIVISION

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should be D4. That's a typo. We'll clean that up.

MR. HINES: The note Jerry talked about, the licensed professional staking out the house location and the septic because of the proximity to the setback line.

The highway superintendent's comments are outstanding. Those were in our comments last time.

That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: If you could just provide the Planning Board with a revised EAF. One of the issues was just the threatened and endangered species.

Then there was just a misspelling in one section. That's from our previous memo.

You had mentioned the highway department. A professional is going to be needed.

We'll need a signed and sealed survey sheet.

Also there's a stonewall where the

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driveway is going to be constructed. If you could just place a note on the plans stating that it will only be disturbed to where the driveway is going to go. We'd like to see that as much as possible.

Other than that, the applicant addressed our issue with the house location being outside the building envelop. It's now within and no variances would be required.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect, did you look at this?

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Ken Wersted, Traffic Consultant.

MR. WERSTED: No comments.

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

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Any further questions or comments from the public at this

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time?

MR. HUGHES: Yes. I'd like to know the nature of the survey that was done about the perk in this area. There's some shale. I don't know how it's going to work. The topography there is very rugged and there's a lot of rock outcroppings. Is there a special designed system or is this just a leach field?

MR. BROWN: It's a standard leach field. We do show the topography. The area where the septic is shown, it's actually fairly level. We only have a four-foot grade change between the beginning of the septic area and the actual rear of the expansion area.

Soil testing was, as Pat said, they were all under 30 minutes. We actually got five different perk locations all over the site. The ones used in the area of the septic were under 25 minutes.

All the deeps were dug to five, five-and-a-half feet. This did show some cobbles in some of those. There's no bedrock. It is stony soil but it does perk and it is good for an in-ground septic.

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MINARD SUBDIVISION

MR. HUGHES: Lots of luck. Thank you for answering those questions.

Is there a consultant that looks at this? Have you been out to the site?

MR. HINES: We haven't been out to the site. We reviewed them based on the applicant's engineer's data.

MR. HUGHES: Is it typical or normal that you don't go out to the site?

MR. HINES: We don't go out to the site and do that for the Town of Newburgh.

MR. HUGHES: If I can suggest to the Chairman you have somebody look at the site before you give a final approval, I think you'll be surprised.

MR. HINES: We have gone out at the request of the Planning Board on some sites.

MR. HUGHES: Not this site?

MR. HINES: This one we have not.

MR. HUGHES: Jerry, have you been out there?

MR. CANFIELD: We haven't been. I'm familiar with the property.

MR. HUGHES: The Town doesn't have

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MINARD SUBDIVISION

anybody there to witness the perk tests?

MR. CANFIELD: No. It's not a requirement at this time.

CHAIRMAN EWASUTYN: I think what we normally have is a procedure. We have a licensed engineer who puts his seal on there that the information that he's providing is accurate and we go by that particular license because he's a professional in the field.

MR. CANFIELD: One thing also, John. The Town does have a requirement for the as-built, that the design professional --

MR. BROWN: Certifies it.

MR. CANFIELD: -- provides an as-built with a statement which further iterates he did the inspection, the system was installed per his design, and it kind of puts his seal on the line that he did inspect it. That was a requirement that was added to the Town probably about ten, twelve years ago.

CHAIRMAN EWASUTYN: Mike, is there anything you'd like to add?

MR. DONNELLY: No, no. Different towns do it different ways. There's no requirement to

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MINARD SUBDIVISION

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witness the perk test under the Newburgh code the way it's written today.

MR. HUGHES: So could it be possible to bump this in the proper light and take a good look at it or are you going to roll with it the way it is?

CHAIRMAN EWASUTYN: That's the Board's decision.

MR. GALLI: If the engineer signs off on it, it's good for me.

MR. HUGHES: Even with the caveats you have about the conditions with the outcropping and the shale? I wouldn't want to take the responsibility.

MR. GALLI: If the engineer is putting his license on the line for that, Ron, then that's --

MR. HUGHES: And that's good enough for you, huh?

MR. GALLI: Yes. He's a professional at it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I concur with this, yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

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MINARD SUBDIVISION

MR. MENNERICH: It's all right with me.

CHAIRMAN EWASUTYN: And it's fine with me also.

MR. HUGHES: You should be ashamed of yourselves.

CHAIRMAN EWASUTYN: Thank you. Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for the two-lot subdivision of Minard.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

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MINARD SUBDIVISION

I'll move for a motion to grant final approval to the two-lot subdivision for Minard subject to the conditions that Mike Donnelly, Planning Board Attorney, will present in the resolution.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Let's hear the conditions.

MR. DONNELLY: We'll need a sign-off letter from Ed Garling's office based upon the memo comments of March 11th, Pat Hines' office based upon his memo of March 13th. Jerry Canfield raised a number of concerns this evening that need to be addressed. We'll need a sign off from the town highway superintendent. And there will be a requirement of the payment of parkland fees for the new lot created in this subdivision.

CHAIRMAN EWASUTYN: Okay. I'll move for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

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MINARD SUBDIVISION

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MR. BROWN: Thank you.

(Time noted: 7:14 p.m.)

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

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

DATED: March 28, 2009

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

----- X

In the Matter of

CHRIS KELLY SUBDIVISION
(2006-07)

39 New Road
Section 34; Block 2; Lot 16
B Zone

----- X

CONCEPTUAL THREE-LOT COMMERCIAL SITE PLAN

Date: March 19, 2009
Time: 7:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHRIS KELLY SUBDIVISION

MS. HAINES: The second item of business we have tonight is the Chris Kelly Subdivision. It is a conceptual three-lot commercial subdivision and site plan. It's located at 39 New Road in a B zone and being represented by Charlie Brown.

MR. BROWN: Thank you. Again this is a three-lot commercial subdivision in a B zone with Town water. The existing property contains the same kind of residence which is allowed to have the permit in the B zone.

There is an easement for Central Hudson high tension wires. It's on New Road. I don't know if you're aware of where the towers are. We did forward an application to Central Hudson to get their input on the driveways -- proposed driveways for the site.

I guess I'm looking for some direction from the Board here. What we would like to do, based upon my client's direction, is proceed with the subdivision as quick as possible and hold back a little bit on the site plan due to the nature of the economy.

CHAIRMAN EWASUTYN: Mike, they

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CHRIS KELLY SUBDIVISION

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presented -- we have both a project number, Dina, I believe for the site plan and also a project number for the subdivision.

MS. HAINES: Correct.

CHAIRMAN EWASUTYN: So we have received two separate applications but I don't know how that would work.

MR. DONNELLY: That's just a fee, an accounting issue more than a substance issue.

What are you doing with your zone change application?

MR. BROWN: We're going to hold off on that for now. This is strictly a three-lot commercial subdivision.

MR. DONNELLY: From a subdivision point of view we need to look at all three lots as though they would have commercial development.

MR. BROWN: Correct.

MR. DONNELLY: I think the applicant is asking you to withdraw the site plan and review the subdivision alone.

CHAIRMAN EWASUTYN: And I think for the record --

MR. BROWN: We don't want to officially

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2 withdraw it. We want to defer it. He's not in a
3 position to build a building at this time.

4 MR. DONNELLY: Does that mean he wants
5 to get an approval and put it on hold?

6 MR. BROWN: He would like to go forward
7 with the subdivision and hold back on the site
8 plan but not withdraw it.

9 MR. DONNELLY: It's a question of how
10 long you want to let it hang out as an
11 application or your agendas.

12 MR. BROWN: We'll be back within six
13 months. He would like to move forward with the
14 subdivision as fast as possible.

15 CHAIRMAN EWASUTYN: So the public
16 hearing would be on the subdivision?

17 MR. BROWN: Subdivision, right.

18 CHAIRMAN EWASUTYN: Comments from Board
19 Members. Frank Galli?

20 MR. GALLI: On the other part of it,
21 the site plan part of it, isn't that trying to
22 get switched over to residential?

23 MR. BROWN: No. What he would do is
24 when he files the map for the subdivision he
25 would approach the Town Board for the last lot,

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CHRIS KELLY SUBDIVISION

the back lot, and two residential. That would be after the subdivision is filed. The lot that's the subject of the site plan is the second lot, the lot here. This is the lot in the back.

MR. DONNELLY: Because there's no zone change and no current site plan you're going to need to look at all three lots as commercial lots.

MR. GALLI: That's fine.

MR. BROWNE: Okay.

MR. MENNERICH: That's all right with me.

CHAIRMAN EWASUTYN: So let's discuss -- you want to just discuss this this evening as a three-lot commercial subdivision?

MR. BROWN: Right. I've got comments from the consultants. I thank you very much for the site plan. We'll be working on those.

Tonight we would like to move forward with the subdivision if possible.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comments as far as the three lots?

MR. CANFIELD: Nothing pertaining to the subdivision. They were all directed directly

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CHRIS KELLY SUBDIVISION

to the site plan.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant.

MR. HINES: A couple issues. The water
and sewer issues need to be resolved. We don't
have a septic design for the rear parcel which
will need to be shown.

MR. BROWN: We did do testing out
there. We haven't presented the testing with the
site plan application.

MR. HINES: It needs to be on the
subdivision map now as a stand alone.

MR. BROWN: We'll put it all on the
subdivision map.

MR. HINES: It needs to be shown that
the lots can stand on their own.

Also the water issue. I think you're
showing three-quarter inch water line service to
the building. I think you're going to end up
putting a water line up the access driveway
because the buildings, depending on their use,
will be required to be sprinklered, and obviously
those water service lines aren't going to be
capable of doing that. Also the distance between

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the water main and the rear lot is such that a larger diameter pipe would be needed. I think you need to take a look at extending the water line to service the commercial parcels.

MR. CANFIELD: One thing if I may. Because the buildings are needed to be sprinklered, you should know now the water line should be a minimum six-inch with a hydrant added. I'm sure the County is going to view it as a main extension and going to want to review that. I know we're not getting really into site plan issues but -- I know it's part of the comments but it should be part of the minutes and you should be aware of it.

MR. DONNELLY: I think that may be a subdivision issue as well. It's got to be dealt with now.

MR. HINES: The other thing is there needs to be an easement in favor of the rear lot across the middle lot for access because of the proximity of the Central Hudson power line to -- you're blocking that access.

MR. BROWN: This whole shaded area is a proposed utility and common driveway easement.

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CHRIS KELLY SUBDIVISION

CHAIRMAN EWASUTYN: Ken Mennerich, you had a question.

MR. MENNERICH: I guess also on the subdivision, the road width, is that what you were just addressing, the fifteen foot --

MR. BROWN: The fifteen foot.

MR. MENNERICH: According to Jerry it's got to be twenty foot. I think that's a subdivision issue.

And also obviously getting some of the agreement from Central Hudson would be a subdivision issue, too.

CHAIRMAN EWASUTYN: And then you'll need, I guess, Town Board approval for a private road name.

MR. BROWN: We were looking at it as a common driveway.

CHAIRMAN EWASUTYN: Okay.

MR. BROWN: It's really only serving the two lots. We don't have a problem making it one.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Yes. The survey that you

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provided had two different certification notes on it with two different dates. If you could just clean that up and get one with a seal and signature on it.

Pat mentioned the septic location is going to have to be shown on lot 3.

The bulk table should show the actual setback.

You mentioned the Central Hudson easement is going to be necessary.

The access and maintenance agreement we also mentioned.

And the Town of Newburgh highway department will get an approval for the driveway.

CHAIRMAN EWASUTYN: Karen, at this point in time, since we're not reviewing the commercial portion of it --

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: No comments.

CHAIRMAN EWASUTYN: Comments from the Board Members. Frank Galli?

MR. GALLI: You said you had no problem getting the twenty foot out of it?

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CHRIS KELLY SUBDIVISION

MR. BROWN: No problem.

MR. GALLI: No more questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We're doing three lots and we're doing a --

MR. BROWN: The site plan is for one lot.

MR. BROWNE: I'm sorry?

MR. BROWN: Site plan for one lot.

MR. DONNELLY: You're holding that off?

MR. BROWN: Right.

CHAIRMAN EWASUTYN: Right now we're just entertaining the --

MR. BROWNE: We're accessing the two lots --

MR. BROWN: With one common driveway.

MR. BROWNE: Right.

MR. BROWN: The other one has an existing residence which the applicant actually lives in and it has its own driveway.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions on the subdivision.

CHAIRMAN EWASUTYN: Then I'll move for

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CHRIS KELLY SUBDIVISION

28

a motion to grant approval -- conceptual approval to the three-lot commercial subdivision for the lands of Chris Kelly.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. BROWNE: This is a concept approval?

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

MR. BROWN: Thank you.

(Time noted: 7:23 p.m.)

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

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

DATED: March 28, 2009

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

----- X
In the Matter of

LANDS OF MARY & MICHAEL KEENE
(2006-50)

North side of Pavilion Drive off Route 9W
Section 9; Block 1; Lot 4
B Zone

----- X

THREE-LOT SUBDIVISION

Date: March 19, 2009
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

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MS. HAINES: The third item we have on our agenda tonight is the Lands of Mary and Michael Keene. It is a three-lot subdivision located on the north side of Pavilion Drive off Route 9W, it is in a B zone and being represented by Patricia Brooks.

MS. BROOKS: We actually originally appeared before this Board back in October of 2006 to discuss this subdivision. We realized that the property was located in a B zone and it would require a rezoning before the Town Board.

Since we were originally here in 2006 we've been working with the Town Board and the Middlehope Fire Department to come up with an acceptable roadway maintenance agreement over the private Pavilion Drive roadway, and now we've held our public hearing at the Town Board last month for the rezoning issue. My understanding is that they're waiting to hear back from the Orange County Planning Board with regard to that process, but I know we also need to go before the Zoning Board of Appeals so I thought it was an appropriate time to come back before this Board, explain where we are in the process and look for

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some guidance on the timing with regard to when we should be getting referral to the Zoning Board of Appeals, where we need to be in the rezoning process in order to move forward.

CHAIRMAN EWASUTYN: Mike, are you prepared to recommend --

MR. DONNELLY: My understanding of what is needed is a front yard variance for the loss of protection for the existing structure that will happen after subdivision.

MS. BROOKS: Yeah. The existing house on lot number 1 is deficient in both the side yard and the front yard on the existing lot lines. Additionally, the new lot, the frontage in the AR is a 150 requirement as opposed to the 125 in the B zone. So it also will require a lot width variance.

MR. DONNELLY: I think that can be referred regardless of the base of the zone change application, at least in anticipation of, and I don't know that the Zoning Board needs to have the Town Board's ruling on the zone change because they can grant the variance under the -- wait a second. The zone now wouldn't allow the

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residential lot?

MS. BROOKS: The proposed new zone --

MR. DONNELLY: New. But this lot would still be -- I think the Zoning Board can act then. It can be referred now.

CHAIRMAN EWASUTYN: That would be for a front yard and side yard variance.

MR. DONNELLY: And lot width.

MS. BROOKS: And lot width all on lot 1.

CHAIRMAN EWASUTYN: Comments from our consultants. Jerry Canfield.

MR. CANFIELD: We just discussed the variances required.

A demolition permit will be required to remove that steel shed and pad that's in the driveway area.

We request also that the standard notes that we put on there about staking out the foundation by a licensed professional prior to the foundation being dug due to the proximity of the building located up against the building envelop. That's all I have.

CHAIRMAN EWASUTYN: Pat Hines, Drainage

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Consultant.

MR. HINES: There's two perk tests. They're deep tests on lot 2. One of them should be for lot 3. It's a clean-up item on the septic design. Otherwise the septic designs are acceptable and there's no new private roadway, only two single-family homes.

Erosion and sediment control measures have been shown, so the plan is acceptable with that minor change.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: The applicant mentioned this was sent to the Orange County Planning Department. I actually didn't have the response letter in my file but the Planning Board did so we do have that on file.

We have a local determination that no further action will be required.

The applicant did provide a recorded easement allowing the new lots to use the driveway off 9W, but a common driveway and access agreement will be required for lots 2 and 3. I don't think that was included.

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The EAF and the narrative state that the lot is 3.08 acres and the plan states 3.09. That should be cleaned up. I think that's it.

CHAIRMAN EWASUTYN: Karen Arent, do you have anything to add?

MS. ARENT: No.

CHAIRMAN EWASUTYN: Ken Wersted?

MR. WERSTED: No.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. DONNELLY: You issued a notice of intent to serve as lead agency on October 19, 2006. I think you can declare lead agency.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to declare ourselves lead agency for the Lands of Mary and Michael Keene for a three-lot subdivision.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by

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Ken Mennerich.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

I'll move for a motion to refer this to the Zoning Board of Appeals for a variance for lot width and for side and front yard setback variances. I'll have Mike Donnelly, Planning Board Attorney, prepare a letter to the Zoning Board of Appeals.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

(No response.)

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

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

MS. BROOKS: Thank you very much.

(Time noted: 7:29 p.m.)

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

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

DATED: March 28, 2009

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

----- X
In the Matter of

GOMEZ MILL HOUSE
(2009-01)

Mill House Road
Section 8; Block 1; Lot 29
AR & AR/O Zones

----- X

CONCEPTUAL SITE PLAN

Date: March 19, 2009
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: PETER KARIS

----- X

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

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MS. HAINES: The next item we have tonight is the Gomez Mill House. It is a conceptual site plan located on Mill House Road, it's in an AR zone and represented by Peter Karis.

MR. KARIS: Good evening. My name is Peter Karis, I'm a landscape architect. I'm here tonight with Jennifer Van Tuyl from the law firm of Cuddy & Feder who is the project attorney, and you'll remember Dr. Ruth Abrahams who is the executive director of the Gomez Hill House.

We're before the Board tonight with revised plans and additional information as well as to update the Board on a lot of the happenings that have been going on with this project since our last appearance before the Board.

We submitted a detailed use narrative at the Board's request later in the month of February. We also submitted a stamped and sealed boundary survey for the property which was requested. We also had a chance to appear before the Zoning Board of Appeals to discuss the compliance of the proposed project in accordance with the 1985 use variance that was granted for

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this property so this property could function as a museum and educational facility.

The Board issued a letter -- the Zoning Board issued a letter back to the Planning Board essentially finding that the project was in compliance with the 1985 variance and clarifying the issue with the buses, the buses that deliver people to the site. It was determined that school buses do not -- in fact do not go against the condition in the 1985 use variance and clarified that commercial buses will continue to drop off patrons to the site as they currently do on the 9W shoulder up at the intersection of Mill House Road and 9W. So we believe that we've settled that issue as far as the use variance is concerned.

MS. VAN TUYL: Peter, if we could say we noticed that Ron Hughes is here tonight from the Zoning Board and we would be happy to defer to him for any comments that he would like to make about the Zoning Board or any other relevant matter.

MR. HUGHES: I do concur with the representative's opinion about where we left it

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and that we had determined that they were in compliance. There was an issue and a question of the delivery of the children and occupants coming off the buses.

On that same note and in that same stroke, I'm also the representative for the Greenway Trails in Ulster and Orange County in conjunction with Sullivan/Ulster Alliance, the Greenway Trails in the Town of Newburgh and all the connector trails, and I would like this Board to take into consideration the fact that we're all supporting the Gomez Mill House Road connector on Albany Post Road making this a very intricate part on the north end of our county to be a connection to the Greenway Trail. Thank you.

MR. KARIS: Thanks, Ron.

Also, in terms of dealing with the issue of endangered and threatened species on the site, we retained the services of Yakasonia, specifically Eric Kidd Yakasonia, to perform a site specific analysis to look for endangered and threatened species habitat on the site for both plants and animals. We actually did the site

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observations of that study this morning. We walked the entire property twice and have a full understanding of where our proposed impact is and the areas that we're not touching. It was preliminarily observed and needs to be concurred and looked through. Essentially there's no endangered or threatened species habitat on the site. So we're going to be able to submit a report stating that fact from a very, very reputable environmental professional to accommodate the requirement under SEQRA.

We've also retained the services of John Collins Engineers, traffic consultants, to perform a very specific traffic analysis, one with the amount of cars proposed to now use the local roads to access the site instead of 9W, and, two, at the site look at the sight distance of specific intersections including our proposed access point onto Mill House Road, the intersection of Mill House Road and Old Post Road and the existing driveway intersecting with Mill House Road, and we'll have a report that we'll submit to the Board on Monday. Essentially they say that the local roads can handle the proposed

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application with no problem. They are going to recommend some minor improvements with signage at the intersection of Old Post Road and Mill House Road to help accommodate and clarify that there's an intersection there more so than it is now. So that report is forthcoming.

We also had an opportunity, with one of the comments from Pat Hines, to meet with the highway superintendent this morning on the site to discuss the proposed path or shoulder path along Mill House Road that will take the pedestrians to the intersection of Mill House Road and our new trail across the culvert to the existing driveway and up to the Mill House. Mr. Benedict gave us his opinion on sidewalks. He doesn't like sidewalks, he doesn't want to maintain sidewalks, and he was okay with our proposal of providing an improved graded shoulder for people to walk on when and if Mill House Road is opened by the Town for public use. He also had no problem with our proposed driveway intersection with Mill House Road further to the east.

We also submitted a letter from the

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Historic -- State Parks office, excuse me, on archeology. Essentially they signed off on our archeological report and they have no further concerns regarding the proposed application.

We've also retained the services of Barry Medenbach, who is a professional engineer, to prepare the stormwater pollution prevention plan. That plan is essentially going to -- works with our proposed grading everything to a bio retention area and bypassing the clean water coming from the south through to our proposed project. That report will be finalized and submitted to the Board by Friday, March 27th. We also -- I'm sure the Board is aware that you circulated the lead agency status under SEQRA at your last -- at the February 13th meeting. You did receive responses from the DEC, from the dormitory authority, from the Town of Marlborough and from the Orange County Planning Department. Essentially they all had no objection to the Planning Board assuming lead agency status.

MS. VAN TUYL: Again as a courtesy, I know Megan Tannerman from the County Planning Department is here tonight. Of course if she has

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GOMEZ MILL HOUSE

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anything to say.

MS. TANNERMAN: I like it. Nice parking lot.

MR. KARIS: I'll turn it back over to the Board.

MS. VAN TUYL: Naturally we're happy to answer any questions that the Board might have.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No. We just had some comment on the -- if they opened the bridge how are you going to -- how are you going to accommodate pedestrians?

MR. KARIS: When and if the construction of that culvert is redone, a sidewalk or a wider area that's going to allow the separation of vehicle and pedestrians would have to be designed or a new culvert. We discussed that with the highway super and he recognizes that that will have to take place, although he did not know when that was going to happen.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: That was probably the

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GOMEZ MILL HOUSE

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major concern that Frank just brought up.
Nothing else.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Relative to the wider
bridge to accommodate the sidewalks, was there
any discussion about who would pay for the
sidewalk portion of the bridge?

MR. KARIS: No.

CHAIRMAN EWASUTYN: So the graded
shoulder improvement is something that you'll be
putting in when you receive final site plan
approval. So that will be the mitigation measure
that will be in place.

Comments from our consultants. Jerry
Canfield?

MR. CANFIELD: Early on we discussed
the involvement or location, proximity of the
flood zone to this project. After further
examination of the requirements for the flood
plain development permit it was determined that
there is no permit required. The disturbance in
the flood zone area is minimal, it's a foot
bridge and there's no structures, therefore there
is no permit required. That's all I have.

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CHAIRMAN EWASUTYN: Thank you. Pat Hines, Drainage Consultant.

MR. HINES: My first comment has to do with the conversation with the highway superintendent. I did speak to the highway superintendent today after he left the meeting you had and I got a little different take on it than what you've presented.

MR. KARIS: Okay.

MR. HINES: He had a two-tiered option. The first one was while the road was closed he suggested safety rails be incorporated over the existing bridge to prevent school-age children from going off of there.

MR. KARIS: I think we discussed also of a temporary or removable nature.

MR. HINES: That's fine. As long as he's happy with that. And to widen the shoulder.

The second tier of that was when the roadway reopens, as you stated he has the concern of the pedestrian crossing of the bridge. I believe that his comment to me was he was looking for your organization to commit to the incremental cost increase of providing that

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walkway across there and then that the shoulder be widened to five feet there, not a sidewalk but widening the shoulder to five feet, which he had a concern may require some retaining walls. That's what he related to me after the meeting.

MR. KARIS: Yeah.

MR. HINES: I don't know if that's the same information you had.

MR. KARIS: The end part is not. We actually didn't get into that level of detail. Maybe he thought about it before he called you.

MR. HINES: He may have had some opportunity. That could be.

My next comment is that we're awaiting receipt of the stormwater report that you had mentioned.

The detail on sheet D-2, the asphalt driveway, gravel parking, I believe the entire parking area is proposed to be paved.

MR. KARIS: It is.

MR. HAINES: That detail needs to be modified.

Just clearly define which portions of the parking lot are to be curbed. I believe it's

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GOMEZ MILL HOUSE

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just the drop-off area and the western portion.

Is there a sidewalk proposed at the bus drop-off area?

MR. KARIS: Yes.

MR. HINES: There is. So a detail for that should be provided. That's all we had.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant.

MR. COCKS: Just to expand on the parking lot a little, are you guys still proposing single striped spaces?

MR. KARIS: We are.

MR. COCKS: We usually do double striped spaces on commercial site plans. I don't know if the Planning Board wants to discuss getting around that.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: He was getting ready to say something.

MR. KARIS: The code states that parking spaces need to be double striped. We feel that that is a much more commercial application and we're trying to be a passive historic site. What we'd like to do is have it

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GOMEZ MILL HOUSE

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single striped. It just makes it look less like the Chili's parking lot. It makes it look like a much more passive parking lot. It's a minor detail. If we have to we'll put the double striping in but we prefer to have a single stripe.

MR. GALLI: The width of the parking is going to be the same?

MR. KARIS: Yes.

CHAIRMAN EWASUTYN: Which is?

MR. KARIS: Which is ten feet wide. The spaces are ten by eighteen.

MR. HINES: They can be nine by eighteen per our code.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: By code does this application fall into commercial or --

MR. DONNELLY: I don't even know if we have a specification on double striping, it's just become our tradition. Am I correct?

MR. HINES: No. It is in the zoning. There's a picture, a detail.

MR. DONNELLY: Then the question is

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that applies where? In all parking areas?

MR. HINES: It doesn't reference it. It just has the pavement striping detail. I don't have a big concern over the single stripe. I think it may look a little better.

MR. DONNELLY: The question is if it is in the code is it in a section that the Planning Board can waive or does that require the highway superintendent, the Town Board or Zoning Board to waive? I'll have to look at that.

MR. BROWNE: That was my question. Do we have the right to say yeah or nay on it? I don't know if we do or not.

MR. HINES: It's certainly been an issue on other commercial sites that did not do it.

MR. KARIS: If the Board does not have the ability to waive that requirement, we'll certainly put in the double striping.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Earlier you said it wouldn't look like the Chili's parking lot. Actually the Chili's parking lot over here is all single striped.

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MR. KARIS: I'm sorry.

MS. VAN TUYL: That's very funny.

MR. KARIS: That was more of a general example.

MR. MENNERICH: I don't have a problem with the single stripe. I guess if you can do a ten-foot wide rather than nine-foot wide single stripe, I think it is better because there's less car door banging.

CHAIRMAN EWASUTYN: Whatever the code allows us to do is fine with me.

Bryant, do you have any more comments?

MR. COCKS: Just when you guys figure out what temporary rest room facilities are going to be used, just provide the detail.

And then also the adjacent driveway actually encroaches on your lot line. Do they have an easement for it or is that just the way it's always been? I think it might be required to have an easement if they are encroaching.

MR. DONNELLY: They would want to have one, and you could probably cut off the use or negotiate it. It's a nice thing to point out. I don't know if it's essential to this site plan to

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fix it.

MR. COCKS: That was it.

CHAIRMAN EWASUTYN: Karen Arent,
Landscape Architect.

MS. ARENT: My comments refer to the
plants and some ideas about changing species so
they're more capable for the requirements of the
proposed plants. The applicant has no problem
making these changes.

The one problem they did have was with
increasing the number of trees to provide
screening from the adjacent house, but I wasn't
aware -- I didn't realize that there's a berm as
well as the proposed trees. I think that
combination will provide enough screening so
therefore the additional trees are not necessary.
That's it.

You'll need a landscape cost estimate
of the required plantings.

CHAIRMAN EWASUTYN: Ken Wersted,
Traffic Consultant.

MR. WERSTED: The only concern that we
had early was pedestrians using Mill House Road
to cross the bridge. It's really a function when

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the bridge opens, which my understanding is it's not going to be in the near time just because of the shortfalls. If it does open up, and I think this is more an issue for the Town Board and highway department, it's just the available room to have cars and people using that same facility.

One concern we had, and maybe the applicant can speak from experience, but as the road curves around in front of the house there's an arched opening to the front yard with a stairway there. There really isn't a lot of visibility around that curve. Do people actively use that to cross the street or do they step out from behind this stone enclosure and kind of immediately into the road? Again, it's not really an issue now because the road is closed so you don't have through traffic. When it was open did that occur often? The concern there being just the safety of someone stepping out from behind the wall and a car coming down the hill.

MS. ABRAHAMSON: We do use that actively. There's actually sort of an apron, if you will, from the arch before you hit asphalt. It's been used since the place became a museum in

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1979 with or without additional traffic.

MR. KARIS: Ken, also you'll see this in the traffic report from Phil Grealy. He was suggesting -- he identified that as an issue as well. He's suggesting some cautionary signage on Mill House Road, there's a blind turn and the driveway, that way it will alert drivers that there's activity happening they can't see around. Unfortunately there's really not a lot that can be done. The wall is right on the pavement and that's just -- I can imagine that's the way it's been for a very, very long time.

MR. WERSTED: That's where we were going with it, to notify drivers of what's upcoming. You know, we thought the Town may consider making that section of road one way where only one lane of traffic is using it and the rest of it can be striped or pedestrian access or something like that. I think those are more issues the Town will have to consider when they find the time and the funding available to open the bridge again.

MR. KARIS: We certainly have no issue providing cautionary signs to alert drivers.

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MR. BROWNE: Just out of curiosity, is there a mechanism where the Town can have a very reduced speed limit in that area?

MR. DONNELLY: I think there is a 30 in the Town Board affixed speed limits. I don't know if there's a minimum below which they can not do for a stretch of Town road as opposed to a parking lot or single location.

MR. HINES: I believe they can't go below 30 --

MR. DONNELLY: On any Town road.

MR. HINES: -- except in school zones.

CHAIRMAN EWASUTYN: Ken Wersted.

MR. WERSTED: I want to say that issue has come up time and time again. In the Vehicle and Traffic Law it's sometimes hard to find that information but I believe Pat is correct that you can't necessarily go below 30 miles-an-hour. I think there's also a reference of not being able to go less than 25 miles-an-hour. I believe it's all towns. They would have to, I believe, petition DOT, even though it's not a DOT road, to change the speed limit. Again, you know, I don't think they would be allowed to bring it down to 5

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GOMEZ MILL HOUSE

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miles-per-hour or anything lower than that.
There may be other common treatments and so forth
that might be applicable.

MR. GALLI: If and when the Town opens
the road is the Gomez House going to be in the
position to do the improvements, or maybe the
stonewall, if you need a wider walk path to the
bridge and stuff like that?

MS. VAN TUYL: Certainly we're going to
be discussing that. I think when Peter spoke to
the highway superintendent this morning he didn't
understand that, but we'll discuss that,
understand what the costs are. We understand
that we've got it on the table, a request that we
pay the incremental cost of adding the footpath
on the bridge. Certainly if we can do it we
will, and we'll respond formally before -- we
hope to submit everything else that you've asked
for before the April 2nd meeting.

CHAIRMAN EWASUTYN: It's too late for
the April 2nd meeting.

MS. VAN TUYL: Oh, it is?

CHAIRMAN EWASUTYN: The agenda has gone
out. You will be on the meeting for --

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MS. HAINES: The 16th.

MS. VAN TUYL: Okay. We'll respond formally. Certainly we do want to cooperate with the Town. We understand that we will have needs and if we can -- we just want to understand what costs will be involved so we're saying it responsibly.

MR. DONNELLY: Toward that end, maybe you can explore with the highway superintendent and perhaps the Town Board the willingness to consider making the road, when it re-opens, one way which would greatly reduce the width and the cost of doing that. Ken has made the suggestion and it might make some sense. It helps with safety, it helps with the cost of pedestrian access. I don't think from a functional point of view, other than getting emergency vehicles in, the traveling public is likely to be that harmed. It will never be a heavily used road.

CHAIRMAN EWASUTYN: I think when you have the discussion with the Town highway superintendent I suggest that you have Pat Hines present so that way everyone will be on board as to what was agreed upon.

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Ken Mennerich?

MR. MENNERICH: Earlier Ron Hughes mentioned the Greenway and I was curious, Ron, if you could just tell us how this particular site would be impacted by the Greenway or how it would tie into the Greenway?

MR. HUGHES: I would be more than glad to. Maybe I can give you more oversight with all the other participants that surround this and for the public and maybe Board Members that aren't aware of it. I believe the bridge is actually in both counties, isn't it?

MR. KARIS: No. The culvert by the house is strictly in the Town of Newburgh.

MR. HUGHES: Okay. When this crosses the line it's about 300 feet. You're right in the middle of a Super Fund site where they bought land for preservation. The fire department in Marlborough would like to have that road so they can get in and out of there. Oddly enough there's a lot of houses back in there. They have another bridge that's washed out at the same time on Albany Post Road. Having set that for the backdrop, there's many other interests. New York

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State Parks and Trails, and I'll get to the answer to your question in a moment where the Greenway fits into it. This Board, the Town Board and Town of Marlborough Board should be speaking together about a resolution to make this thing fixed once and for all. Right now the Town of Marlborough actually has to go down to the road by Cedar Hill and back on Albany Post to get to any of their customers and it puts three, four, five minutes more on their trip coming from Marlborough. I believe Jerry will tell you it's a very terrible situation. Middlehope is on call all the time to help them out because of that situation. The other way around too, there's no way to get in that park which goes from where Jew's Creek comes into the Hudson to where Albany Post Road meets Cedar Hill Cemetery.

I believe if the Gomez Mill House will get together with the Town of Marlborough and the Town of Newburgh and all the people that are interested in the connector trails, which includes the Greenway, the Southern Ulster Alliance and all the rail trails that are in that vicinity.

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GOMEZ MILL HOUSE

Now I get to answering specifically the prominence of this. This is a 1714, I believe, house and it's one of the oldest houses in Orange County, especially that had a business associated with it. Gomez was supposedly the first Jew in this county that ran a business from that location and thus the name of Jew's Creek which feeds that, which is one of the few streams that flows north in this part of the world. It starts in the Middlehope Drive-In.

The Greenway Trail itself connects the battery in Albany to the battery in New York City by a series of connector trails back and forth across the bridges throughout the Hudson Valley. The Highland Bridge, which used to be a railroad bridge. I believe that those bridges will attract some attention and money subsequent to the completion of that. So the connecting trail through Southern Ulster Alliance, and Milton, and Marlborough can connect the train station to Gomez Mill House by way of Gomez Road down to Albany Post Road, River Road and a twenty-acre location at the old marina for a park in the Town of Newburgh with a railroad crossing and the

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water port.

I don't know if that answers your question enough.

What happens on the southern end of the Greenway Trail in the Town of Newburgh is it goes by the Balmville Tree and down Commonwealth and on Grand Avenue and then on to the Newburgh/ Beacon Bridge and into the City of Newburgh as well to connect those communities together, Newburgh and Beacon being the tail of the two city sisters.

MR. MENNERICH: In particular Ron, the path from Ulster County to Orange County, would it be to the east of this project?

MR. HUGHES: It would be to the east.

MR. MENNERICH: Then it would be a T route?

MR. HUGHES: Gomez Road runs into Albany Post where it connects. It's probably about a half a mile hike from there. There's a bike trail that's going to be piggy backed on top of that as well. I don't know if that clarifies it enough.

MR. MENNERICH: I think it does.

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MR. HUGHES: I could go on for hours, from battery to battery if you want. There is a supreme interest and I believe it begins with the fire districts and fire chiefs from both counties and the school districts and the town boards, everybody can throw in enough money to clean this thing up once and for all. I don't know if a one-way street would be good there just for fire protection and emergency vehicles. Thank you.

MS. VAN TUYL: I guess if I could just make one comment to that. I think that Ruth Abrahamson and Peter have made it clear that the Gomez House wants to work with both towns in all of the efforts relating to the road, and I think the point about requesting a commitment from Gomez House to assure that there's appropriate passenger -- pedestrian ability to cross that culvert when it's reconstructed is an appropriate part of this application.

I just want to clearly make the point on Gomez House, that this is a simple parking lot that Gomez House would like to have approved, and we don't believe that it's necessary to resolve what is a complicated issue that will take some

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time prior to allowing this site plan to go forward. So I think your point about getting a commitment on funding or whatever is an appropriate part of the application and we'll certainly respond. I just wanted to clarify that we hope that this site plan for the parking lot can proceed in advance of a final decision, funding decision for the complexities of the road because I think that's going to require due deliberation.

CHAIRMAN EWASUTYN: So for now we understand the graded shoulder improvement is something that you're looking to put in place with the final site plan as it's before us this evening.

MS. VAN TUYL: Right.

CHAIRMAN EWASUTYN: These other issues, future issues will be looked at when the time comes that these improvements are being considered or being installed.

MS. VAN TUYL: Right. Although I do concede it's a proper question by the Members of the Board that you want us to consider our ability to commit at such time as the road is

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publicly opened, again to do our part, as it were, to assure that pedestrian ability to cross that culvert continues. That I think we can --

CHAIRMAN EWASUTYN: Mike, I think you took the time to explain it to the Board earlier this evening during the work session.

MR. DONNELLY: I think if the applicant is willing to commit, as long as you have some understanding you'll work it out in the future, that's adequate for our purposes now. I don't think bonding or anything of the kind makes sense with the completely uncertain future of construction. I think if you discuss it more with the highway superintendent and possibly with the Town Board you might have a good idea of what's going to be required.

MS. VAN TUYL: We're not going anywhere, you know. We're going to be around when the road situation is resolved.

CHAIRMAN EWASUTYN: Then let's move forward. At this particular point I'll move for a motion to grant conceptual approval to the Gomez site plan, and also declare ourselves lead agency and set the next meeting for Gomez for

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GOMEZ MILL HOUSE

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what date, do you know?

MS. HAINES: April 16th.

CHAIRMAN EWASUTYN: April 16th.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank
Galli. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: And myself.

MR. DONNELLY: One of the questions is
are you --

CHAIRMAN EWASUTYN: I'm going to do
that next. You can talk. We work well like
that.

MR. DONNELLY: I can't kick you from
here.

CHAIRMAN EWASUTYN: I'm still black and

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GOMEZ MILL HOUSE

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blue from last time.

The motion is does the Board want to hold a public hearing, and that's optional on site plans, or discretionary. I'll poll the Board Members. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I really don't want to but I think it's appropriate, so yes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: In this case I think no. I think the kinds of questions that would be raised at a public hearing would mostly revolve around the bridge of which we don't really have any answers. No.

CHAIRMAN EWASUTYN: I'm in favor of not holding a public hearing.

Any other questions at this point?

MS. VAN TUYL: No. We appreciate the Board's time and the clear direction that the Board and its consultants have given us, and we'll do our best to answer all the questions in our next submission.

Thank you very much.

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(Time noted: 8:00 p.m.)

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

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

DATED: March 28, 2009

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

----- X
In the Matter of

JNM REALTY
(2006-37)

North side of Route 9W north of Old Post Road
Section 9; Block 1; Lot 14.11
B Zone

----- X

SITE PLAN
ARCHITECTURAL REVIEW BOARD

Date: March 19, 2009
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

----- X

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

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JNM REALTY

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MS. HAINES: The last item of business on our agenda tonight is JNM Realty. It is a site plan located on the north side of Route 9W, it's in a B zone and being represented by Anthony Coppola.

MR. COPPOLA: Thank you, Dina.

CHAIRMAN EWASUTYN: We're going to be doing this evening site plan and ARB mostly?

MR. COPPOLA: Yes. Both.

CHAIRMAN EWASUTYN: It's up to you how you want to start out.

MR. COPPOLA: Well I'm just going to kind of go over everything, then we can go back and kind of separate the issues.

At our last Planning Board meeting in November there was a lot of discussion about the front retaining wall, a lot of discussion about our separate satellite building here, the 3,000 square foot building. We have other issues to resolve regarding landscaping, cleaning up some discrepancies in our engineering and that type of thing.

I think I'm going to begin with what we've done with the retaining wall, which, if you

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remember, there's a low retaining wall along the entire Route 9W face here which is basically up to approximately four feet high -- about four to six feet high I believe, retaining the earth from the front of Route 9W up to our parking lot. So after the meeting -- actually we met with Karen regarding this. She was good enough to give us some of her time. Basically I came up with the idea of trying to treat this wall as an architectural element. What we had last time in the last submission was kind of just this flat wall. It was finished with cultured stone but it's a rather long wall of about -- over 180 feet long. The idea was basically let's treat this wall as part of the architecture and not just something that we have to do to retain the earth. So we came up with the idea of varying the height a little bit and varying some of the depth. We basically introduced some pilasters which are really not needed for the structure but are a way to break up this long length of wall. So we have basically these stone pilasters. And then we dropped the height of the wall in various spots and introduced an aluminum railing so then we're

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not just one height of the wall. We have some pilasters which come out in depth of about a foot to cast a shadow line and in between that we have railings. What we did further is we took the idea of picking that up in our landscaping and work that out with Karen to introduce some landscaping that basically is centered on those areas where the wall varies. So we would have trees kind of interspersed through this and kind of this undulating bed with different landscaping elements in the bed. Those areas are lower so we'll have some verticalness with the trees and then some lower landscaping. I think that's going to work its way towards addressing the visual impact of this. So that was one thing that we did, and that's all shown in detail on the plans.

The other -- a lot of the discussion last time was about the retail building, the 3,000 square foot retail building. Last time we had come with a rendering for the main building and the materials for that. We had nothing on this because we wanted to do that in the future. Basically we have designed the exterior of that

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building now as a small satellite building and submitted that for the Board to review. It's all in keeping with the same materials as the main building. It's a little simpler because it's smaller, there's not quite as much going on. I know there's a concern about, again, the impact of the drive-through which is on the corner here, so you're looking at that from the intersection here.

 If you look closely we were careful to treat this drive-through as basically again an element of the building. It's not just two posts that drop down to the ground. There's a wall there and that wall is faced with stone and the siding, and it matches what's going on with the building. So instead of this just being kind of an appendage to the building and kind of an afterthought, we tried to make this look like it's part of the building with an opening and then basically a window and glass that are directly opposite that in the main part of the building. I think it will read that way. I don't think it's going to be offensive to look at from the corner.

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Some of the other things real quickly. We cleaned up some of the notes regarding the phasing of this. If you remember, this is a phased project so we're going to be building the large building first and waiting to build the second satellite building. That's basically noted on the landscaping plan as far as the limits of that. And then this area would basically be all grass until that building is built. So there's no curbing around that building or landscaping around there, it's just kind of an edge of pavement between phase I and phase II. All the landscaping around the buffer area and the signage, which is still at the corner, that all stays as well as all the landscaping around the adjacent building here. That would just be green grass until that building is actually built.

So that's some of the changes that we made without getting into the minutia of everything.

The building is the same, the rendering is basically the same now for the last six or nine months. In terms of the materials, I

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brought those tonight in case you wanted to get into that a little further. The position of the building, the setbacks, that hasn't changed in quite some time. We've really been working mostly on details since the last submission in November and then the few items that I mentioned.

CHAIRMAN EWASUTYN: Would you be so kind as to go through the details on the architectural since you have the floor --

MR. COPPOLA: Sure.

CHAIRMAN EWASUTYN: -- and you've captured our attention?

MR. COPPOLA: Basically on the main building here, the materials are the same for the satellite building. Kind of starting with the top, there will be a fiberglass shingled roof. That will be the main body of the roof. Then we have these accent roof elements that are metal. It's going to be a copper color. It's kind of -- it's the same kind of color family as the main roof but it will be shinier and it will be kind of a variation of texture. That basically comes down off the apron where the roof overhangs the main body of the front facade. So that's the

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roof. Two different roof types. We have an architectural shingle, and this is all hardy board so it's a cement board that's also in the gables made to look like a shingle. That's a different accent color than the main color which is a beige tone for the hardy board, and then the cultured stone down here which is going to be basically along the apron of the building and will also be at the front of the stonewall which will be the retaining wall on the front. If you've driven by there recently, that's finished enough and it's this gray tone which the stonewall there matches what's on the face of the building. Here it's going to be -- you know, it's going to be cultured stone for both. Cultured stone for the retaining wall and pilasters, and that will be on the retaining wall and on the apron of the building, and then eventually when the other building was built it will also be on the apron of that building. So this building again has the same colors. We don't have the metal roof on this because again it's smaller and I don't think you would want really two tones. The fiberglass shingles, the hardy

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plank siding, and the hardy plank concrete board,
and the cultured stone base.

CHAIRMAN EWASUTYN: Thank you.

Comments. Cliff Browne?

MR. BROWNE: What was the color of the
roof shingle?

MR. COPPOLA: It's a brownish. It's
briarwood. The GAF briarwood.

MR. BROWNE: Do you have it on there?

MR. COPPOLA: They changed colors but
it's closest to this.

MR. BROWNE: And the metal?

MR. COPPOLA: It's like a copper --
where is that?

MR. BROWNE: It's not copper. Copper
color?

MR. COPPOLA: What is the color? It's
copper tone. That's the color.

MR. BROWNE: When we say copper, I was
concerned it would change green.

MR. COPPOLA: It's aluminum. It
doesn't do that.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Frank Galli, any

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comments?

MR. GALLI: No additional. It turned out nice.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I think it should look nice. I think the concept of that wall will be interesting to see. It sounds like it could work out nice.

CHAIRMAN EWASUTYN: Myself, no comments.

Is the Board satisfied that they would move to approve the ARB that was presented to us this evening?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: I'll make a motion to approve ARB as presented.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a second -- motion by Frank Galli. I have a second by Cliff Browne. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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JNM REALTY

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roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Now we'll begin talking about the site
plan and comments from our consultants. We'll
start with Ken Wersted.

MR. WERSTED: Previously we had some
comments about the dumpster locations and access
for trucks to be able to make the turning
radiuses into them. Those have been adjusted.

The other comment about the sidewalk
was explained, that there can be narrower
sections than five foot. That has been
addressed.

We had last month met with the
applicant across the street, which is Orchard
Hills, and in their proposal they were going to
be constructing a short boulevard section
immediately in front of this applicant's driveway
connection to Courtland Drive. At that time we
asked them to remove that from their plans and

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JNM REALTY

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accommodate a driveway for this site. We'll continue with that. That was the only remaining comment.

CHAIRMAN EWASUTYN: Karen, outstanding site plan issues that you may have at this time?

MS. ARENT: I'm just concerned about the walls that you're showing, the two nine-foot high walls. I think you're not showing enough space for the clearing to occur that is necessary for the setback of the wall and also the amount of space you're going to need between the walls. I know that there's going to be more area cleared than what's indicated on the plans, so that should be revised.

Just a couple of evergreen trees should be shown because there's not going to be as much screening between the Par Valley building and the site.

Then if you could just attach the curb. There's like a curb in front of the wall, it's only lying a foot away from the wall and it's going to look silly. So if it just touches the wall instead of having that unnecessary bit of space there. That would look better, too.

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I thought that the idea to lower the height of the wall with the pilasters and the railing helps improve the street scape by not having this big eight-foot high wall down the street scape.

The applicant is hiding the cars or screening the cars with the use of shrubs or trees as well as the pilasters of the wall. The plant material helps screen the views of the cars from the road and the whole site will look aesthetically pleasing rather than just a big wall going down the road.

Then I just had a minor comment. If you could just intermingle the landscaping so that it will grow tall and screen the large wall in the back and together can drape over that. I thought that would be a nice way to help screen the big wall.

And then there's another minor comment. There's also concern about the drive-through but this site is a little different than other sites where we've asked the consultants to change the location of the drive-through. This site is a little different because there's a really big

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green space between the intersection and the drive-through. The drive-through is located pretty far in the back of the building and there's a lot of landscaping that's going to help screen that drive-through. There's not an impact on the street scape as it would be -- for example, the Orange County Trust, when that had the drive-through it was right on the street scape so that made a big impact for the street scape whereas with this it's not as big of an impact. I think Courtland Drive is private so I don't know how that relates to the whole issue of where the drive-through should be. Anyway, in my opinion it works very nicely. They did a great job with the architecture to try to make everything blend.

CHAIRMAN EWASUTYN: Bryant, outstanding comments on the site plan?

MR. COCKS: We have one comment. The Orange County Planning Department sent a letter on April 9, 2008 and they didn't have a local determination. There's three conditions that had to be addressed before this project could be approved. The first two were installing a

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crosswalk and a sidewalk along Courtland Drive. This is a private road. The applicant doesn't have any rights to do that. The third was the utilization of low-impact development techniques in their stormwater design. I'll refer to Pat.

MR. HINES: They have done that. They're using impervious pavement in their design of the parking lot as well as using it under the parking lot storage system to reduce the size of the detention pond located on the north side of the site. I think they've made a very good attempt in doing that.

CHAIRMAN EWASUTYN: Are you satisfied with that, Megan?

MS. TANNERMAN: Impervious pavement is fantastic.

Regarding the sidewalks and crosswalks, did I make that a binding comment? I don't remember. It is almost a year ago.

MR. HINES: Yeah.

MS. TANNERMAN: I did?

CHAIRMAN EWASUTYN: It's not something that we could even consider.

MS. TANNERMAN: It's not something you

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JNM REALTY

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could even consider. Because it is binding you will have to overrule me with a majority vote.

CHAIRMAN EWASUTYN: If it's something that we can't even consider why would it be held binding? Mike, I'm asking you that.

MS. TANNERMAN: That's a good question.

MR. DONNELLY: If they made it a requirement regardless of whether you had the ability to accomplish it, your reason for overruling it is that it cannot be accomplished, but it doesn't change the character of the recommendation.

MS. TANNERMAN: Mike, is that something I can waive now verbally or --

MR. DONNELLY: Sure. It would be helpful if you followed it up with a letter for our files. We do have a stenographic transcript. If you withdraw it at this time --

MS. TANNERMAN: I withdraw the binding nature of that comment.

CHAIRMAN EWASUTYN: Thank you.

Jerry Canfield, outstanding comments?

MR. CANFIELD: No. We had originally talked about the drive aisles which they exceed

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-- meet or exceed the requirement.

I had a technical engineering question but I think Pat and I discussed it. I had a question on why did we reduce the eight-inch water line to a six at the hydrant. I think the answer is all the shoes on the hydrants are six inch. Is that correct?

MR. HINES: Yes.

MR. CANFIELD: Just one other question on ARB, though. Something occurred to me. The use of the metal, I didn't totally hear, Anthony, what you said. The banding of the copper tone, where it will be. Just a question. Is that you took into consideration sun glare? That location is quite open and, you know, being in the north/south driving lane with the sun rising east/west, that shiny copper does not become a glare issue.

MR. COPPOLA: It's actually on the low portion. Like the roof actually -- the roof slope is lower where that is on the apron here, and then you have the two little accent dormers. So I mean it's not going to be anything like Patty Cake Playhouse where it's all there. It's being used as an accent here. I think we'll be

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JNM REALTY

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okay with that.

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: I think the motion before us tonight is to grant conditional final site plan approval for the project.

MR. DONNELLY: I think you need to do SEQRA.

MR. MENNERICH: Could I raise one question?

CHAIRMAN EWASUTYN: Yes.

MR. MENNERICH: Around the detention pond they show a split rail fence on the perimeter of the pond. That's got to have the chicken wire or something on it.

MS. ARENT: Yes.

MR. MENNERICH: There may be a detail someplace. I didn't go through all the sheets.

MS. ARENT: Wire mesh.

MR. COPPOLA: Black. We'll make sure it's there.

MR. HINES: I had some technical comments on the stormwater management and the septic system plans but they're clean-up comments. They can be conditions of approval

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JNM REALTY

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also.

CHAIRMAN EWASUTYN: Okay. So Mike,
you're saying -- my records show we have to --

MR. DONNELLY: We did notice of intent
for lead agency on April 3rd of 2008. We can
finalize that and then issue a negative
declaration.

CHAIRMAN EWASUTYN: Then I'll move for
a motion to declare the Town of Newburgh Planning
Board lead agency for the JNM Realty site plan
and to declare a negative declaration.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

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JNM REALTY

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I'll turn it over now to comments from Pat Hines, Drainage Consultant.

MR. HINES: The SPDES permit needs to be updated. The 2006 permit information is in there. It needs to be updated to the '08 permit.

Obviously DOT approval for the access road is required.

There's a comment on the size of the septic tank, just to clarify the calculation.

Two items with the stormwater system. We need notes on there stating that the pervious pavement will be mechanically swept once a year and the under-parking storage facility will be inspected, and a submission to the building department also annually that that is functioning. That's a requirement of the Town's MS-IV program now that we have enforceable map notes on those on-site systems.

And then the coordination between the drainage and utility plans. You moved the drainage on one and left it on the other. That needs to be cleaned up. That's it.

CHAIRMAN EWASUTYN: I'll then speak to all of our consultants as far as conditions that

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JNM REALTY

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they would like to present to Mike Donnelly which we'll make part of the final resolution starting with Ken Wersted.

MR. WERSTED: I don't have any conditions of the resolution. There was one comment that was in my letter I forgot to mention. It was just showing the curb details from the buildings into the parking lot.

CHAIRMAN EWASUTYN: Karen, is there anything outstanding that you haven't mentioned?

MS. ARENT: Just for them to address the comments in my letter.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I do not have any.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Mike Donnelly, would you discuss with us the conditions for final approval for JNM Realty in the resolution?

MR. DONNELLY: Two preliminary matters. I think you need to vote to waive the public hearing because I don't think that was done.

Secondly, my notes indicate there were some issues that were not in compliance with the

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design guidelines. I don't know if those were corrected. If they are not we should articulate why and what design guidelines we're waiving and for what reasons we're doing so.

We'll need sign-off letters from Karen, Pat Hines and Ken Wersted. We'll need a DOT approval and we'll carry the standard ARB condition that requires the plans to be submitted and approved after compliance with the plans that were approved as part of ARB.

CHAIRMAN EWASUTYN: Before we turn to Karen who I think presented the rationale as far as the design guideline standards as it relates to the screening and buffering along Courtland Drive, and also the fact that Courtland Drive, I think which Jerry will confirm, is a private road, not a Town road.

MR. CANFIELD: Correct. It's a private road.

CHAIRMAN EWASUTYN: We'll have Karen --

MR. DONNELLY: That was the issue, the parking lot in the front and the requirement --

MS. ARENT: Parking in the front and the drive-through on the building on the corner

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JNM REALTY

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of the lot.

CHAIRMAN EWASUTYN: And then at this point I'll poll the Board Members if they want to have a public hearing. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Myself no. So carried.

MR. DONNELLY: Very good. Then the conditions will be three sign-off letters, DOT approval and the standard commercial ARB condition.

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

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

(No response.)

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

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JNM REALTY

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MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Good luck with your endeavors.

MR. COPPOLA: Thank you very much.

(Time noted: 8:25 p.m.)

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

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

DATED: March 28, 2009

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

----- X
In the Matter of

LANDS OF POST
(2008-03)

Granting of Conceptual Sketch Plan Approval

----- X

BOARD BUSINESS

Date: March 19, 2009
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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LANDS OF POST

MS. HAINES: The first item of Board Business we have tonight is the Lands of Post granting conceptual sketch plan approval. Because we have them up for a public hearing on April 2nd, we need to grant the conceptual sketch plan approval.

CHAIRMAN EWASUTYN: I'll move for a motion to grant conceptual sketch plan approval.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Yes. So carried.

(Time noted: 8:26 p.m.)

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DATED: March 28, 2009

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

----- X
In the Matter of

TURNER SUBDIVISION
(2008-14)

Request for a 180-Day Extension

----- X

BOARD BUSINESS

Date: March 19, 2009
Time: 8:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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TURNER SUBDIVISION

MS. HAINES: The second item is the Turner Subdivision. We received a letter from Darren Doce dated March 11, 2009 requesting a 180-day extension. His current approval expires March 31, 2008. With the extension the approval will be valid through September 27, 2009.

CHAIRMAN EWASUTYN: I'll move for that motion, to grant a 180-day extension for the Turner Subdivision as presented by Dina Haines, Planning Board Secretary.

MR. BROWNE: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:28 p.m.)

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

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

DATED: March 28, 2009

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

----- X

In the Matter of

RELEASE OF LANDSCAPE SECURITIES FOR:

- ~ WPA ACQUISITION/PAWLING SAVINGS
- ~ NEWBURGH COMMONS - DUNKIN DONUTS (1995-24)
- ~ FIRST HUDSON VALLEY LANDSCAPE (1996-55)
- ~ WPA ACQUISITION/JEANNE DRIVE (1996-42)
- ~ SPRINT/OMNIPOINT - OCI MANAGEMENT (2000-20)
- ~ WPA ACQUISITION/GIDNEY TOWN PLAZA (1997-13)
- ~ THE STORAGE STOP PHASE II (2002-05)

----- X

BOARD BUSINESS

Date: March 19, 2009
 Time: 8:29 p.m.
 Place: Town of Newburgh
 Town Hall
 1496 Route 300
 Newburgh, NY 12550

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

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

----- X

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MS. HAINES: The last item we have is releasing some landscape securities that have been sitting in the accounting department for years and years and years now. What I'm going to do is I'm going to run through them and then just vote on all of them at one time.

The first one is WPA Acquisition/Pawling Savings. The balance is \$5,610.80. The second is Newburgh Commons - Dunkin Donuts, and the balance is \$832.93. Third is First Hudson Valley Landscape, balance \$30,659.59. Fourth is WPA Acquisition/Jeanne Drive, balance \$4,349.57. Fifth is Sprint/Omnipoint - OCI Management, balance \$13,271.91. Six is WPA Acquisition /Gidney Town Plaza, balance \$15,708.52. The last one is the Storage Stop Phase II, balance \$30,948.11.

CHAIRMAN EWASUTYN: Any question from Board Members?

MR. BROWNE: Is it my understanding then that all of these have expired their time limits and/or have been approved?

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BOARD BUSINESS

CHAIRMAN EWASUTYN: Karen was -- in other words, this was prior to, in most cases, Karen or prior to an inspection fee. This is when we adopted this, we moved to approve them and release them. So it was in the earlier stages before it was sent over to the Town Board for the Town Board to approve and also set the inspection fee.

MR. BROWNE: So the only one that would be different was the last one, Storage Stop?

MS. HAINES: No. None of these have an inspection fee account. I asked Sofia to check.

MS. ARENT: Storage Stop is the one on 52 by the Thruway.

CHAIRMAN EWASUTYN: Dina researched that prior to putting these on there. There is one other one --

MS. HAINES: Summer Kim.

CHAIRMAN EWASUTYN: -- which we couldn't act on.

MR. DONNELLY: I take it what's important is none of these are needed any more.

MS. HAINES: Jackie sent me a list of about fifteen projects that have the securities

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BOARD BUSINESS

that have been sitting. She asked us to go through and make sure if we can release any we can because they don't want the money sitting around.

CHAIRMAN EWASUTYN: I'll move for a motion to approve the release of the landscape securities for the seven projects that Dina Haines, Planning Board Secretary, has just brought to our attention.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a second by Cliff Browne. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I would be curious if we are able to

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BOARD BUSINESS

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release all this money, if people sent back vouchers.

MS. HAINES: I can tell you right now Omnipoint we did last year, WPA Acquisition we did last year. A lot of them we already did last year.

CHAIRMAN EWASUTYN: I think we also tried First Hudson Valley also.

MS. HAINES: Right. We sent out vouchers. If they don't get back to us they don't get back to us.

MR. MENNERICH: They don't ask for the money?

MS. HAINES: No. Sometimes we have the wrong address and they've moved and we can't find them, or -- you know, you never know. Some of them are from 1997.

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

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich.

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I'll move for a roll call vote starting with

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Frank Galli.

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MR. GALLI: Aye.

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MR. BROWNE: Aye.

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MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Myself yes. So

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carried.

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(Time noted: 8:33 p.m.)

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

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

DATED: March 28, 2009