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

----- X

In the Matter of

POND VIEW TWO-LOT SUBDIVISION  
(2014-19)

921-965 State Route 32  
Section 10; Block 1; Lot 50  
RR Zone

----- X

TWO-LOT SUBDIVISION - AMENDMENT

Date: April 2, 2015  
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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: MICHAEL BODENDORF

----- X

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

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POND VIEW

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of April 2, 2015.

At this time I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including the State Environmental Quality Review Act, otherwise known as SEQRA, issues. I ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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POND VIEW

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MR. MUSSO: Mike Musso with HDR,  
Wireless Consultant.

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

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones  
or on vibrate. Thank you.

MR. PROFACI: The first item on  
tonight's agenda is Pond View Two-Lot  
Subdivision. It's project 2014-19. It's an  
amendment to the two-lot subdivision located at  
921-965 Route 32, Section 10, Block 1, Lot 50 in  
the RR Zone. It's being represented by Hudson  
Land Design, Mike Bodendorf.

MR. BODENDORF: Thank you. So we're  
back before you tonight. While we received our  
resolution at the last meeting, we did not have  
our final comments from the DOT at that time. We  
did get our comments since then, and they had  
asked us to move or provide a little more  
separation between the driveways. Not only  
between the driveways but with respect to the

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proposed property lines.

So the lot 2 driveway was moved to the south which made us need to move the property line for lot 1. So instead of a twenty-five foot flag pole to lot 2 we now have a fifty-foot flag pole. Both driveways were moved to the south slightly and the house and driveways were adjusted to accommodate that.

That's pretty much it.

MR. HINES: I concur with what the applicant's representative just said. It's a change. Your resolution required that any change required from DOT needed to come back. So they're back with that minor geometric change to the lot lines.

I guess it's whether or not it needs a public hearing or just an amended resolution.

MR. DONNELLY: I think because we made allowance for the DOT possibility of revising the entrance area and because the map has not been signed, it's appropriate to issue an amended resolution rather than an amended subdivision approval because an amended subdivision approval would require a new public hearing and there's

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POND VIEW

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simply no need for that with this type of change.

With the Board's direction, the resolution will read the same. It will simply recite that the adjustments required by the DOT had been made and that is the map that will be presented for signature and filing.

I think you should vote on that as a motion and I'll provide the resolution for signature.

CHAIRMAN EWASUTYN: Having heard the conditions presented by Mike Donnelly for the amended resolution for the Pond View subdivision, it was amended based upon the requirements of the New York State Department of Transportation, I'll move to approve that amendment.

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, I have a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

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POND VIEW

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

Jerry Canfield spoke very highly of  
you. Thanks for your patience.

(Time noted: 7:05 p.m.)

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

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

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DATED: April 22, 2015

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

----- X

In the Matter of

CAPITAL TELECOM - NEWBURGH  
(2014-25)

17-19 Orr Avenue  
Section 95; Block 1; Lot 40  
IB Zone

----- X

PUBLIC HEARING  
WIRELESS APPLICATION

Date: April 2, 2015  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: THOMAS PUCHNER

----- X

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



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2 MR. PROFACI: The next item on  
3 tonight's agenda is a public hearing. Is  
4 anyone here for the public hearing?

5 (No response.)

6 MR. PROFACI: It's Capital Telecom -  
7 Newburgh, project 2014-25. It's a public hearing  
8 for a wireless application located at 17-19 Orr  
9 Avenue, Section 95, Block 1, Lot 40, located in  
10 the IB Zone. It's being represented by Phillips,  
11 Lytle. Pruchner? Puchner?

12 MR. PUCHNER: Puchner. Thank you.

13 Are we ready to go?

14 CHAIRMAN EWASUTYN: You can make your  
15 -- we'll proceed.

16 Ken, do you want to read the notice?

17 MR. MENNERICH: "Notice of hearing,  
18 Town of Newburgh Planning Board. Please take  
19 notice that the Planning Board of the Town of  
20 Newburgh, Orange County, New York will hold a  
21 public hearing pursuant to the Municipal Code of  
22 the Town of Newburgh, Chapter 185-57, Section K,  
23 and Chapter 168-16, Section A, on the application  
24 of Capital Telecom Acquisition, LLC, project  
25 2014-25, for a site plan and special use permit

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for a new 130 plus or minus foot tall wireless communications facility (Tower), a 60 by 60 foot fenced compound and associated ground-based equipment shelters, on premises 17-19 Orr Avenue in the Town of Newburgh, designated on Town tax map as Section 95, Block 1, Lot 40, located in the IB Zone and Airport Overlay Zone. Said hearing will be held on the 2nd day of April 2015 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 March 6, 2015."

MR. PUCHNER: Thank you. My name is Tom Puchner, I'm an Attorney with Phillips, Lytle law firm appearing on behalf of Capital Telecom, Capital Telecom Acquisition, LLC for it's full name.

I have with me Vince Casiero, one of the principals of Capital. We're here on Capital's proposed tower at 17-19 Orr Avenue which is currently used as a trucking/warehousing

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industrial site for NFI Trucking.

Capital is a tower company, they're not a wireless carrier that's licensed by the FCC. Their business is to construct towers and lease space on the towers to wireless carriers.

In this case the tower -- the need for the tower is being driven by Verizon who has a capacity problem in the area. So Verizon is the anchor tenant or the customer of Capital here. They're also co-applicant on this application.

The proposal is for a 130 foot tall monopine -- I'm sorry, not monopine, monopole which is a sleek tower, just one pole structure. There's no lattice. It's the least visually intrusive type of tower that you can generally have. It's 130 feet tall. The top of the antennas and equipment on the tower will be 135 feet which is the maximum height of our FAA approval. It will have space for four additional carriers both on the tower and in the compound.

The compound at the base of the tower will be 60 by 60 feet. It's set in the back of the parking lot area. It's a fully paved site.

The disturbance will be taking up

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pavement and putting in gravel and the equipment for the tower.

The project requires a special use permit and site plan from this Board. It otherwise complies fully with zoning. It's an allowed use. It meets all setback requirements. This is a one-Board approval if the project is approved. There's no variances.

The purpose of the project -- as I mentioned briefly, the purpose of the project is to meet the need of Verizon, the anchor tenant on the tower. Verizon has a capacity problem in the area directly around this site. It's a very highly developed commercial area and Verizon's network just simply does not have the capacity for the volume of calls from it's customers. What happens when you have a capacity problem is you get dropped calls, you get the inability to make calls. It's basically the equivalent of not having power. Normally we're talking about when you build a tower you fill a gap because you can't drive from here to there without losing coverage. There's coverage but the calls are dropped because the service is just -- there

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isn't enough ability to handle it. So the solution to a capacity problem is to construct a new tower to take some of the pressure off of the other towers.

In this area specifically there are two sites that are Verizon sites that are on air that are, as of 2015, exceeding their capacity. There are several others that are expected to meet that and hit that threshold in the next year or so just based on existing trends. So that's the problem that we're trying to meet, the purpose of the project so to speak. The solution, again, is to construct a new tower.

The question is where are you going to construct a tower. So Verizon and Capital looked at a number of alternatives to this site. The most obvious one was the Finkelstein & Partners building which is just up the road on 300. It's a rather tall building for the area. That space couldn't be leased, terms could not be agreed upon, so that's not an option. Home Depot is across the way. There again, Home Depot would not permit the tower to be, or any kind of structure to be put on it's roof that would meet

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the need. The landlord that owns that site wouldn't agree to the terms there, so that was not an option. Also Guardian Self-Storage was also considered, which is a little to the south on Route 300, but that is a little bit outside of the area where the capacity problem is so it doesn't meet the need as well. It's also closer to the runway and the alignment with the airport, so there would be additional height issues that are even more challenging there than they are on this site. So that's the alternatives that were considered. It really is, from an RF and usage of the existing site, kind of the best alternative we think. It's an existing industrial site, it's surrounded by commercial uses that are where the customers are that are trying to make calls. It just fits. So that is the need and the alternatives.

The Board required us to do a full visual analysis. This site actually had two balloon floats done. One was done by the applicant voluntarily in the summer of 2013 before the formal application was submitted, and then we did another one just this past December

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2 in leaf-off conditions, which is a better time to  
3 assess visibility. That was done by Saratoga  
4 Associates. They did a great job. The result  
5 was the visual impact is major traffic corridors.  
6 This is a picture of the site from the Northway.  
7 The other locations are going to be Wal-Mart, the  
8 Home Depot parking lot, places that are already  
9 visually cluttered, visually developed. So the  
10 impact -- the finding was not a significant  
11 visual impact. The Board did conduct it's own  
12 SEQRA. As of the last meeting the Board made a  
13 negative declaration and a finding of no  
14 significant adverse impacts considering the full  
15 environmental impact, a full EAF form, all of the  
16 criteria that was submitted by us and reviewed by  
17 the Board. There is a full SEQRA that's been  
18 done and a negative declaration.

19 So that's the presentation, that's the  
20 purpose, that's I think most of the nuts and  
21 bolts. I'll be happy to answer any questions  
22 that the public may have.

23 CHAIRMAN EWASUTYN: At this point I'll  
24 turn the meeting over to the public. If there's  
25 anyone here with any questions or comments,

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please give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show there was no one here this evening for the public hearing.

At this point I'll turn to our Consultant, Mike Musso from HDR Engineering. He reviewed the application before us tonight.

Michael.

MR. MUSSO: Mr. Chairman, Members of the Board, thanks for having me here again. Mike Musso from HDR.

Much of what you just heard from the applicant rep was confirmed, analyzed and presented in our March 27th tech memo.

I'm going to just go over a little bit about the items we keyed in on in terms of the review, the findings and also some recommendations that were at the end of our tech memo.

You heard a little bit about the process of the application. Just to reiterate, it's a 130 foot monopole at the NFI trucking site off of Orr Avenue. Right now twelve Verizon



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antennas are proposed at the top of that pole. Verizon is a co-applicant here. Capital is the infrastructure company that's proposing to build the tower.

There is capacity designed within that monopole, should it be built and approved, for additional co-location in the future as per the Town code. The equipment will be housed at the base of the monopole in a 60 foot by 60 foot area, and really all the equipment would be within a secured Verizon equipment shelter. Again, there's additional room in that 60 by 60 foot area for a co-location that may happen there in the future.

We do note that there are no zoning variances associated with the property and the proposal. The setbacks meet those of the wireless code and also the zoning district that the property is in.

There are a couple waivers that were brought up that have been discussed here prior. Some of them are noted as possible conditions of approval in our report.

So our application review really

1 started back last summer. A pre-application  
2 meeting was done, there was a first round of  
3 application submittals in November. We asked for  
4 some clarifications inevitably as we usually do,  
5 especially for a new cell site such as the one  
6 proposed. We had some updates and some  
7 confirmations to make on the drawings. We wanted  
8 to include the buffer that's around the 4.8 acre  
9 property that the tower is proposed on. We  
10 wanted to assure some of the FAA notifications.  
11 The applicant has notified the FAA. HDR has  
12 reviewed those correspondences. The tower as  
13 proposed will not need any kind of special  
14 lighting or striping. I think that's an  
15 important point of the 130 foot tower that's  
16 proposed. We gave some feedback in a structural  
17 and foundation analysis, part of which is  
18 provided but part of which is understood that  
19 those analyses will be completed should this  
20 application be approved.  
21

22 We also requested some additional photo  
23 simulations other than the ones that were  
24 provided. The applicant obliged that.

25 There was a noticed balloon test on

1  
2 December 20th of this year. I was present during  
3 that test to ride around and confirm the zone of  
4 visibility map that was provided by the  
5 applicant. Within that there were about  
6 twenty-six photo simulations that were provided  
7 from different views around the site area and  
8 also further afield in Newburgh. Long and short,  
9 based on the November submittal and also a  
10 supplemental package that was provided in  
11 February of this year, the responses to our  
12 requests were all met. We also confirmed that  
13 all of the application materials taken  
14 collectively do serve as a complete application  
15 and meet the code requirements for those  
16 submittals.

17           Importantly with this site, we did look  
18 at two things in terms of Verizon, the proposed  
19 anchor tenant here. One was mentioned by the  
20 applicant earlier, the need for the site. This  
21 may not be in the original conventional need for  
22 cell towers of providing a true gap in coverage  
23 as this Board has seen ten years ago or a little  
24 bit longer, but rather there was data provided  
25 about seven existing on air Verizon sites in the

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area. There were some key performance indicators and some technical data that was provided showing the trends of use at those existing sites, not only phone calls being handled but data transmissions, e-mail, web, whatever it might be. We did confirm that indeed there is a need for this site.

The alternate site analysis, I think the appropriate documentation was provided. There were four sites that were looked at. The applicant noted that with two of the sites there was no lease option available, and that correspondence has been submitted.

I do note a couple things. One of the alternatives was noted at the nearby Home Depot. It was stated just a couple minutes ago that there was no lease agreement that was achieved on that, but I would also submit there could be more visual impact if hypothetically the same type of facility was built there. There are many more open views to that property and certainly less of a tree line buffer. So we feel that the alternate site analysis and the due diligence as per the code was completed on that front.

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We did confirm, bottom line, a 130 foot tower is proposed with the Verizon panel antennas on top and associated equipment at the bottom. It would serve as capacity relief to those existing cell sites.

We always look at the radiofrequency emissions data, and this is possible exposures to people using the tower or living or working close by. There was a certified person on the applicant's side that looked at those calculations. We confirmed some of those. As expected, and in my experience doing real measurements at the base of active cell towers, we're going to be around one percent of the allowable maximum permissible exposure limit. That's the health-based limit that's out there.

The visual and aesthetic analysis I mentioned. An early balloon test before our involvement, HDR's involvement or before the Board's involvement, did produce photo simulations. We requested additional ones. It was required a balloon test be noticed to the public, and that was done in December. Attached to my report are some samples of the newer photo

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simulations that were done.

We also note just some construction and operation issues, which are very typical, should this facility be built. These are things that could be considered at a building permit stage in the process. I mentioned a complete structural analysis would be one. There's also some other submittals as per the code that would go in post-construction that I've outlined in this report. I don't think I need to go through those.

I mentioned a little bit about the FAA air space requirement. We are in proximity to Stewart Airport at this site. We reviewed the determinations provided by the applicant. Those are notifications to the FAA directly. We also reached out, just to conduct some more due diligence, with representatives actually at Stewart Airport. They had no comment or any changes to what's being proposed and no requirement for lighting or striping. So they agree with that FAA determination.

So a summary of the findings in our report, we do agree that there is a need for the site, perhaps not in the older traditional sense

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of the gap in coverage but certainly a gap in service and a need for capacity relief of the existing on air sites. We feel that the location is certainly a reasonable alternative based on the site use, the overall size of the property, the setbacks that are met and how it would work for Verizon, and other carriers perhaps in the future should the need for co-location be around. The height of 130 feet also appears to be reasonable. We looked at Verizon's service information. I believe it strikes a balance. There's no lighting or FAA striping that would be needed. It also allows for co-location below the tree line height in all likelihood.

We give you some recommendations at the end of our memo. If you'd like, I can run through some of those with colors or textures for the Board to consider. Some of this has been discussed prior with the Planning Board, and certainly they're based on our experience working with wireless facilities, the photo simulations that were provided, and also with the Town code as well.

For the type of structure a few options

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were considered. I do agree that a conventional monopole, much like the one shown in the photo simulations on the plans, makes sense for Newburgh. There's other similar infrastructure around the Town. A gray galvanized color I think would be one to consider based on some of the street signs, light poles, albeit a much lower height, it would I think serve some consistency for the site area on Route 300. We make similar type of painting recommendations for other equipment, such as the panel antennas or cables. The cables will be routed inside the monopole so they won't be visible for the most part, but of course the antennas near the top that Verizon is proposing, those would be visible and they can match the pole as an option.

The equipment compound, it is tucked away a bit towards the south end of the property. As you're aware, the property is an active trucking facility or industrial type of site. I mention that the compound is going to be secured with eight-foot high fencing. Chain link green vinyl privacy slats would be an option to consider for that. The Verizon equipment shelter



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that would sit inside could be a gray or tan/  
brown. For the most part that wouldn't be  
visible, although it is twelve feet high at it's  
peak, but it sits tucked away in that fenced in  
compound as well.

I mentioned the structural and  
foundation analysis that would be needed to  
appease a building permit should this application  
be approved.

We also make a recommendation there,  
and not advocating any taller monopole because we  
do feel the 130 feet is a good balance. We would  
request the applicant do more robust design of  
the structure and the foundation, that should it  
be needed in the future a height extension can be  
considered by the Board. If there's a co-  
location scenario by another carrier, rather than  
building a new tower it may, and I stress that,  
it may make sense to allow for a height extension  
on this tower. Of course anything like that  
would need to be reviewed by the Planning Board  
and come before the Planning Board.

I think the rest of our recommendations  
really are in accordance with the code, talking

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about the operations and compliance should the site be built and operational, talking about the documentation to provide during and after construction, and some of the maintenance considerations.

So I think that's a summary of our findings for this particular application.

CHAIRMAN EWASUTYN: Thank you, Michael.

Questions or comments from Pat Hines?

MR. HINES: We have nothing.

CHAIRMAN EWASUTYN: Board Members?

MR. GALLI: No additional.

MR. BROWNE: I'm just curious about one thing. From a capacity standpoint, is Verizon working on anything, from a technology standpoint, rather than just antennas for increasing capacity to take care of some of these other problems in other areas where you're already saturated with other poles?

MR. PUCHNER: I'm not aware of any fix for that.

MR. BROWNE: I'm just curious. Not that it affects this application at all.

MR. PUCHNER: That's a good question.

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I'm not aware of anything. In New York City they're doing what they call distributed antenna systems in stadiums, but that's not something that works for --

MR. BROWNE: It's still basically antenna based and not a technology --

MR. PUCHNER: It is. It's many, many small antennas like a web type design for a backbone.

MR. BROWNE: Thank you.

MR. PUCHNER: You ask good questions.

MR. MUSSO: I think it's an accurate depiction of the trend and where it is in your industry in general. Where it used to be one larger cell tower at a higher height, maybe 200 feet, over time gets split. Now with capacity there's many other services that wireless technologies are providing besides just phone calls. So the trend is lower to the ground, targeting transportation and business corridors for a large part. I'm not aware of any other technology besides moving away from land-based antennas.

MR. BROWNE: Thank you.

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MR. MENNERICH: I'm a little confused about the industrial grade finish. It says galvanized gray is proposed. I thought it was just going to be galvanized. This isn't going to be painted?

MR. PUCHNER: The gray was just descriptive. It's gray but it's galvanized. It's a galvanized pole. I think the Board voted at the last meeting to paint the non-galvanized equipment, the antennas, wires and associated equipment at the top of the antenna, to paint that gray. Nothing else would need to be painted because it's galvanized. The intention is to match.

MR. MENNERICH: Thank you.

MR. MUSSO: That was my intent in the memo as well. If it's galvanized it wouldn't need to be bothered with special painting or industrial coating which may have problems in delivery or shipment or areas that get chipped away. That's one of the reasons we think the galvanized makes sense.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: Nothing additional.

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CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: Just touching off that, Mike. Any exposed wires would match the galvanized color, the gray; correct?

MR. MUSSO: Correct.

MR. DOMINICK: Has Verizon, as the owner or -- top tenant. If a new tenant came in on tier two, three, four, the same rules would apply to them, --

MR. MUSSO: Right.

MR. DOMINICK: -- their exposed wires --

MR. MUSSO: Yes. I mean the aesthetic conditions would go through this process or whatever the current code is at that time. This pole would be about four-and-a-half foot in diameter at the bottom, and it tapers up into about ten feet. That could certainly fit antennas of a couple more carriers inside. But the same deal, anything that would come out of that pole to another antenna array located below the proposed Verizon, those conditions would still run. It would be painting the antennas gray, the mounts, the radio head units. These

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are things that sit behind the antennas to help call traffic. It's one of the changes in technology to help with processing all the data. So all that would be painted gray. That would certainly hold for anybody in the future.

MR. DOMINICK: Each tier that would be occupied in the future would have the same standard as the original?

MR. MUSSO: Absolutely.

CHAIRMAN EWASUTYN: John?

MR. WARD: The equipment on the ground with the fencing around it, for it to have screening?

MR. PUCHNER: Correct. It will be screened by the fencing, which is the exact place I was about to go.

Just to clarify, Mike. In between the shelter and the tower, and it would be the same for any other carrier shelters, there's what we call an ice bridge or cable bridge. You're not intending anything in there to be painted?

That's below the line of the fence. You're just talking about the equipment up top on the cable arrays and the connecting wiring into the

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monopole.

MR. MUSSO: Correct. There was a condition, an eight-foot high fence, especially from Orr Avenue. If that cable bridge rises above the eight-foot line, which I don't think it will based on my experience, that consideration should be given for painting that, I mentioned, consistent with the equipment shelter in the ground. But I think the questions are mainly for the top. Of course that's going to be the visible part.

MR. PUCHNER: That's how I understood it.

MR. MUSSO: And the privacy slats and the fence I think will help a great deal.

MR. DONNELLY: Did you say green privacy slats?

MR. MUSSO: I think that would work.

MR. DONNELLY: I want to make sure I've got it right.

MR. MUSSO: Right. There are some stands of kind of scruff vegetation as you look back. Any unit finish I think would be acceptable. The green would work.

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CHAIRMAN EWASUTYN: Additional questions or comments from the Board?

(No response.)

CHAIRMAN EWASUTYN: One more time for the public. Is there anyone here this evening who has any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. Since there's no one here from the public, I'll move for a motion to close the public hearing on Capital Telecom - Newburgh.

MR. PROFACI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.



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Mike Donnelly, Planning Board Attorney,  
can you give us the conditions for approval in  
the resolution?

MR. DONNELLY: Yes.

MR. PUCHNER: If I may interrupt.  
There are a couple of housekeeping issues that I  
wanted to talk through with the Board.

The first one was the over-design --  
the suggestion by Mr. Musso to over-design the  
base of the tower. The technical memo suggested  
an additional initial fifteen feet of height.  
What that does for Capital in a practical sense  
is it allows in the future, hypothetically, if  
there's a need -- if you go through the process  
for an application to be submitted for an  
additional one array, to go through the FAA  
process to clear that before a building permit  
with a redesigned foundation can be done takes an  
additional forty-five days, additional design  
work would have to be done. It's a lot of time  
and expense for a hypothetical. If we could go  
twenty feet, which gives two additional arrays  
potentially, hypothetically in the future, and  
have the condition be to submit to FAA for 150

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feet, if it clears FAA in that time period with no marking and lighting, which is important because in your code in the Town marking and lighting is required, then a variance would be needed, and at that point, really a hypothetical because it's hypothetical for coming before this Board with an approved tower for an extension but also going to get a variance somewhere else, from another board in the Town. So we would request if that's something the Board wants to do, and this is just a suggestion for the over-design. We didn't propose that, but if the Board is inclined to take that suggestion to make it be a twenty-foot additional -- over-design for twenty feet additional height subject to an approval from the FAA for that additional height with no marking and lighting.

CHAIRMAN EWASUTYN: Would the Board be in favor of that. Frank Galli?

MR. GALLI: I'm curious -- I'm not really too concerned about the -- I'm good with the way the tower is, with the base it has and the tower they want to put up.

CHAIRMAN EWASUTYN: You don't want to

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do a hypothetical is what you're saying?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: On the hypothetical,  
how much bigger diameter would the monopole be at  
the base, roughly?

MR. PUCHNER: I'm not an engineer, I  
couldn't tell you. First we go to the FAA to see  
if it's even doable with Stewart. That's the big  
concern. Our approval here is for 135 feet which  
is the exact top where we are. There's some  
suggestion that we might be able to get a few  
additional feet, but that's all we have that's  
definitive is 135 feet. It would take forty-five  
days to get any more clarity on that. We're sure  
it could be designed to work.

MR. MENNERICH: I don't see the need to  
get it.

CHAIRMAN EWASUTYN: Joe, do you see a  
need for that?

MR. PROFACI: Are you interested in it?  
Do you want that?

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MR. PUCHNER: At the moment we don't need it. There's four additional spaces for carriers here. My own thought is in the future other carriers are going to have likely the same problem that Verizon had, which is not a coverage, a height -- the height is part of the equation. If it's a capacity-based issue, height may not be the driving factor. It's really the location. This is a good location, there's four additional spots. At this point we're not asking for it.

MR. PROFACI: Then I wouldn't ask for it either.

CHAIRMAN EWASUTYN: David Dominick?

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Then we'll waive that requirement.

MR. PUCHNER: Thank you.

CHAIRMAN EWASUTYN: Your second question?

MR. PUCHNER: I have housekeeping with a couple of waivers that we talked about. The first one, at the first meeting in November the

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Board voted on a waiver for the requirement to have underground utilities. I may have misspoken. When I read the transcript from that meeting I said one additional pole. There may be two. I'm not really asking you to vote on it but just to make sure what we're talking about is possibly an additional pole out by the street and possibly one out sort of in the back of the lot by where the compound is going to be and then underground from there. That's really more in the nature of a clarification.

There are a couple of other things that were in my application that I wanted to raise and walk through. The first one was performance bond and liability insurance are requirements of the code. Our preference would be to have an approved tower subject to the agreement with the Town Attorney or Planning Board Attorney, whoever it is, as to form the proper documents for those as a condition for after the fact to get our building permit.

CHAIRMAN EWASUTYN: Mike?

MR. DONNELLY: That would be -- we discussed it briefly on the phone. That's our

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standard procedure. The resolution does have a condition. It's not required before approval but before construction.

MR. PUCHNER: Perfect. Another one we asked for, there's a proxy form in your application materials that says you have to fill out this proxy form. You can't have a complete application unless you can check the boxes --

MR. DONNELLY: We discussed it earlier. The lease is fine.

MR. PUCHNER: Perfect. Parking. There's a requirement in the code that says parking shall be provided. This space doesn't have identified lots that say, you know, Verizon, but it's a parking lot. We have a right-of-way. If that's a requirement -- if that's an interpretation issue. If it is a requirement we ask it be waived because it's really not needed here. It's not a manned facility. The only folks that are going to be coming there are the techs to service the equipment once a month or so.

CHAIRMAN EWASUTYN: What are your suggestions, Mike, for us?

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MR. DONNELLY: I never thought of it as an actual requirement because I hadn't read it, but I'll include a finding that waives any applicable parking requirements in the code.

MR. PUCHNER: Excellent.

MR. DONNELLY: On-site parking requirements.

MR. PUCHNER: And lastly, in the forms as well, there's an architectural review form. My understanding is this Board is also the Architectural Review Board.

A grading and clearing form, which is really geared more toward a site where you're actually clearing something. Here we're digging up a paved lot and putting down gravel. We're going to actually create a better stormwater scenario than if it had been left as it is.

MR. HINES: The site plan approval that you're granting exempts you from the clearing and grading requirement. That's only if you wanted to do it without site plan approval first.

MR. DONNELLY: The site plan approval itself authorizes the clearing and grading. We only need the separate permit if you wanted to

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begin that work before site plan approval.

MR. PUCHNER: Okay.

MR. MENNERICH: I have a question on the utility pole placement. Is that being driven by the utility, Central Hudson, or is it -- who is deciding where they want the poles?

MR. PUCHNER: I don't know the specifics on that. I think there's poles out there already. It's a question of where they are, who they service. That may be -- you may be correct, it may be Central Hudson. It will be one or two poles.

MR. HINES: It would also require digging up the existing trucking facility parking lot rather than -- if they went underground rather than if they went overhead as they currently are.

CHAIRMAN EWASUTYN: Any other questions?

(No response.)

CHAIRMAN EWASUTYN: Mike, do you want to start with the resolution?

MR. DONNELLY: Yes. The resolution will include the several findings waivers that we



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just outlined.

In terms of conditions itself, I've incorporated most of Mike's recommendations. I will go through them quickly.

Number one, before a building permit is issued a structural and foundation design analysis report must be delivered to the code compliance department. After construction an as-built plan will be required including, and the bulleted items are documentation/survey of the actual monopole height. I assume that's to verify that it's at the height that was approved. An actual center line height of each antenna array, a map of all trenches, utility runs and utility connections associated with the facility, documentation that the antennas, transformer, generator and all other equipment is properly grounded and in compliance with all applicable electrical and fire codes.

Two, this approval assumes that excess soil from construction grading operations will be maintained on site. Should any soil be removed, it's the applicant's responsibility to comply with applicable laws and regulations.

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In terms of the utility poles, we ask that should additional utility poles need to be constructed, the installation plans and depiction of locations be provided to the code compliance department before those poles are put in place.

I will take out the discussion of the pole height extension that I had in here.

Our standard condition that says you may build nothing that is not part of the Architectural Review Board approval. I don't think we need the form filled out because it addresses building materials. The ARB is the limitation on color and external treatment.

You will need to file the performance security removal bond in the amount of \$75,000 and deliver insurance to the Town before the start of construction.

Next, you must maintain your operation in accordance with the Town's Wireless Ordinance and relevant provisions of the Town Code at all times.

Next, the proposed antenna, radio head units, mounting structures and visible coaxial cable shall be color matched, match finished to

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the monopole tower color, and the base station shall be surrounded with a chain link fence with green privacy slats.

Pursuant to Section 168-23 you need to file an annual letter certifying that the NIER levels are within the thresholds adopted by the FCC.

Any proposed increase in antenna size, number, sizes or changes to the ground-based equipment cabinet shall be approved by the Town pursuant to it's code prior to implementation of those changes.

And lastly, antennas, equipment and fencing shall be periodically and routinely inspected and maintained at the site.

I said that was last. There's one additional one. The site plan allows only construction of what is shown on the plans. No other accessory structures may be constructed outside of the ground-based area without amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Thomas, are you in agreement with that?

MR. PUCHNER: I am. Thank you.

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CHAIRMAN EWASUTYN: Vincent, you're in agreement with that?

MR. CASIERO: Yes, I am. Thank you.

CHAIRMAN EWASUTYN: At this point, having heard the conditions of approval for the Telecom at Newburgh -- that's a special use permit and site plan approval; correct, Michael?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: Presented by Attorney Mike Donnelly, I'll move for that motion.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Motion  
carried.

Thank you, gentlemen.

(Time noted: 7:41 p.m.)

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

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

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DATED: April 22, 2015

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

----- X  
In the Matter of

GOLDEN VISTA/MEADOW  
(1999-33)

Meadow Hill Road  
Section 60; Block 1; Lot 9.1  
R-3 Zone

----- X

AMENDMENT  
ARB/SITE PLAN

Date: April 2, 2015  
Time: 7:42 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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

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MR. PROFACI: The next item on tonight's agenda is Golden Vista, project number 1999-33, located on Meadow Hill Road, Section 60, Block 1, Lot 9.1, located in the R-3 Zone. It's here for ARB and site plan, being presented by --

MR. CAPPELLO: John Cappello --

MR. PROFACI: -- John Cappello.

MR. CAPPELLO: -- from Jacobowitz & Gubits. We have the same cast of characters as last week. I have Joe Sarchino, the project engineer; Tom Barton, the project architect; George Carfonio. And at the last meeting, I apologize on behalf of Nick Minoia, the principal, because he did want to attend. So he's here today -- tonight if you have any questions.

Since the last meeting we submitted a new set of plans addressing more of the details that your engineering consultant had mentioned. Joe can run through those changes if you'd like.

We also have -- Mr. Barton brought some of the materials as required by the Architectural Review Board.

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We understand there's a comment letter from Mr. Hines that we're also ready to discuss. I'll leave it to you. If you would like us to present, we can present. If you'd like to go into your comments, we can respond to the comments.

CHAIRMAN EWASUTYN: Why don't we have you present. Whether you'd like to start with ARB since you have all that material.

MR. BARTON: Tom Barton, Barton Partners. In your package -- I hope you'll bear with me, I have a terrible cold -- is a blowup of a portion of one of the buildings. That drawing, I don't believe it's in color in your package. We colored it here to represent the colors that are going to be shown. We're showing the earlier elevation which will be valid for the project. It's pewter gray asphalt shingles, white aluminum trim board throughout, vertical specialty siding here, vinyl siding shown in the gable ends, and then horizontal the same color vinyl siding, white vinyl trim windows. Then the trim, as I mentioned, is vinyl. Finally, cultured stone. I have examples of the roof color. It's an



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architectural gray Timberline GAF shingle in the pewter color here, showing the larger sample. Then the stone that we're proposing to use is shown here. Valley Forge cut stone is the specific manufacturer of the specification. So it follows very closely what was presented before in color. It's almost exactly what was shown. Some of the printing, it looks a little different on that. I think this is more representative of the gray color. Obviously that's the true color. It came out a little browner than it actually is. It depends on which printer prints it.

MR. PROFACI: That's brown, too?

MR. BARTON: It's got some brown but it's mostly gray. There is a range of colors.

MR. PROFACI: It looks brown to me.

MR. CAPPELLO: Like the white gold.

MR. BARTON: Everybody's eyes are a little different. Maybe it's my cold. There's quite a bit of gray in here. It does have quite a bit of brown as well. So we're both right. Hopefully you find it attractive. That's the bottom line. It plays off -- these are all warm colors, so it plays off of that, which is

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appropriate. I think it's good colors for the project. Natural color tones get into the surrounding area. We find that's the most successful color scheme to use.

MR. WARD: What warrantee is on the shingles?

MR. BARTON: It's a lifetime roofing system. I'm not sure what that warrantee means but it says lifetime. It's the longest warrantee they offer. It is an architectural grade shingle. Can you see anything specific --

MR. CAPPELLO: No. No rated coverage for the first ten years. It's a lifetime shingle. That's how they call it.

So I think that covers the architectural presentation on the materials.

CHAIRMAN EWASUTYN: Any questions or comments from the Board?

MR. GALLI: It's pretty nice.

CHAIRMAN EWASUTYN: Would the Board be willing at this time to grant ARB approval?

MR. HINES: The garage doors are going to be white?

MR. BARTON: The garage doors are

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white.

MR. HINES: They were not labeled.

MR. BARTON: They match the trim.

Sorry, I should have said that.

MR. GALLI: Before we give Planning Board approval do you want to give architectural approval?

CHAIRMAN EWASUTYN: I'll move for a motion to grant ARB approval for the Golden Vista/Meadow Hill Road project.

MR. DOMINICK: I'll make a motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. 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.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Myself. So carried.  
Who do you have next?

MR. CAPPELLO: Joe Sarchino, the  
engineer.

MR. SARCHINO: As part of the package  
we submitted full engineering design which  
included the utilities plan and grading plan.

I'll go through some of the highlights  
with the Board, and if you have any questions I  
can certainly answer them.

We'll start at the beginning. One  
change that we made in the front access drive is  
to provide a median in the front so we can  
landscape it to give the entrance a little more  
curb appeal. We also have stone. The project's  
monument sign is here, the project name along  
with the bus stop. We're also showing the  
traffic signage improvements that were part of  
the originally approved plans. That's shown on  
the plan here and also on our sign table.

Our stormwater design, which is  
probably one of the most important things on this  
project, proposes three biofiltration basins, one  
here, here and here. We also are proposing a

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stormwater detention system in this location here. The previous design showed the space a little further down, closer to these residential properties. We decided to shift it up into the site and leave this existing vegetation as is and not touch that.

We're also providing, along the property line perimeter here, planting of deciduous and evergreen trees, consistent to what the original approval was as well.

The clubhouse remains here. The playground remains here.

One item was the turnaround. It was asked of us to look into that a little more carefully. What we did is rather than providing a fire truck analysis, we just made sure we checked back to what was originally approved and we stayed consistent with that. That's what the plan shows here. Basically it's twenty feet of pavement around the center circle which would be landscaped. We hope that's satisfactory to the Board.

The sanitary sewers still connect into an existing manhole here. It runs through the

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property.

The water system comes through an emergency drive here to an existing water system in that location. It's also looped through Meadow Hill Road here.

We're also showing on the landscape plan standard unit designs, landscape designs, and we have evergreen plantings and deciduous plantings along this perimeter which is consistent with the original approval. We're also proposing evergreen and deciduous plantings along the portion of the property here. I know Mr. Hines had some comments about trying to keep the existing area green here. We can address that when he goes through his comments.

That's basically a summary of, you know, the high points and the design that was submitted to the Board. If there's any questions, I can certainly answer them or we can hear from Mr. Hines.

CHAIRMAN EWASUTYN: Pat, do you want to --

MR. HINES: Sure. Our first comment has to do with what we were just discussing, the

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change in the grading along the eastern property line. The detention pond has been moved back on the northern end of the site but the grading has been moved forward or more toward the residential properties on the southern portion of the site. There was some concern at the initial public hearing, we did hear from some of those residents along there. I'm just asking the applicant's representative to see if they can pull that back or make sure there's a robust landscaping plan. It's going to take some time for that landscaping to accomplish the goal of any kind of screening.

MR. SARCHINO: If you don't mind, I can answer that. We will pull that back as suggested and keep the existing vegetation. I did go back and look at the original approval and we kept that there. We'll pull the grading back and we'll supplement it with evergreen and deciduous plantings as well.

MR. HINES: Along that same general area there I identified a concern, and I know some of the Board Members are concerned. The senior citizen building, I think it's building 8, is located in an area proposed now for

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twenty-four plus or minus feet of fill. We're just wondering if there's any specialized construction techniques that are going to be needed or anything to address the plans for long-term stability of the bank there and for construction on that much fill?

MR. SARCHINO: We will be working with the geotechnical engineer and of course the architect in designing proper construction methods for the placement of that fill. Probably twelve inch lifts compacted with controlled backfill. We will add some notes to the plans describing that.

MR. HINES: Or the submission of that geotechnical report to the code enforcement department prior to issuance of those building permits may be appropriate.

MR. SARCHINO: Sure.

MR. HINES: We have some minor comments on the stormwater management. They're more clean up than technical in nature.

The applicants have submitted a revised landscaping plan and typical landscaping for the twelve and eighteen-unit buildings. This



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applicant has established a track record with the Town on another project and they've done a good job on that project, and actually have beefed up the landscaping that was originally approved on that. I think the Board is in a position to talk about the landscaping.

We did note that the planting details are a little more -- the trees are a little larger than we typically see. So they've gone an additional length to provide that landscaping.

Water and sewer profiles will need to be submitted based on the revised grading.

We're suggesting that the zoning requirements for senior housing be added as notes to the plans. Just add the actual zoning language there and how eighteen of those units will have to be senior housing in perpetuity.

You discussed the roundabout or the traffic circle there. I think the code enforcement officer is going to want to see the truck turning movements through there to make sure that does --

MR. SARCHINO: We'll provide that.

MR. HINES: -- accomplish that.

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There's a chain link fence detail. Typically the Board and the Town Board requires the detention ponds to be fenced. They have a split rail with a black vinyl coated fence that looks a little better than the chain link fence in the middle of the field.

MR. SARCHINO: We're in agreement with that.

MR. HINES: The only other item is that we -- the pedestrian scale lights, the Board did discuss that at work session and they felt the lighting plan was adequate, the pedestrian scale lighting in compliance with the Town's design guidelines.

The rest of our comments are very technical and have to do with either details on the plans or the stormwater management plan.

CHAIRMAN EWASUTYN: Okay. John Ward, Planning Board Member?

MR. WARD: The previous plan with the circle, how many feet was there?

MR. SARCHINO: It was the same.

MR. WARD: It was the same.

MR. SARCHINO: The one thing that's

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confusing is what we did is we provided some striping at each intersection, and that striping is set back fifteen feet from the circle. When you hit the intersection, if you're not making -- when you hit the circle, if you're making a right out of it, the striping directs you. So the striping is pushed into the twenty foot area. I think that fifteen foot dimension is what everybody saw and thought that was the width of the pavement. On this submission I made sure we added two or three or four -- actually, three twenty-foot dimensions on there. So we kept it the same. I think it was that fifteen-foot dimension to the striped area.

MR. WARD: There is a big concern about the twenty-four foot --

MR. SARCHINO: We'll provide a truck turning movement.

MR. WARD: I'm talking about building 8.

MR. SARCHINO: I know the -- the developers here have a lot of experience with building projects with similar situations in a few locations. You're concerned, I'm concerned

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and they are concerned as well. It has to be done right. It has to be.

MR. WARD: They built the Palisades Mall on a swamp and it's sinking, so --

MR. BARTON: We're going to make sure we get the proper information.

MR. SARCHINO: We'll have the geotech report and we can make that part of the --

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: My only concern really is that traffic circle diameter. You get some fire trucks through there going to a call, it's a tight squeeze. Is there any way to maybe make that diameter of the grass? Still have the traffic circle concept but take the diameter, bring it down to open up more.

MR. SARCHINO: It's a large circle now. We could bring it down five feet and make that pavement twenty-five feet if you'd like us to do that. The way that a fire truck in an emergency situation would probably go is he would just go like that, or just go like that as well. He wouldn't take the time to come around the circle

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anyway.

MR. DOMINICK: I would be driving that truck, so you're absolutely right. That's my concern.

MR. SARCHINO: I don't think you're going to take the time to make that circle.

CHAIRMAN EWASUTYN: Some consideration and thought of going to maybe redesigning that is what we're saying.

MR. DONNELLY: Talk to Jerry first and then come back.

MR. SARCHINO: As Tom just suggested, you could do an additional -- maybe I'll make this twenty-five feet in width with the pavement and also make a mountable curb so that way a fire truck could go right over it if they had to easily. We will take a careful look at that.

MR. WARD: Have ramped curbs.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

MR. BROWNE: I'm good.

MR. GALLI: Nothing additional. They

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already covered it.

CHAIRMAN EWASUTYN: I'll poll the Board Members at this point to see if they want to hold a public hearing or waive a public hearing on this.

MR. GALLI: Starting with me? No.

MR. BROWNE: Waive.

MR. MENNERICH: Waive.

MR. PROFACI: Waive.

MR. DOMINICK: Waive.

MR. WARD: Waive.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board waived the requirement for a public hearing.

MR. GALLI: The reason why, John, is because we had one.

CHAIRMAN EWASUTYN: We've had several public hearings.

MR. CAPPELLO: I would ask the Board -- I know there are a couple conditions here, but we're hoping to close on this property and begin doing the work. I would ask the Board if it would consider a conditional approval with the conditions? I would even offer that if we have a

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conditional approval, a resolution that's filed that says before a building permit is issued we fix that turn, that once we have it filed, if you wanted us, as a courtesy, to come back and show you what we did, we can do that before the Board, just to let you know how we solved it. But if we could get a conditional approval resolution and that resolution is filed, then we would have comfort to be able to go in thirty days from filing to close and own the property.

MR. GALLI: I think the circle is going to be part of the building permit -- for Jerry to issue a building permit.

MR. HINES: It's in my comments, too. It would be reflected in your approval. A sign off from my office would be required.

MR. GALLI: I don't have a problem.

CHAIRMAN EWASUTYN: Pat Hines, do you want to help us with this?

MR. HINES: I'm okay. I think the plan as you see it is kind of cast in stone. I don't see the building locations or the roadways or anything changing. My comments are technical in nature. I think we can work them out with the

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2 applicant's representative. If something  
3 substantial changed, obviously they would have to  
4 come back. I don't see anything changing in the  
5 layout of the buildings or the site. I think  
6 they're able to address our comments. I would be  
7 okay with a conditional approval conditioned on  
8 my comments which include the discussion of the  
9 fill area, the traffic circle, and we'll work  
10 with the applicant's representative. If  
11 something changes I can report back to the Board.

12 CHAIRMAN EWASUTYN: And the bond  
13 estimates that are in place now, they would hold?

14 MR. HINES: I believe so, yeah. We  
15 would -- as a condition of approval it would be  
16 the posting of those bonds. Some pretty  
17 substantial bonding has been required of the  
18 project.

19 MR. DONNELLY: One of those bonds was a  
20 landscape bond at the time of the earlier  
21 approval, and I don't know if you want to modify  
22 that.

23 CHAIRMAN EWASUTYN: That amount was  
24 \$109,000.

25 MR. DONNELLY: I had 169 but I don't



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know.

CHAIRMAN EWASUTYN: I saw a later memo that Karen approved that went to the Town Board. That was approved in December.

MR. DONNELLY: Okay.

CHAIRMAN EWASUTYN: I'll get you a copy of that.

MR. DONNELLY: In terms of the conditions, this is not the first time this project has been before the Board. My notes say this is actually the fourth amended approval. We would carry forth all of the conditions of the earlier resolutions. I have three new ones that I took notes on this evening. One is the requirement that the geotechnical report be delivered to the building permit -- to the building department before any building permit is issued for building number 8. The traffic circle --

MR. HINES: Building 8 is the worst case but some of the other ones --

MR. DONNELLY: For any building?

MR. HINES: Yes.

MR. DONNELLY: Okay. We need the

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traffic circle revision details. I guess that's the geotechnical report that talks about the construction safeguards for the buildings that are built on fill.

MR. HINES: Yes.

MR. DONNELLY: We don't need to put it in there twice. In terms of the earlier conditions in the last resolution, we needed a sign-off letter from Karen on some items in her memo of November 23, 2011. They may well have been satisfied but I don't know so I'll keep that in there as well.

Pat, you had a memo of the same date, November 23, 2011, or whatever outstanding items there are in your current memo.

MR. HINES: I think the current memo would supercede that.

MR. DONNELLY: What date is that?

MR. HINES: March 26th.

MR. DONNELLY: The third condition had to do with the unit count, the eighteen senior, both related to the age restricted units, shall be added to the plans. Pat mentioned that earlier. We had a condition that we'll continue

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2 with, unless the Board has a reason to change it,  
3 that no more than 108 non age restricted units  
4 certificates of occupancy shall be issued until  
5 the age restricted units are constructed and  
6 ready for occupancy. They didn't want you to  
7 leave those for last and never get to them.

8           There was a need for foundation staking  
9 because of the location of the buildings. That  
10 will be carried forward.

11           A requirement of Town easements or  
12 easements to the Town to perform emergency  
13 utility repairs to water and sewer lines.

14           The applicant needs to comply with the  
15 out-of-district sewer user agreement entered into  
16 with the Town Board on October 2, 2000.

17           Finally, utility, water, sewer and  
18 stormwater plans need to be approved by the Town  
19 engineer and the Planning Board engineer before  
20 building permit.

21           We need the written approval from the  
22 Town highway superintendent and the Town engineer  
23 approving the erection of signs on Meadow Hill  
24 Road.

25           MR. HINES: That has been accomplished.

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MR. DONNELLY: That's done. I'll take it out.

We had a requirement that pursuant to Vehicle & Traffic Law Section 1660-A you deliver an irrevocable authorization to the Town allowing the enforcement of Vehicle & Traffic Law violations within your parking areas and roadways.

The Architectural Review Board approval was approved earlier this evening.

All of the securities then as I understand it will remain in place in the current amounts, landscape, stormwater --

MR. HINES: Should we adjust that that the applicant should submit new ones? As long as there's not a substantial change, the existing ones can remain.

CHAIRMAN EWASUTYN: I think that's more appropriate.

MR. DONNELLY: Fine. As set by the Town Board. That's after the estimates were submitted. It includes landscaping, stormwater, water main extension.

MR. HINES: Not water main. That was

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changed. Water and sewer are not because they're considered service laterals.

MR. DONNELLY: Neither water nor sewer main.

MR. HINES: That was in the original.

MR. DONNELLY: And the standard condition -- well, two more conditions. Outdoor fixtures and amenities, you can't build anything not shown on the approved plans without returning to the Board.

The requirement that you post multi-family fees in the amount of \$2,000 for each dwelling unit, bringing the total due to \$322,000.

MR. CAPPELLO: The only comment I had that was raised on the geotech, some of the buildings are actually built on cut. Can we have that geotech for those that are built on fill?

MR. HINES: I have no problem with that.

MR. DONNELLY: I'll fix that.

MR. CAPPELLO: I think everything else was fine.

MR. HINES: I assumed there was going

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to be one geotech report, not individual buildings.

MR. DONNELLY: You're right. Since we have not approved the signs, I will include a condition that says this approval does not constitute approval of the signs shown on the plans, unless we're going to approve those signs tonight.

MR. CAPPELLO: Do you have the signs?

CHAIRMAN EWASUTYN: There is a sign detail on the sheet.

MR. DONNELLY: The actual sign permit will be issued by code compliance but the location and the materials are things that the Planning Board would normally approve.

MR. HINES: Is it similar to the one on your current project?

MR. SARCHINO: Yes.

CHAIRMAN EWASUTYN: Which was revised most recently.

MR. SARCHINO: It's detail number --

MR. DONNELLY: If you're satisfied with what's shown on the plans, we can include it in the ARB approval. If it's something we're

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reserving for later review, I just want to earmark it in the resolution as something that needs to come back.

CHAIRMAN EWASUTYN: It was the same thing that we recently approved for Summit Park, a five-foot high --

MR. SARCHINO: Detail 12.

CHAIRMAN EWASUTYN: What is it?

MR. SARCHINO: Detail 12. Drawing SB-10, detail number 12.

CHAIRMAN EWASUTYN: Just for the record, describe the height of the stone facade.

MR. SARCHINO: Four-and-a-half feet high to the top of the stone. It's similar to the one you just approved.

CHAIRMAN EWASUTYN: We'll make that part --

MR. DONNELLY: I'll make it part of the ARB then.

MR. GALLI: That's the same stone?

MR. SARCHINO: Very similar. Yes.

MR. GALLI: The brown one?

MR. CAPPELLO: The brownish gray.

CHAIRMAN EWASUTYN: Mike Donnelly

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presented the resolution. You had a question on the geotech. There was a question by the Board Members for signage. That signage will be part of the approval for the ARB.

Any additional questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to approve the amended site plan for Golden Vista subject to the conditions presented by Planning Board Attorney Mike Donnelly in the resolution.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.



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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Thank you.

MR. CAPPELLO: Thank you.

(Time noted: 8:10 p.m.)

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

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

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DATED: April 22, 2015

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

----- X  
In the Matter of

FRISCHKNECT  
(2015-06)

2 Chevy Lane  
Section 70; Block 3; Lot 1  
R-3 Zone

----- X

INITIAL APPEARANCE  
LOT SUBDIVISION

Date: April 2, 2015  
Time: 8:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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FRISCHKNECHT

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MR. PROFACI: The last item on tonight's agenda is Frischknecht, project number 2015-06, located at 2 Chevy lane, Section 70, Block 3, Lot 1, located in the R-3 Zone. It's the initial appearance for a two-lot subdivision being represented by Jonathan Cella.

MR. CELLA: Good evening. Thank you for the presentation. It's a proposed two-lot subdivision of approximately half of an acre parcel on Fifth Avenue, Eastview Road and Chevy Street.

We're proposing one additional residence on lot number 1 along Fifth Avenue.

The project plans show that we'll connect to the existing public water and sewer supply.

I just read Pat's comments. We'll have to get a referral to the ZBA for the existing house on lot number 2. The front yard setback existing -- it's a pre-existing nonconforming front yard setback.

We have a small dedication of property that the Town -- the existing property line goes

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FRISCHKNECHT

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through the middle of Fifth Avenue.

We provided a proposed grading plan,  
erosion control plan and details.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines.

MR. HINES: Our first comment  
identifies the two front yard setbacks. It's a  
corner lot on the two private roads there. That  
will need a variance.

The roadway dedication parcel will  
require some information submitted to the  
attorney.

The Town's standard water and sewer  
notes must be added to the plans.

A City of Newburgh flow acceptance  
letter for the new residential structure will be  
required.

We're requesting the EAF be filled out  
on the DEC's interactive site so it will fill in  
any issues on their database.

It appears, based on the grading plan,  
that there's a potential for rock on the site, so  
we're requesting that you address in the EAF if  
there's going to be blasting and take a look at

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FRISCHKNECHT

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how that's going to work on the site. If looks like there's a rock knob, based on the grading, right where the house is going to be.

MR. CELLA: It's dirt.

MR. HINES: Just take a look at that to determine if blasting is -- it's kind of a close neighborhood there if that is.

And then the highway superintendent's comments regarding the driveway location will need to be provided.

The only action you can take tonight is to refer it to the ZBA for those two variances.

CHAIRMAN EWASUTYN: Questions or comments from the Planning Board Members?

MR. GALLI: What kind of house are you planning on putting there?

MR. CELLA: The owner will probably sell the lot. That's the plan.

MR. HINES: The way that lot sits, it's going to have to be two stories in the front, one story in the back because of the grading.

MR. GALLI: I drive by it every day.

CHAIRMAN EWASUTYN: Any other questions or comments?

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FRISCHKNECHT

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(No response.)

CHAIRMAN EWASUTYN: Mike Donnelly, will you give us a referral letter to the ZBA?

MR. DONNELLY: I'll refer to the Zoning Board the need to review a variance for a dual front yard on a corner lot for the existing home on lot number 2. It's a Type II action for the ZBA.

MR. CELLA: Do I make the submission?

MR. DONNELLY: You'll need to make an application. We'll send them a letter.

MR. CELLA: The note to the highway super, do I make the submission to him or --

MR. HINES: Yeah. You'll contact him directly.

MR. CELLA: Okay. All right.

CHAIRMAN EWASUTYN: I'll move for a motion from the Planning Board to refer this to the Zoning Board of Appeals for the two front yard area variances.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci and a second by Ken Mennerich. I'll

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FRISCHKNECHT

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ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

You can start early on with Jim Osborne  
as far as the City flow acceptance letter.

MR. CELLA: All right.

CHAIRMAN EWASUTYN: Why waste time.

MR. CELLA: I'd like to come back --

CHAIRMAN EWASUTYN: Unless you don't  
think you're going to get the area variance.

MR. CELLA: I assume I would get that.

CHAIRMAN EWASUTYN: Excuse me?

MR. CELLA: I assume I can get the area  
variance. It's pre-existing.

MR. HINES: The flow acceptance letter,  
you'll send a letter to Jim Osborne just  
identifying the hydraulic loading from the  
single-family house based on the bedroom count,

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FRISCHKNECHT

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and then he'll forward that on to the City for their approval.

MR. CELLA: Thank you.

(Time noted: 8:15 p.m.)

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

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

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DATED: April 22, 2015



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

----- X  
In the Matter of

KOZLOWSKI  
(2015-04)

Update - Wetland Field Review

----- X

BOARD BUSINESS

Date: April 2, 2015  
Time: 8:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

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KOZLOWSKI

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MR. PROFACI: We have four items of Board Business. The first is Kozlowski, project 2015-04, an update on wetland field review.

MR. HINES: I went out in the field with Mike Nowicki, the wetland biologist that had flagged the wetlands, and Charlie Brown, the engineer. The field conditions weren't really representative of what was shown on the plans. There's going to have to be some additional survey data provided, potentially additional deep testing, and a letter from Mike Nowicki identifying the wetland boundary and isolated wetland that is on the site. Additional information is going to need to be submitted based on the field review.

CHAIRMAN EWASUTYN: Do we or should we be waiving the sixty-two day --

MR. HINES: We gave it approval subject to this field review. It has approval unless the conditions were changed. So it has conditional final approval.

CHAIRMAN EWASUTYN: We shouldn't waive that then.

MR. HINES: There's no clock. We gave

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KOZLOWSKI

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it conditional final. They have to resolve these conditions.

CHAIRMAN EWASUTYN: Thank you.

MR. GALLI: I had a question, Pat. How is that happening? Didn't he just flag that?

MR. HINES: No. The wetlands were flagged last November. There is what Mike Nowicki identifies as an isolated wetland not connected to the DEC wetland. There's a pocket in there that has cattails and some dogwoods and other wetland indicator plants. What really is the concern is that the topography between the barn, if you recall, and the septic system is not representative. There's a low spot that has this kind of wetland pocket and then it goes back up the hill. They couldn't identify where the deep tests were dug in the field, which was a little strange, so they're going to field stake those out and make sure that there is deep tests in that area. There's some verification work that needs to be done.

MR. GALLI: If we get a question from a neighbor we probably wouldn't --

MR. HINES: That's the purpose of the

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KOZLOWSKI

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public hearing, to bring those things up.

MR. GALLI: It's unfortunate.

MR. WARD: No ducks.

MR. HINES: There could have been  
ducks.

CHAIRMAN EWASUTYN: Any additional  
questions or comments?

(No response.)

(Time noted: 8:18 p.m.)

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

----- X  
In the Matter of

GARDNERTOWN COMMONS  
(2009-12)

Request for a One-Year Extension of Conditional  
Final Site Plan Approval

May 19, 2015 to May 19, 2016

----- X

BOARD BUSINESS

Date: April 2, 2015  
Time: 8:18 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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. PROFACI: Next is Gardnertown Commons, project 2009-12. The applicant is requesting a one-year extension of conditional final site plan approval from May 19, 2015 to May 19, 2016.

CHAIRMAN EWASUTYN: I'll make a motion to grant the one-year extension.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: It was seconded by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:19 p.m.)

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

----- X  
In the Matter of

DRISCOLL SUBDIVISION  
(2005-46)

Request for a Six-Month Extension of Preliminary  
Subdivision Approval

March 29, 2015 to September 29, 2015

----- X

BOARD BUSINESS

Date: April 2, 2015  
Time: 8:19 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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. PROFACI: Next is the Driscoll Subdivision, project 2005-46. The applicant is requesting a six-month preliminary subdivision approval extension from March 29, 2015 to September 29, 2015.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion by Frank Galli.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

(Time noted: 8:20 p.m.)

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

----- X  
In the Matter of

POLO CLUB  
(2006-09)

Request for a Six-Month Extension of Preliminary  
Site Plan Approval

March 29, 2015 to September 29, 2015

----- X

BOARD BUSINESS

Date: April 2, 2015  
Time: 8:21 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  
JOSEPH E. PROFACI  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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MR. PROFACI: The final item is the

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POLO CLUB

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Polo Club, 2006-09. The applicant is requesting a six-month preliminary site plan approval extension from March 29, 2015 to September 29, 2015.

MR. GALLI: I'll make the motion.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Ken Mennerich. Roll call vote approval starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Thank you all. I'll move for a motion to close the Planning Board meeting of the 2nd of April.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by --

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: -- Ken Mennerich.

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POLO CLUB

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Thank you. Roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:22 p.m.)

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DATED: April 22, 2015