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

----- X

In the Matter of

34 NORTH PLANK ROAD  
(2011-08)

North Plank Road  
Section 80; Block 7; Lot 25  
B Zone

----- X

AMENDED SITE PLAN

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

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
JERRY CANFIELD

APPLICANT'S REPRESENTATIVE: MARIO SALPEPPI

----- X

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

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MR. GALLI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of April 7, 2011.

We'll start with a roll call vote starting with myself, Frank Galli, present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. GALLI: At this time I would like the consultants to introduce themselves that represent the Board for advice.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh.

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

MR. COCKS: Bryant Cocks, Planning Consultant.

MR. GALLI: At this time would everybody please stand for the Pledge.

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34 NORTH PLANK ROAD

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(Pledge of Allegiance.)

MR. GALLI: If you have any cell phones, please put them on vibrate. Pagers or anything.

The first application tonight is 34 North Plank Road, Section 80; Block 7; Lot 25, for an amended site plan, represented by Mario Salpeppi from Coppola Associates.

MR. SALPEPPI: Good evening. This property is located at the northwest corner at the intersection of Winding Lane and North Plank Road. It is currently located in a B Zone. The strip along North Plank Road in this area at some point was all residences, and at some point they all became merchantile or office uses.

In 1990 the owner of this property applied for several variances in order to convert the residence into an office building. They received several variances to do so but then never proceeded with the Planning Board or a building permit for the work which was performed. Our current -- the current owner has owned the property for eight years. They were not involved in the original application.

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34 NORTH PLANK ROAD

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What we are here for tonight, obviously, is to begin any dialogue that the Planning Board may have on the property and be referred over to the Zoning Board to begin the process all over again.

CHAIRMAN EWASUTYN: At this point I'll turn to our Planning Consultant, Bryant Cocks, to review the necessary variances associated with 34 North Plank Road.

MR. COCKS: Yes. The variances are going to be needed for lot area, 14,182 are being provided while 40,000 square feet are required; lot width, 96 feet are existing, 150 are required; lot depth, 148.75 feet existing and 150 feet are required; the rear yard setback, 33.5 existing, 64.5 are required; one side yard, 19 feet existing, 30 feet required; and both side yards, 53 feet existing, 83 required.

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

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No additional.

CHAIRMAN EWASUTYN: John Ward?

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34 NORTH PLANK ROAD

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MR. WARD: No additional.

CHAIRMAN EWASUTYN: At this particular point I think what you're looking for, and I'll have Mike Donnelly further that in a letter, you're looking for a referral to the ZBA for lot area, lot width, lot depth, rear yard, side yard, side yard, and both side yard variances.

MR. DONNELLY: If that's the Board's inclination, I'll send a letter to the Zoning Board. You will have to follow up by applying for those variances. I'll explain to them the requirement of Section 185-19 B(2), that a noncomplying building that changes the use, even though it's all pre-existing, needs to obtain a variance.

MR. SALPEPPI: Okay.

CHAIRMAN EWASUTYN: Does that answer your questions this evening?

MR. SALPEPPI: Yes, sir.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to refer 34 North Plank Road to the ZBA for an area variance, a width variance, a depth variance, a rear yard variance, a side yard variance and both side yard

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34 NORTH PLANK ROAD

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variances.

MR. COCKS: One front yard, too. I'm  
sorry.

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Ken Mennerich. 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. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

Thank you.

MR. SALPEPPI: Thank you.

(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: May 3, 2011

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

----- X

In the Matter of

MEIGEL LOT LINE CHANGE  
(2011-06)

50 & 52 Colden Hill Road  
Section 86; Block 1; Lots 23.2 & 23.11  
R-1 Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: April 7, 2011  
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  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
JERRY CANFIELD

APPLICANT'S REPRESENTATIVE: MARIO SALPEPPI

----- X

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



1  
2 MR. GALLI: The next one is the Meigel  
3 lot line change, 50 and 52 Colden Hill Road,  
4 Section 86; Block 1; lots 23.2 and 23.11,  
5 conceptual two-lot subdivision, being represented  
6 by Steven Drabick.

7 MR. KROGAN: Mr. Drabick couldn't be  
8 here tonight. My name is Richard Krogan, I'm the  
9 attorney representing the applicant. I'm sorry,  
10 I don't have a survey with me. It's adjoining  
11 lots -- adjoining neighbors that Meigel are  
12 giving my client, Jacobowitz, approximately 1,800  
13 square feet, basically to make the property  
14 better accessible for my clients.

15 I can put it up on the board.

16 You have the bigger lot, the smaller  
17 lot of Jacobowitz with the property squaring it  
18 off.

19 There's pre-existing nonconforming  
20 variances that were granted. I see from the  
21 notes that we're going to have to be referred to  
22 the Zoning Board, but the variances -- with the  
23 addition of the property, we're not decreasing  
24 the variances, we're increasing them. We're  
25 looking for a referral to the Zoning Board.

1  
2 CHAIRMAN EWASUTYN: Okay. Would  
3 someone here this evening like to discuss what  
4 the referral would be to the Zoning Board?

5 MR. COCKS: Yes. Absolutely. The area  
6 variances will be for lot area where 27,909  
7 square feet are proposed and 40,000 are required;  
8 lot width, 120 feet are proposed, 150 feet are  
9 required; one side yard, 16.5 feet are proposed,  
10 30 feet required; both side yards, 43.1 are  
11 proposed, 80 are required. For the Meigel lot,  
12 the front yard, 48.7 are proposed and 50 feet are  
13 required.

14 CHAIRMAN EWASUTYN: Mike Donnelly,  
15 would you further that as far as --

16 MR. DONNELLY: Yes. I've given the  
17 Board a letter. This is a recurring situation we  
18 have under the code. Our code has two somewhat  
19 seemingly inconsistent provisions, one that says  
20 that the protection of a noncomplying building is  
21 lost whenever the degree of nonconformity is  
22 increased, meaning if the side yard, as an  
23 example, doesn't meet setback and you're making  
24 that setback less conforming, you would lose the  
25 protection. There's another section, 185-19

1  
2 B(2), that says the protection is lost unless the  
3 degree of nonconformity is decreased. In 2004 we  
4 sent that issue of interpretation to the Zoning  
5 Board and they instructed us that the decrease  
6 provision governs. Therefore, since only one of  
7 these items of noncompliance is being decreased,  
8 the other is staying the same, I suppose it's  
9 somewhat an open question whether they all have  
10 to decrease. In any event, it needs to go to the  
11 Zoning Board for that interpretation, that this  
12 is permissible or to grant a variance for each  
13 item of noncompliance on the two lots that are  
14 required to be protected.

15 CHAIRMAN EWASUTYN: Do you agree with  
16 that?

17 MR. KROGAN: Yes. Although it seems  
18 kind of simple, that it's just moving the lot  
19 line from one side here and just moving it over a  
20 little bit, we have to go back before the ZBA.

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

23 MR. GALLI: I have no additional.

24 CHAIRMAN EWASUTYN: Ken Mennerich?

25 MR. MENNERICH: No questions.

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CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Nothing more.

CHAIRMAN EWASUTYN: Jerry Canfield,  
would you like to add anything at this time?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We had a comment to show  
the well and septic on the one lot where it's not  
depicted just to make sure no improvements are  
involved in the lot line. I don't believe there  
is.

CHAIRMAN EWASUTYN: Which lot is that?

MR. HINES: The larger lot doesn't have  
it shown. It's lot 23.2. I'm sorry. 23.1. The  
surveyor has that comment.

MR. KROGAN: Okay.

CHAIRMAN EWASUTYN: Having heard from  
Attorney Mike Donnelly in reference to the  
referral to the Zoning Board of Appeals for the  
lot line change before us this evening, I'll move  
for a motion to make that referral.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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MEIGEL LOT LINE CHANGE

13

Ken Mennerich, 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. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. KROGAN: Thank you.

(Time noted: 7:10 p.m.)

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

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7 I, Michelle Conero, a Shorthand  
8 Reporter and Notary Public within and for  
9 the State of New York, do hereby certify  
10 that I recorded stenographically the  
11 proceedings herein at the time and place  
12 noted in the heading hereof, and that the  
13 foregoing is an accurate and complete  
14 transcript of same to the best of my  
15 knowledge and belief.  
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DATED: May 3, 2011

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

----- X

In the Matter of

LOT 20 - HICKORY SHADOW  
(2011-03)

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

----- X

CONTINUED PUBLIC HEARING  
CONCEPTUAL TWO-FAMILY SITE PLAN AND  
ARCHITECTURAL REVIEW BOARD

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

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
JERRY CANFIELD

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

----- X

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

1  
2 MR. GALLI: Next we have Lot 20 -  
3 Hickory Shadow, Merritt Lane, Hickory Shadow  
4 Subdivision; Section 7; Block 3; Lot 20.0, being  
5 represented by TM DePuy Engineering. This is a  
6 continuation of a public hearing, conceptual two-  
7 family site plan and ARB.

8 CHAIRMAN EWASUTYN: Before we turn the  
9 meeting over to Tom DePuy to present the  
10 continuation of the public hearing, I'll have our  
11 Attorney, Mike Donnelly -- for those of you here  
12 this evening for this continuation of the public  
13 hearing, Mike Donnelly will inform you as to the  
14 meaning and purpose of a public hearing, and the  
15 order in which we represent the Town and the  
16 taxpayers, and how we would have sort of an  
17 acknowledgement by raising of our hand, giving  
18 our name and address.

19 MR. DONNELLY: Public hearings are not  
20 always required before the Planning Board can  
21 take action on matters. In the case of  
22 subdivisions they are always required. In  
23 special permits they're always required. They're  
24 optional for site plans. This is a site plan  
25 application. Knowing that this parcel was part



1  
2 of a subdivision that was relatively recently  
3 approved, the Planning Board elected to hold a  
4 site plan public hearing. The site plan hearing  
5 was actually begun, I believe it was in February  
6 of this year, but because we were missing an  
7 item, and I forget what it was at this point, the  
8 hearing was continued until this evening's date.

9           The purpose of a public hearing is to  
10 allow the public to bring information to the  
11 attention of the Planning Board that will help  
12 them in their decision, therefore the Planning  
13 Board is interested, not so much in whether this  
14 is popular or if you're in favor of it, but in  
15 particular issues that bear on whether or not  
16 this is appropriate or what conditions might need  
17 to be added to make it -- to mitigate any impacts  
18 it might have.

19           After Mr. DePuy gives his presentation  
20 of what is proposed, the Chairman will ask those  
21 that wish to address the Board to raise your  
22 hand. You will be identified. We'll ask you, if  
23 you could, so you can be heard, to come forward,  
24 give your name and address to the Stenographer so  
25 we get an idea of where you live in relation to

1 the project. Please spell your name so we get it  
2 right in the transcript. If you have questions,  
3 the Chairman will direct those questions, if they  
4 can be easily answered, to either Mr. DePuy, the  
5 project engineer, or one of the Town's  
6 consultants.

7  
8 CHAIRMAN EWASUTYN: Thank you.

9 Tom, if you'd give your presentation  
10 please.

11 MR. DePUY: Basically Selpat, the owner  
12 of the project, they're proposing -- there's an  
13 existing building and partial -- or foundation on  
14 the site. This was originally the original barn  
15 for the whole farm, for this whole area, and  
16 we're looking to rehab it. The cooler part is  
17 there now but we're going to reconstruct this  
18 portion of the building back to a barn look.

19 We are proposing a two-bedroom unit  
20 here. There were some issues with respect to --  
21 we finalized the floor plan. We originally had  
22 presented this as a two-bedroom, but we're  
23 proposing a four-bedroom unit in here. With  
24 that, we're required to go back. We went back to  
25 the Orange County Health Department and we

1  
2 upgraded the septic system to accept six  
3 bedrooms. So we had to put in a larger septic  
4 tank, a dosing tank, and put in some additional  
5 laterals here in the septic area.

6 Basically the building will gain its  
7 access off of Merritt Lane here. This is Jessica  
8 Court here. It will come in here. We're  
9 providing four parking spaces, here and here, two  
10 here and two here. Two for this and then you  
11 walk around here. We're leaving this as is here.  
12 There is an existing garage underneath here which  
13 will be utilized, and there is an existing garage  
14 here which will also be utilized.

15 CHAIRMAN EWASUTYN: At this point, if  
16 you would raise your hand and give your name and  
17 your address. Ma'am, please.

18 MS. FABER: Good evening, Mr. Chairman.  
19 My name is D. Joy Faber, I live at 33 Merritt  
20 Lane and I'm directly adjacent to the property  
21 proposed. D., J-O-Y, F, as in Frank, A-B-E-R.

22 I have photographs I would like to  
23 present to you. Thank you, Mr. Chairman.

24 Members of the Board, Mr. Chairman and  
25 Consultants, thank you for your time, once again.

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And thank you to Mr. DePuy, and on behalf of Mr. Staples, for providing the documents that I requested.

If this approval process must move forward, I am urging the Board, and so are my fellow neighbors, to please take into consideration the following facts:

Please protect and preserve the character of this existing neighborhood to be maintained as single-family homes.

I've briefly come to know Mr. Staples when he started a construction project directly behind my home. As the photos will show, that you have in your packet sir, this project did not go very well at all. I'm well aware that Mr. Staples is very well known in the Town of Newburgh and he adds significantly to the tax rolls with his construction projects. I applaud his spirit of entrepreneurship. Our brief encounters have been cordial, and I hope they remain that way.

For the Members of the Board, please examine the methods of management that Mr. Staples has been doing. I was ignored when the

1  
2 home he built on an open lot directly behind my  
3 home, as the photos will show, was built without  
4 any consideration for privacy, headlight glare or  
5 any buffers between the properties. Mr. Staples  
6 left excavated construction debris from the home  
7 he built and scattered the debris along my  
8 property line, as the photos show. They're all  
9 in your packets, sir.

10 He might call it a berm to satisfy the  
11 Town rules, but weeded vegetation has grown  
12 there, small animals now thrive there. And  
13 worst, the stormwater runoff from the debris has  
14 caused extensive flooding in the rear yard of my  
15 home as a result of this.

16 I brought this matter to Mr. Staples'  
17 attention and he verbally agreed that he would  
18 correct the drainage problem, but to no avail.  
19 And why? Because he could.

20 Corn was planted for the first time  
21 just last year since I bought my property, and  
22 that was five years ago. Once again, Mr. Staples  
23 was able to go around a Town ordinance to keep  
24 agricultural vehicles on this property. Why?  
25 Because he could.

1  
2                   Additionally Mr. Chairman, my neighbors  
3 have since informed me of a myriad of uncompleted  
4 projects in this development that have been  
5 neglected by Mr. Staples, the realignment of the  
6 roads, the proper paving of the roads, improper  
7 drainage issues on various lots that have not  
8 been addressed. One lot for sale was fenced in  
9 after a sink hole was discovered. The placement  
10 of utility lines have not been done. The list  
11 goes on and on and on, all unaccounted for.

12                   And just last month, Mr. Chairman, and  
13 because the Board was wise enough to inquire, Mr.  
14 Staples had you believing that his proposed  
15 complex would house five bedrooms until he  
16 magically turned a bedroom into a den to satisfy  
17 the rules.

18                   Members of the Board, my neighbors and  
19 I love and chose to live in the Town of Newburgh  
20 for the quality of life it affords and for, among  
21 other things, the calming, sweeping views. But  
22 now, to add further insult to injury, our views  
23 are going to be blocked, obstructed and ruined.

24                   In addition to being burdened with the  
25 growing list of other items of quality of life

1  
2 issues, we are being ignored. Needless to say,  
3 an apartment complex in a development of single-  
4 family homes would not only dramatically affect  
5 the character of the neighborhood but will do  
6 nothing to preserve property value, but instead  
7 will bring our property values down. And, by the  
8 very nature of rentals, it will attract  
9 transients to our small and close-knit community  
10 of families and children.

11 Please reconsider your approval of  
12 construction of this multi-dwelling. If the  
13 management of a single-family dwelling has been  
14 so grossly insufficient and has brought such  
15 consternation, what can we expect with a multi-  
16 family dwelling?

17 Last summer, as a concerned neighbor, I  
18 had to inform a local realtor to remind Mr.  
19 Staples to cut the grass in front of the  
20 development. Such a minor task. What can we  
21 hope for with the maintenance of an apartment  
22 complex?

23 As Section 185-21 of the local law on  
24 buffer and setbacks states, what about the  
25 maintenance of dumpsters, noise generated by

1  
2 parking areas including slamming doors, engine  
3 start-ups, car stereos, occasional car alarms and  
4 horns, conversation and other inconveniences?  
5 Even the section states that these activities  
6 become excessive and offensive to nearby  
7 residents.

8           If you must proceed, Members of the  
9 Board, I implore you, please, at least strongly  
10 reconsider removing the three ornamental cupolas  
11 from the structure. This will further obstruct  
12 the views of the area. And by the way, are they  
13 in violation of any height variances?

14           Thank you for the landscaping scheme.  
15 I would also implore you to reevaluate the  
16 current plan and consider adding more noise  
17 buffering vegetation along the perimeter  
18 boundaries of my home and the property of Mr.  
19 Staples. It is clear to see that our property  
20 directly abuts each other. Additional plantings  
21 should be required as well as appropriate fencing  
22 along the perimeter of the complex, particularly  
23 facing my home. The current revisions do not  
24 address this matter.

25           Mr. Staples visits this community



1  
2 periodically but he does not live here. We do.  
3 We vote here and we pay our taxes here. Please  
4 take my consideration and those of my neighbors  
5 seriously enough to reevaluate. Please take into  
6 account the previous management style, or lack  
7 thereof, into account before approving an  
8 apartment of multiple, transient dwellings where  
9 proper maintenance and upkeep of the apartments  
10 would be under Mr. Staples' jurisdiction.

11 Thank you, Members of the Board.

12 CHAIRMAN EWASUTYN: Tom, would you like  
13 to speak to some of the points that were raised  
14 this evening?

15 MR. GALLI: I just have a quick  
16 question for Joy.

17 MS. FABER: Yes, sir.

18 MR. GALLI: The picture with all the  
19 water in the backyard, I drove up there numerous  
20 times. This is your house here?

21 MS. FABER: That is not my house. That  
22 is the house Mr. Staples built behind my house.  
23 There's a berm that he placed there which is the  
24 construction debris.

25 MR. GALLI: The water sits there?

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MS. FABER: It sits there as a result. It did not pool in that backyard until that home was constructed behind my property.

MR. GALLI: Pat, did you get pictures of these?

MR. HINES: I'm also looking at the existing topography on the plan here. There appears to be no reason for there to be that ponding based on the topography on this map.

MR. GALLI: Okay. Well the picture --

MR. HINES: I saw the picture.

MR. GALLI: I just wanted to make sure.

MR. HINES: I was looking at the very same thing as Mrs. Faber was speaking.

MS. FABER: Ms. Faber.

CHAIRMAN EWASUTYN: Tom, do you want to begin? We're talking about the drainage, we're talking about the completion of the alignment of Merritt Lane. Do you want to begin to discuss that?

MR. DePUY: Mr. Staples will probably have to help me out on a few issues. What happened is we -- when we did the subdivision originally, Merritt Lane was coming up through

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here. This road, the realignment is --  
Harcourt/Cosman were part of the new subdivision,  
then we brought this road through here to hook  
into Merritt Lane.

Now, the original, these lots up here,  
that road reconstruction is part of a Town  
project I believe. I think that's where your  
concern is there. I don't know.

Can I let Ham just --

CHAIRMAN EWASUTYN: By all means.

Just for the record, introduce  
yourself.

MR. STAPLES: Hamilton Staples. Just  
to bring everybody current to the standing of  
Merritt Lane, I have -- myself, Robert Hankin,  
Larry Cosman from Mt. Airy Fruit Farm are in  
joint contract to a development agreement with  
the Town. I have a cost sharing for the  
improvement of Merritt Lane, which I posted a  
cash bond that is currently posted with the Town  
for my portion of those improvements. The  
problem is Central Hudson refuses to move the  
poles on Merritt Lane so the highway  
superintendent can complete the Town's portion of

1 the work. So that's where we're stuck. I posted  
2 the money in cash, it's sitting in the Town  
3 coffers. My obligation is secured. The problem  
4 is getting Central Hudson to move the poles so  
5 the Town can do their portion of the work.  
6 That's where we're stuck. We've been stuck there  
7 for several years, and both Jim Osborne, the town  
8 engineer, and Darrell have been on Central  
9 Hudson's back to get that accomplished, and they  
10 refuse to cooperate. It's not only the poles.  
11 They buried a gas line on Merritt Lane and they  
12 buried it too shallow, so that gas line also has  
13 to be removed and regraded. So that's the reason  
14 those improvements cannot be done on Merritt  
15 Lane. We've completed everything that we  
16 can possibly complete at this time.

17 And then Mrs. Faber -- Ms. Farber --

18 MS. FABER: Faber.

19 MR. STAPLES: Faber, excuse me. She  
20 erroneously reported to the Board that I built a  
21 house behind hers. I didn't build that house. I  
22 had absolutely nothing to do with building the  
23 house. I sold the lot to Jaymark Realty and  
24 Jaymark Realty -- I had nothing to do with  
25

1 building that house. My company did a portion of  
2 an excavating contract that they were obligated  
3 to, which they didn't pay us for until we had to  
4 almost commence litigation. I had nothing to do  
5 with the building of the house.  
6

7 CHAIRMAN EWASUTYN: I think the best  
8 way is, rather than go into dialogue, tit for  
9 tat, tit for tat and then we're not going to  
10 discuss the other points that you raised, we'll  
11 find a way of responding to some of these. Let's  
12 keep an open dialogue, if you don't mind, because  
13 now we're talking about some drainage matters  
14 that may affect this property.

15 MR. STAPLES: I was trying to get to  
16 the drainage if I can. I believe, and I'm  
17 sure --

18 MS. FABER: Could you stand?

19 MR. STAPLES: Stand. Sure. I believe  
20 the drainage issues -- Tom could probably  
21 reiterate. Any water that goes there is because  
22 the drainage has not been completed on Merritt  
23 Lane. That's really it. The builder who built  
24 that house wanted a berm installed in back of  
25 that residence. That was done. I think that may

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be trapping some of the water.

I mean I own -- I own this lot which adjoins this house behind lot 20. I also own this house. I mean if we can, we can try to make some grading swale back there to try to get that water out. When Merritt Lane is fixed, that water will not go there.

That's really the rock in the hard place. The water cannot get off Merritt Lane properly to get down into the storm system.

MR. DePUY: We have a whole storm system. I believe the installation ended here with the new, and we have a new storm system that's supposed to go in all the way up Merritt Lane and will intercept that water.

I believe in the interim, Ham, we can do some regrading to get rid of that birdbath that does occur there. That got left after all the topsoil and grading.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant for the Town?

MR. HINES: I'm looking at the photographs, and clearly there is a constructed berm creating, I would refer to it more as a bass

1 pond than a birdbath I guess. It looks like  
2 removal of the berm and the topography of the  
3 original subdivision would allow it to drain  
4 towards Harcourt. There is clearly a berm that's  
5 been constructed to the rear of the house on what  
6 was lot 14 of the subdivision.  
7

8 CHAIRMAN EWASUTYN: Your further  
9 question in response to some of the points that  
10 he raised?

11 MS. FABER: Well Mr. Chairman, the  
12 error on Mr. Ham Staples doing the construction  
13 was on my part because, if I'm not mistaken, I do  
14 believe I saw him in one of the construction  
15 vehicles behind my house. That might have been  
16 someone else.

17 I might have mistaken that for someone  
18 else besides you, Mr. Staples.

19 MR. STAPLES: Just to clarify, we did  
20 some excavating work there but I did not  
21 construct that house, so you understand. I  
22 believe that that water problem is only really  
23 seasonal. When the ground is still frozen,  
24 correct me if I'm wrong Tom, but I think that's  
25 the only time we have that, or we have some real

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heavy drainage.

The solution to it all is Merritt Lane. I really believe that. I think Tom could address that. I mean Pat even said it, too. If that drainage system is fixed on Merritt Lane, I mean it all disappears. It's just unfortunate. I mean Darrell can't move Central Hudson and neither can Jim. So, you know, our agreement with the Town cannot be completed until the Town gets Central Hudson to move those poles. Both me and the Town are trying. The Town is doing the best they can.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Do you know if the Town has contacted the Public Service Commission?

MR. STAPLES: I won a case against the Public Service Commission recently, I mean against Central Hudson, for a substantial sum of money. I instructed some of the residents on Merritt Lane to go to the Public Service Commission. I also explained that to Jim Osborne. I said maybe that's the route he wants to take with Darrell, to go to the Commission. So I really think that's the -- that's really the



1 next step. I mean if Ms. Faber wants to focus  
2 her efforts, maybe everybody on Merritt Lane  
3 should get together and go to the Public Service  
4 Commission. I mean that's probably the next best  
5 step.  
6

7 MS. FABER: Mr. Chairman, with all due  
8 respect, the comments that Mr. Staples is making  
9 does not go well for any confidence for any  
10 future projects to move forward, and that would  
11 include the project that is proposed here  
12 tonight, which is the focal point of our  
13 discussions for tonight.

14 There have been several inconsistencies  
15 with his previous projects, as he has clearly  
16 stated. There are varied problems that have  
17 evolved as a result of his construction projects.  
18 For the Town to allow him to move forward with  
19 this next development I think would be a grave  
20 mistake.

21 CHAIRMAN EWASUTYN: Mike Donnelly, in  
22 reference to the mitigation measures that are  
23 being offered tonight by Tom DePuy who represents  
24 Ham Staples, and the review of Pat Hines, our  
25 Drainage Consultant who works for the Town and

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the people, can you respond to the concern of the residents before us this evening?

MR. DONNELLY: I think Pat is saying the correct way to do it would be to remove all or part of the berm that's backing the water up. However, I don't know that Mr. Staples can do that because he no longer owns that property. The Town might be able to compel it by enforcement action. I think I'm hearing Tom say that short of that, you could make some grading changes in the field on property that is under the control of Mr. Staples that would alleviate the problem. The ultimate long-term solution is the drainage improvements in Merritt Lane extension. If that's an offer to make those grading changes to accomplish that result, then I think it would be wise for the Planning Board to take advantage of that offer.

MR. GALLI: Why can't he -- I thought he owned that, where that pond is where he built it all up.

MR. DONNELLY: I thought the berm was on the other property.

MR. STAPLES: It was never on my

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property. The builder who built that property --

MR. GALLI: So the person --

MR. STAPLES: Jaymark Realty.

MR. GALLI: Is that house sold now?

MR. STAPLES: Jaymark sold it to a private individual.

MR. GALLI: The private individual would have to give you permission to take that berm out.

MR. STAPLES: Yes. It's not on Ms. Faber's property either. I do have some quasi rights under my deed restrictions. There's limits that I can go back and try to enforce things. I mean I can, you know, write some nasty letters and try to do things. The problem is to try and get the guy that bought that property now, I mean to pay to take that berm down --

MR. GALLI: The second issue I have, I just talked to John, is if Central Hudson isn't going to let you go any further, this project was approved, and to say the economy was good and this project was being built out as we speak, Merritt Lane would still be not finished completely and still be the way it is, so we

1  
2 would have a problem. I don't know who is going  
3 to solve that problem but I don't think the Town  
4 should be responsible for paying and solving that  
5 problem. I don't know who is responsible. I  
6 realize -- I think the developer has to be the  
7 one who contacts Central Hudson, not the people.  
8 You won a lawsuit against them for some reason.

9 MR. STAPLES: That was for power. It  
10 wasn't a lawsuit. We just made a complaint to  
11 the Public Service Commission because of certain  
12 power requirements.

13 MR. GALLI: If they're holding your  
14 cash for this road improvement and it doesn't get  
15 done, I'd be kind of concerned. I'd be  
16 contacting the Public Service Commission myself.

17 MR. STAPLES: I can't, though, because  
18 I don't own the road. It was always a Town road  
19 to begin with. That's the real issue. I chose  
20 to make a financial contribution to the Town to  
21 fix that road. It was never my obligation to fix  
22 it in the first place. It's been a Town road  
23 ever since the beginning of time, before Cosman.  
24 I mean Cosman actually built that road for the  
25 Town. I mean --

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MR. GALLI: Is the person in the audience that owns that house?

MS. FABER: I do, sir. That is my home. I own the property directly behind that house with the birdbath, as it is now being called.

MR. GALLI: It's on your property, the birdbath?

MR. DONNELLY: But not the berm that causes it.

MR. STAPLES: I mean that was done by the guy that built the house. I mean that's the bottom line. I mean --

MS. FABER: Mr. Staples, you were in the construction vehicles that put the berm on the property. I don't know where that ownership or that line of distinction lies. Again, we're not here to really talk about the berm, we're here to talk about this multi-dwelling project, and I wish we would focus on that.

CHAIRMAN EWASUTYN: I appreciate your participation in managing the meeting --

MS. FABER: Thank you.

CHAIRMAN EWASUTYN: -- but we're trying

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to answer some of your initial questions. One of them was drainage.

MS. FABER: Yes, sir.

CHAIRMAN EWASUTYN: We want to focus on that, come up with a mitigation measure for that drainage --

MS. FABER: Thank you, sir.

CHAIRMAN EWASUTYN: -- that is satisfactory to the professional PEs who are licensed in that field. The purpose of having consultants like we have before us is because they're licensed in that field to advise the Planning Board as to what mitigation measures can be put in place, and it's their license that's on the line. Just the way we look at your credentials on your letter. I believe you have an MBA.

MS. FABER: Yes, I do sir.

CHAIRMAN EWASUTYN: You're a professional in your field of endeavors. That's just how it works here.

Mike Donnelly, in reference to the legal issue, the ownership of Merritt Lane and the outstanding agreement with Central Hudson to

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improve that, whose obligation is that?

MR. DONNELLY: Very often it's the developer's obligation. If they're -- say you're building, I don't know, a commercial site and the power lines go down the middle and you want it moved, you pay them to move it. I think this might be a little bit different here. These are power lines that are probably within the Town's right-of-way. The Town is looking to expand, or realign, or change the road. I don't know the details. I take it that either by rule or by the instrument under which Central Hudson has the authority to put those poles in in the first place, the Town's contention is it's Central Hudson's obligation to remove them. I haven't seen the instrument to know.

CHAIRMAN EWASUTYN: Ken Mennerich who has experience with Central Hudson, do you want to speak on that?

MR. MENNERICH: I'm not sure about the specifics on this one but I would guess there's been a disagreement on who is to pay for the relocation. The only way I can see that you can get that settled is to go to the Public Service

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Commission.

MR. STAPLES: Yes.

MS. FABER: Mr. Chairman, would the onus fall on the developer to do that or would it be the residents?

MR. DONNELLY: As I understand it, this is a Town road that needed some upgrade and the developer agreed to contribute to the Town, contribute toward the cost of making that upgrade. It was a Town road before, it's a Town road now. Mr. Staples tells us he put the money into the Town's hands and that's the extent of his contribution. As I'm hearing it this evening, it's a Town obligation. So the Town needs to either convince Central Hudson to move the poles or, if necessary, bear the cost of moving them themselves.

CHAIRMAN EWASUTYN: Okay. Ham?

MR. STAPLES: If I may say, I obviously own property there. I mean I have an interest for the poles to be moved. I have no problem cooperating with the neighbors on the street. I told all the neighbors on that street, through Kevin Quinn, that I had no problem laying a



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template down to go to the Public Service Commission. I mean I have an interest in this property. I have several other properties there. I own a lot of land there, so I have a vested interest to try to make that happen. So, you know, outside of the approval for this, I have no problem stating that I'll do what I can do to go to the Public Service Commission. That's really where it stands. That was my agreement with the Town.

CHAIRMAN EWASUTYN: The lady who was trying to speak, would you give your name and address, please?

MS. VAIKNESS: My name is Stacee Vaikness, S-T-A-C-E-E V-A-I-K-N-E-S-S, 47 Merritt Lane.

There may be problems with who is going to pay for what to move these poles and fix the road, but we've been living there for five to six years and it's not been done. This is going to make it worse. Ms. Faber's problem is not the only problem. My neighbor, Ms. Kann, gets a big pool in her front yard. The kids go fishing in it. I'm not joking. My backyard gets a big

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2 puddle in it. The front of my house, when the  
3 water comes down, if it's a nice day and the  
4 water comes down and freezes at night, I have an  
5 ice skating rink in front of my house where my  
6 kids have to walk across to get on the bus.

7           If we're going to wait another five  
8 years while he does this and makes it worse, I  
9 don't care that he has that money there. I don't  
10 want the road to get worse. I don't want more  
11 flooding in my neighborhood. I don't want my  
12 backyard flooding up. That's not going to be  
13 fixed immediately. I'm sorry, but I don't think  
14 that this should proceed because it's not going  
15 to get better, it's only going to get worse with  
16 more pipes, with more development, with more cars  
17 on the road. It needs to be fixed.

18           Not to mention the fact that I don't  
19 think anyone on our street can get what we paid  
20 for those houses. You're going to put multi-  
21 family houses in there. People get relocated,  
22 lose jobs, have to move. We're never going to be  
23 able to get what we paid for those houses now.  
24 You're going to bring the property values down.  
25 We have a ton of deed restrictions of what we can

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and cannot do on our property. God forbid our tree isn't five feet high and we just want a roof on the shed, and we're going to go putting in additional multi-family dwellings that are just going to continue to lower our property values. I don't think they should be doing that to us.

CHAIRMAN EWASUTYN: Tom, what's affecting all the drainage overall on these additional lots that Stacey just got done speaking about?

MR. DePUY: Basically we have to complete the drainage up on Merritt Lane. There's some regrading that has to occur. Probably there's an area that lays low. I know where you're talking about. It comes across Merritt Lane.

MR. STAPLES: That's not her house. She lives --

MS. VAIKNESS: That's my house.

MR. DePUY: The majority of the water comes down and comes across, and that would all be caught when all the storm sewer is finished up on that portion of Merritt Lane.

MR. DONNELLY: Is there temporary

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grading that can be done now to shift it to where it's supposed to go?

MR. DePUY: Well, without -- there's a dip in the road there. That's where the problem is. You can't get the water down.

MR. HINES: Catch basins aren't installed yet.

MR. DePUY: So we can't get the water to them.

MR. STAPLES: The problem is the catch basins. The gas line has to be moved, which I told them. We told them not to put it in in the first place, and they wouldn't listen. And the poles have to be moved. We can't put the drainage in because the poles are in the way.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Personally, John, I think we ought to put this on hold until the drainage situation gets solved. I don't want to see any more developing going on, it's only going to make it worse. I think it ought to be solved first. Pat ought to check it and then we can move forward.

CHAIRMAN EWASUTYN: What would he be

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checking?

MR. GALLI: To make sure the drainage problem is fixed. I mean they have a drainage problem now and it's approved. We're going to approve something else that's going to cause more of a drainage problem. I don't think that's right. I think it ought to be solved first.

CHAIRMAN EWASUTYN: How do you solve it?

MR. GALLI: I don't know. I'm not an engineer.

CHAIRMAN EWASUTYN: I think if we're going to make a recommendation to act on something, then we should make a recommendation to have a course of action.

My understanding is, in listening to them, that whether it be an individual or a group of homeowners, it would sound to me like you're better working in numbers.

Ken Mennerich, who has more experience than I do with the Public Service Commission, I think everyone should get together the way they are here this evening and come up with a presentation to the Public Service Commission to

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look for corrective measures.

If you're going to move on putting something on hold, I think for the betterment of all of us, I don't think anyone wants to live with water in their backyard for the next five years, no different than Ham Staples wants to wait another five years to do whatever he's proposing to do there.

I'm asking everyone now, what would be a course of action?

MR. MENNERICH: One thing that could be done is whenever we have site plans that have easements that involve Central Hudson, Central Hudson requests that we send them copies of the plans so that they can review it. I think we should send a letter to Central Hudson and ask them what the situation is with this, point out that there's a problem with the drainage and see what their response is. I mean we're hearing one side of the story and there must be another side. It just -- something doesn't add up.

CHAIRMAN EWASUTYN: Is it possible as a group -- to meet as a group, put together your concerns as it relates to drainage, take those

1  
2 concerns, work it into the engineering matters  
3 that are before us, and also the outstanding  
4 closed pipe systems that are supposed to be in  
5 place to mitigate this, and eventually put this  
6 letter together to Central Hudson? I mean  
7 something --

8 Mike Donnelly, what are your thoughts  
9 on putting this all together?

10 MR. DONNELLY: Well, one of the issues  
11 we have is this is an approved subdivision and  
12 there's nothing to prevent the owners of those  
13 lots from continuing to build houses unless the  
14 Town takes some kind of action to compel  
15 completion of the drainage system. The problem  
16 is, as I'm hearing it, part of that is on Town-  
17 owned land. I think your idea that maybe the  
18 town engineer, the highway superintendent, I'll  
19 volunteer Pat Hines, that somebody can see if  
20 there's a temporary or permanent solution to this  
21 problem.

22 We're not doing a lot more with this  
23 project because the buildings exist already,  
24 although there is a driveway. Plenty more  
25 building could be done without any action from

1  
2 the Planning Board. This is a problem that goes  
3 beyond the house side of this project, but it's  
4 real. We're hearing a number of neighbors say  
5 that the drainage isn't functioning. We're  
6 hearing from the applicant and his engineers that  
7 it can't function because there's nothing to  
8 capture the drainage to get it where it's  
9 supposed to go. That's an unsatisfactory  
10 situation that needs to be resolved. The  
11 Planning Board is not an enforcement agency. We  
12 don't have any power in that regard. I think  
13 between the highway superintendent and the town  
14 engineer, that something has to be done to solve  
15 this problem. I don't know that necessarily ties  
16 directly to this, but something should be done  
17 about it.

18 CHAIRMAN EWASUTYN: Would it be  
19 appropriate then for Tom DePuy and Pat Hines to  
20 meet with Darrell Benedict, the highway  
21 superintendent, and Jim Osborne, the town  
22 engineer, to put together a letter that would be  
23 forwarded on to Central Hudson?

24 MR. DONNELLY: I don't know that Jim  
25 Osborne or Darrell, or the Town Board for that



1  
2 matter, are aware of all these complaints of  
3 drainage problems that are occurring as a result  
4 of the incomplete drainage system. I think if  
5 it's what we're hearing tonight, then something  
6 has to be done sooner rather than later. So that  
7 idea I think is a good one.

8 CHAIRMAN EWASUTYN: Realizing that you  
9 all share the same or similar concern or problem  
10 with drainage, if you can memorialize something  
11 in a letter that compounds all this into one  
12 story rather than saying I have this problem, I  
13 have that problem, and that way it's simpler.  
14 There's a problem, you can identify the lots  
15 where you live, and that letter could be made  
16 part of -- whether it be presented by Tom DePuy,  
17 Pat Hines, our drainage consultant, along with  
18 Darrell Benedict who is the town highway  
19 superintendent, and eventually forward it on to  
20 Central Hudson as to why there is a need to  
21 relocate the gas line, relocate the poles so this  
22 subdivision would effectively work without  
23 inconveniencing everyone. Does that sound -- I  
24 mean we have to find a beginning for this.

25 As far as some of the other comments

1                   you raised, as far as the value of your home  
2                   today, in general, based upon what you paid for  
3                   the house, I would think there's not a person in  
4                   the United States today who has purchased a house  
5                   in the last couple of years who doesn't feel  
6                   threatened by values. That's something the  
7                   Planning Board has no control over. We really  
8                   don't. I'm not talking about the impact of  
9                   someone coming in and putting in a two-family  
10                  house as compared to a single-family house. We  
11                  were discussing it in general at our meeting this  
12                  evening as far as the value of what anyone bought  
13                  real estate wise in the last couple years as to  
14                  what the value of it is today and how far down it  
15                  may continue to go. That is a life-threatening  
16                  issue in the United States right now.

17                                   Do you want to say something?

18                                   MR. MILLER: Yes, sir. Justin Miller,  
19                                   I live on Dara -- J-U-S-T-I-N M-I-L-L-E-R. I  
20                                   live adjacent on Dara Drive. My house is  
21                                   approximately 400 meters from this location here.

22                                   My opinion as a resident here, and I'll  
23                                   be moving fairly shortly because I'm in the  
24                                   military, however I moved into a single-dwelling  
25

1 subdivision. It should stay a single-family  
2 subdivision. Putting in a multi-family goes  
3 against that concept, which I don't understand  
4 why the decision was made to do this in the first  
5 place because once the precedent is set, any  
6 other lot in this location can be turned into a  
7 multi-family dwelling. Is that not correct?  
8

9 CHAIRMAN EWASUTYN: I'll have Mike  
10 Donnelly speak to you as far as what's permitted  
11 in the AR Zone.

12 MR. DONNELLY: Two-family homes are  
13 permitted in this zone. The answer is this  
14 doesn't have to be a precedent, the ordinance  
15 already allows it.

16 MR. HINES: Larger lot sizes.

17 MR. MILLER: On the larger lot sizes,  
18 which leaves us with how many lots left in this  
19 that can be turned into a multi-family dwelling?  
20 Can you answer that?

21 MR. DONNELLY: Two-family is what I'm  
22 talking about.

23 MR. MILLER: So on top of that you have  
24 two-family, but you also said you have farming  
25 and farm equipment. The last time I checked,

1  
2 those usually aren't good pieces of equipment to  
3 be operated in any family neighborhood. So is  
4 that authorized too, that you can have farm with  
5 a garage, with another garage on top of a multi-  
6 family in one lot?

7 MR. DONNELLY: This is an agricultural  
8 zone. Agricultural activities are permitted on  
9 any lot where agricultural activities are carried  
10 out. Farm equipment and machinery may be stored.  
11 And yes, both a residential use and a farm use  
12 can be conducted on the same lot. Indeed it's  
13 common. Most farms have a house where the farmer  
14 lives.

15 MR. MILLER: That's true. But they're  
16 probably not in a seventy-one family or  
17 seventy-one lot subdivision.

18 MR. DONNELLY: New York takes the  
19 approach that when you have an agricultural zone  
20 and residential uses now come into the zone, the  
21 residential uses must yield to the existing  
22 agricultural uses. As a matter of fact, in  
23 essence, the way the law approaches it is to  
24 prefer the protection and preservation of the  
25 agricultural use, and, if necessary, the houses

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need to be setback from the field where there might be insecticides put down and so on and so forth.

There is an issue as to whether that agricultural equipment can be stored on the lot once the agricultural use ceases. The answer is it may not be stored there even if agricultural activities are being carried on on other lots. So it's dependent upon an existing agricultural use on this particular lot.

MR. MILLER: So obviously, pending a negative impact, it is legal to do that. I understand that. I just looked holistically as the big future of Newburgh. Is this in the benefit of the people that would end up in this neighborhood long term? Whether or not the laws authorize that, that's a good question. That's why we have people elected to make changes to existing laws that don't make sense or do not support what the people want in the neighborhood and what's better for the future of a community. So if you look shortsighted, and it obviously has a financial benefit to certain individuals, and I commend that as an American, but I think you need

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to look at it holistically.

I wasn't informed of this because I do not live on Merritt Lane. I think it encompasses a problem that affects everyone in the neighborhood. We were not given the opportunity, and it was only through Joyce here contacting me through my neighbors that I found out about this. So they're not all present here, but I would like to say they have similar feelings about this whole process.

I have a young child, I've been around farm equipment. However, this just looks like a very unique system that I do not want to happen in the rest of the subdivision. I wanted to make that known.

If there's any other formal process, if you could inform me of that just so I can make my statement in a more formal or written manner so that the Board has that as just another record, I would like to know about that.

CHAIRMAN EWASUTYN: I think your public comment is taken. There's a note of that. As Mike Donnelly presented, the zoning does permit and allow for this. When the zoning is adopted,

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2 they take a comprehensive plan in mind, and what  
3 they found was in the AR district it seems  
4 suitable to have two-family uses providing that  
5 there is approximately one-and-a-half acres to  
6 allow for that.

7           What the Town does also, in all  
8 fairness, in looking at a comprehensive plan is  
9 to allow for those people who can't afford to buy  
10 a home, who are just starting out, to have a  
11 place to rent. In most cases they may also want  
12 to have the opportunity of living in the  
13 countryside.

14           There's a strong need right now in the  
15 United States, or in Orange County for that  
16 matter, as much as the public may not want to  
17 hear this, for rental type units. I know it  
18 infuriates everyone to hear it but it is  
19 possible.

20           Also, based upon the value of homes  
21 today, the warm button in wanting homeownership  
22 isn't that warm anymore because people are afraid  
23 to buy something, not knowing whether the value  
24 of what they're buying at X amount of dollars  
25 today will still hold the same value a year from

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2 now. Most indications are that people might  
3 prefer to rent these days and wait for the market  
4 to stabilize itself. There's a lot of unknowns  
5 out in the world today as it relates to all  
6 living issues, whether it be rentals, whether it  
7 be job security. I think we're all living with  
8 gradual hopes.

9 MS. FABER: Mr. Chairman, thank you for  
10 your comments, and you're exactly right. There  
11 was an article in The Wall Street Journal just  
12 yesterday that supports the support of apartments  
13 and people renting.

14 However, we are still in a very small  
15 community. We're dealing with our concerns here.  
16 I'm glad you've given us this time to hear our  
17 concerns.

18 I'd like to know what would be the next  
19 step for this particular process?

20 CHAIRMAN EWASUTYN: I think the next  
21 step for this particular process, as we were  
22 summarizing, was between your group coming  
23 together with a concern letter. Between Tom  
24 DePuy, Pat Hines, Darrell Benedict and Jim  
25 Osborne, you will then solicit to Central Hudson



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2 to see what could be done as far as the gas line,  
3 the moving of the poles for the approved drainage  
4 utilities that were supposed to go in on this  
5 site can then be put in. It's our understanding,  
6 based upon the original review of this, that  
7 would mitigate the drainage problems.

8 As far as whether there should be  
9 additional buffering on the site in relationship  
10 to your home, that will be something that will be  
11 looked at in the future.

12 MS. FABER: So does that mean this  
13 project will continue?

14 CHAIRMAN EWASUTYN: I don't know what  
15 it means at this particular point.

16 Frank Galli, a Board Member, raised a  
17 particular concern, a course of action. I don't  
18 have an answer for you.

19 Frank?

20 MR. GALLI: Personally, like I said  
21 John, I couldn't vote on it tonight, to approve  
22 it, without something being done with the  
23 drainage.

24 MS. FABER: Thank you.

25 MR. GALLI: I don't feel we should be

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adding to it if we know there's a problem.

CHAIRMAN EWASUTYN: We're not talking about whether we're approving the project, whether we want a two-family or don't want a two-family. I think in fairness, it's permitted in the zone. We can go back and forth whether we like it or we don't like it. The Planning Board's function is we don't plan communities.

I'll have Ken Mennerich speak as to the purpose of what a Planning Board does in reference to adhering to the regulations. Ken.

MR. MENNERICH: Well, our function is to administer the process of what's included in the zoning, what the zoning indicates. We have consultants that help us to interpret what's in the zoning and point out where there's problems and things that can be corrected. That's what our process is. We can not just turn down something because we don't like the idea or -- you know, we have to go by what the zoning says.

CHAIRMAN EWASUTYN: Mike, would you put together a closure on this as far as how we're going to work as a group to address this issue with Central Hudson?

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MR. DONNELLY: I see them as two separate issues, but I understand, at least for this evening, until we get some report back, you're not going to take action on this particular application.

CHAIRMAN EWASUTYN: Right.

MR. DONNELLY: The larger issue, I think, is one that is a little bit unmanageable here but I think the idea would be for the town engineer, for the planning board engineer, for the highway superintendent and the applicant's engineer, at least as a start, to try to take stock of the fact that this is not just a we'll get to the Town road at some future date, that the lack of a drainage system is causing drainage problems to the residents in this neighborhood and something needs to be done about it.

It seems that it might be helpful if the residents that have these drainage problems in the meantime could put together, with photographs and maybe a binder that shows and identifies lots and what the problems are so that the seriousness of the situation can be brought first to the attention of the Town officials, and

1                   then from there to Central Hudson and maybe the  
2                   Public Service Commission to see if that solution  
3                   can come forward. It needs to be done because  
4                   it's a problem, not really because another  
5                   project is going to be built, because, as I said,  
6                   a lot more homes -- I don't know how many but  
7                   more homes can be built in this area and there's  
8                   nothing that the Planning Board can do to prevent  
9                   that because they're already approved.  
10                  So my suggestion is that we start with that core

11                 group meeting and seeing if there's a solution.  
12                 In the meantime I would encourage the residents  
13                 to put together some kind of showing as to what  
14                 the drainage problems are, and certainly they can  
15                 be delivered to the Planning Board or the  
16                 Planning Board's engineer, or someone, so we can  
17                 get this process moving.  
18

19                                 CHAIRMAN EWASUTYN: I would make a  
20                                 recommendation with Ham Staples' participation,  
21                                 because he has an interest in this, that this  
22                                 will be compiled, Pat Hines will work on behalf  
23                                 of Jim Osborne and Darrell Benedict to get their  
24                                 input, but the point person will be Tom DePuy at  
25                                 this point to consolidate all this information.

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Ham, do you have anything to add to this at this point? I'm sure you do.

MR. STAPLES: I don't think you want to hear what I have to say.

CHAIRMAN EWASUTYN: I think you deserve the time.

MR. STAPLES: The problem is that I'm being held up now because of absolutely no reason.

CHAIRMAN EWASUTYN: Right.

MR. STAPLES: I'm held up here when everybody else got to build their house. The problem is the Board is holding up the applicant and it has nothing to do with Merritt Lane. I mean this is really the issue.

CHAIRMAN EWASUTYN: Can we set a reasonable timeframe on this?

MR. STAPLES: We'll be old by the time -- I mean I had a case between -- with the Public Service Commission for four years, okay. This is going to go no place. I have an agreement with the Town that the Town is in default of, okay. I told the people on Merritt Lane not to come here, to go to the Town Board, okay. I told Kevin

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Quinn -- actually, Mike is here, Mike knows the situation, too. I said you've got to go to the Town Board. I've met my obligation, okay. I've met my obligation. Now I'm getting held up. I mean that's the bottom line.

CHAIRMAN EWASUTYN: What would be reasonable and fair on your behalf as far as a time delay? We have to look at that also. We do.

MR. STAPLES: I'll just --

CHAIRMAN EWASUTYN: As the owner of a piece of property.

Mike Donnelly -- I know you can roll your eyes. As an owner of the piece of property he's entitled to rights. We have to balance that. It's not --

Mike, I'll let you speak on that behalf.

MR. STAPLES: If I can. If I can finish. This property is not even contributory to the drainage problem. I mean if the coin was phrased here, they're contributing to the drainage problem. I didn't even build their houses. The people that are here complaining,

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Ham Staples didn't even build their houses.

CHAIRMAN EWASUTYN: Well, I think maybe --

MR. STAPLES: I mean this is -- that's the issue. I mean I'm really the one that's getting held up.

CHAIRMAN EWASUTYN: What if we were to do something where you would work as a group as we're saying, you come up with a proposal, present it to the Town Board, also present it to Central Hudson, the project then will come back as far as what's before us tonight, whether we have to put in buffering, whether we don't have to put in buffering, and just fine tune the amended site plan?

MR. DePUY: Can I just say this property is not tributary to the drainage problem that's here. The issue that I think we need to resolve tonight is if we want to give her buffering, let us give her buffering.

The other is if we want cupolas off the building, we'll take them off. We're getting way upstream from this site. I understand your concern and, you know, I'll go to Pat and Ham and

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everybody and we'll try to do something temporary to drain out the back. This is being held up now for nothing that --

MR. STAPLES: Absolutely no reason. I mean --

MR. DePUY: He would rather meet her concerns about buffering, and if you want to change the architecture on the building a little bit.

CHAIRMAN EWASUTYN: Frank, what do you feel about that?

MR. GALLI: I'm sorry, I can't as long as there's a drainage problem.

CHAIRMAN EWASUTYN: How long do you want to hold them hostage?

MR. GALLI: You can vote.

CHAIRMAN EWASUTYN: We understand the position as far as voting. You discussed that earlier this evening. What we're trying to do is come up with a reasonable timeframe to compile the information we need. So one aspect of the problem with the site is to move forward, at the same time we can entertain the application before us.



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MR. GALLI: You can close the public hearing. You can do that. We can close the public hearing and it's going to take them what, thirty days?

MR. STAPLES: The bottom line is I met my obligation with the Town. Ham Staples posted cash for his obligation with the Town. I mean this is the problem. I mean I've met my obligation. I have an agreement with the Town that the Town is in default of.

MR. DONNELLY: It's a practical problem tonight. There's a seven-member board. You need four members to vote. We're missing three members. I don't think you want to ask for a vote on this tonight.

MR. STAPLES: I understand that. I would like to be reasonable, too. When do we have the quorum to vote? In thirty days?

MR. DONNELLY: Almost always.

MR. STAPLES: I understand. I understand. I mean this is not going to be resolved any time soon.

MR. DONNELLY: I think we can take stock and better understand the problem --

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MR. STAPLES: I understand.

MR. DONNELLY: -- to what extent this contributes to it. We heard Tom say that it doesn't. We can double check that. We can take stock in the problem. We can try to guide the solution, which is really for the Town Board and Central Hudson. In the meantime we can hear from the public and see what conditions we might want to add. We're not going to be able to take action tonight.

MR. STAPLES: I'm not asking you to take action tonight.

MR. DONNELLY: Oh, yes you are.

MR. STAPLES: I obviously realize there is going to be no action. I'm measuring how long I'm going to get held up.

CHAIRMAN EWASUTYN: Frank Galli is saying he's willing to close the public hearing. Is that correct?

MR. GALLI: I don't have a problem closing it. We heard everything we're going to hear.

CHAIRMAN EWASUTYN: Tom DePuy is saying that he's willing to revise the plans to show

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2 buffering, removing of the cupolas on the roof,  
3 and at another particular point in time bring  
4 this project back to the Planning Board. So now  
5 we're talking about the immediate site plan  
6 before us. As far as the outstanding issue, that  
7 involves the Town, Central Hudson and all others,  
8 that's a separate matter on the table.

9 MS. FABER: Mr. Chairman and the Board,  
10 thank you very much for taking this matter into  
11 consideration. We, as a community, were not  
12 informed about the public hearing. I do realize,  
13 and I have been led to believe, that a notice was  
14 placed in a local newspaper, however it doesn't  
15 reach our community. Is there another method  
16 that you can communicate to us when we will get  
17 notices and updates as to when the Board will  
18 meet?

19 CHAIRMAN EWASUTYN: Our agenda is  
20 online.

21 MS. FABER: So we should just go online  
22 to receive it. Thank you very much.

23 MR. WARD: Just so you know, you can  
24 have a community like a homeowners. I'm involved  
25 with one and that's how we communicate, e-mail,

1 neighbors talking to each other and you know what  
2 date it is. You put out a sign on the street.  
3 You know when the meeting is going to be. You're  
4 all together. He's working with you. It all can  
5 work if you all -- a negative can come out  
6 positive. That's how you have to look at it.  
7 You help him later in the long run building  
8 houses.

10 CHAIRMAN EWASUTYN: The last question,  
11 the gentleman in the back.

12 MR. KINNEY: My name is Richard Kinney,  
13 K-I-N-N-E-Y, I live on 1 Jessica Court. My wife  
14 and I sit in our front living room and look  
15 across the street at Ham's barn, and I think --  
16 Jodi, no offense -- the cupolas are just -- they  
17 go with the whole area. I've seen the design.  
18 It's a really good design. If you're going to  
19 have an apartment house there, why not  
20 aesthetically have it look like it belongs in the  
21 country. Just my opinion, but --

22 CHAIRMAN EWASUTYN: Those are always  
23 the issues that go back and forth. Everyone sees  
24 things in a different manner.

25 MS. FABER: I understand.

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CHAIRMAN EWASUTYN: Tom, what are you offering tonight so we can move forward in closing the public hearing?

MR. DePUY: Basically I'll revisit the buffering down this line here because that seems to be the question of your concern.

MS. FABER: Yes.

MR. DePUY: Architecturally, I like the cupolas myself. I mean --

MS. FABER: It's blocking our view.

CHAIRMAN EWASUTYN: We don't have to do an amended ARB because we've already approved the architecture of this building. Bear that in mind.

MS. FABER: I'm aware of that, Mr. Chairman.

MR. DePUY: Percentage wise very little of that will be blocked.

MS. FABER: What is the total height at the tip of the cupola and it's antenna? What will the height be?

MR. DePUY: That's not an antenna. That's a weather vein that would be present. On this side is the side you're facing. This would

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be the worst-case scenario right here. So you're about twenty-six feet I would say.

CHAIRMAN EWASUTYN: Michael, when is the first meeting in June? The meeting date. Not June. May.

MR. DONNELLY: Hang on one second. The first Thursday is the 5th.

MR. CHAIRMAN: The last comment before we move to close the public hearing.

MR. PALMERONE: Joe Palmerone, 70 Taylor's Way. I didn't know, I came here a little bit late. Did Ham or Tom address the basement usage? There seems to be some type of a mixed usage there. I didn't hear anything about that. Do you want to address a mixed use on the property as far as the basement? What is the basement being used for?

MR. STAPLES: All I can say is if this gets approved it will comply with the Town's zoning. Whatever that is. Mr. Donnelly wrote a letter to say there was no more than four vehicles that would be able to be parked there. The building is going to comply with zoning.

CHAIRMAN EWASUTYN: Jerry Canfield, do

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you want to add to that as far as what would be permitted for parking?

MR. CANFIELD: Well the parking, as Mr. Staples said --

CHAIRMAN EWASUTYN: The storage.

MR. CANFIELD: The storage is only permitted to be incidental to its primary use. What's presented is a two-family residence, so the only parking on the site, including the basements, can be incidental, so to speak, for the residential use. Previously it was presented to this Board that the basement would be utilized for parking of Mr. Staples' car collection. I think that's the mixed use that we're referring to. That is not permitted. If that in fact is Mr. Staples' wishes, then the project should be referred to the ZBA because then it does become mixed use.

CHAIRMAN EWASUTYN: How do you want to respond to that?

MR. STAPLES: As I said, we are going to comply with zoning.

CHAIRMAN EWASUTYN: Would you have a note on the plan, the final plan, that lists how

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it will be used?

MR. DePUY: We can do that. We'll make it an accessory use to the two-family dwelling.

MS. FABER: I have an additional question. Mr. DePuy, while you're here can you explain to me what exactly is this existing dwelling? There are three existing dwellings here. To my knowledge there is an existing dwelling directly behind the barn, there is an existing dwelling directly behind my property, but what is this existing dwelling? To my knowledge there isn't anything there.

MR. HINES: That's the proposed location.

MR. STAPLES: That's proposed.

MR. DePUY: I will change that for you right now.

MS. FABER: Thank you.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Board to close the continuation of the public --

MR. DONNELLY: Just as a follow up, I propose, because of the issue Jerry raised and that your attorney's letter raised, to include a



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2 condition that when you act on the project, it  
3 would read as follows: The applicant has  
4 proposed to store personal belongings and/or  
5 vehicles (a car collection) within either of the  
6 garage or the lower portion of the two-family  
7 residential building. It is noted that the use  
8 of either private garage area here is allowed  
9 only to the extent that it is accessory to the  
10 two-family dwelling use proposed. Cars stored  
11 within either garage may be those of the tenants  
12 of the two-family dwelling only. No personal  
13 property not belonging to an in-resident tenant  
14 may be stored on site. That's what Mr. Staples  
15 is saying he would need to do to comply with the  
16 code.

17 CHAIRMAN EWASUTYN: Thank you.

18 At this point I'll move for a motion to  
19 close the continuation of the public hearing for  
20 Lot 20 of Hickory Shadow.

21 MR. GALLI: So moved.

22 MR. MENNERICH: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this point Jim Osborne will be contacted by Pat Hines and Darrell Benedict as far as the comments that were discussed this evening in relationship to the telephone poles and the gas line.

MR. HINES: I will follow up with them. I have not been involved in that issue to date so I can't speak to it, but I will follow up with them.

CHAIRMAN EWASUTYN: The residents will put together the issues that they have before them, and Tom DePuy will be the point person as far as consolidating all of that and proposing it to Central Hudson.

This item will be on the agenda again on the 5th of May.

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MS. FABER: Thank you very much, Mr.  
Chairman and Members of the Board.

(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: May 3, 2011

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

----- X  
In the Matter of

VERIZON WIRELESS MID-VALLEY MALL 2  
(2011-05)

Mid-Valley Mall Water Tank  
Section 75; Block 1; Lot 11  
B Zone

----- X

CONCEPTUAL SITE PLAN & SPECIAL USE PERMIT

Date: April 7, 2011  
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  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
JERRY CANFIELD

APPLICANT'S REPRESENTATIVE: SCOTT OLSON

----- X

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

1  
2 MR. GALLI: The next order of business  
3 is Mid-Valley Mall 2. It's for the Mid-Valley  
4 Mall water tank, Section 75; Block; Lot 11.0.  
5 It's being represented by Clifford Rohde of  
6 Cooper, Erving, LLP.

7 MR. OLSON: Good evening. Mr. Rohde is  
8 not here. I'm here on his behalf. He had a  
9 prior engagement so he couldn't be here. My name  
10 is Scott Olson.

11 CHAIRMAN EWASUTYN: Do you have a card  
12 for the steno?

13 MR. OLSON: I'm an attorney with  
14 Cooper, Erving & Savage. This is Mr. Steve  
15 Hutchinson sitting down. He's with Tectonic  
16 Engineering.

17 We're here tonight just to present the  
18 special use permit site plan application that we  
19 submitted to the Board in May. We are looking to  
20 attach antennas to an existing water tank off of  
21 North Plank Road. The water tank is not  
22 currently used to store water. Currently it has  
23 three carriers on there. There's AT&T, T-Mobile  
24 and Nextel.

25 We are looking to put the antennas at

1  
2 approximately 112 feet on the water tank along  
3 the catwalk. The tank is about 132 feet or 140  
4 feet. The critical thing here is we're not  
5 raising the height of the tank in any way.

6 We're proposing to put a 12 by 30  
7 shelter towards the base of the tank for our  
8 equipment. The shelter will be fenced in,  
9 secure.

10 We believe that the application was  
11 submitted, as part of the pre-application  
12 process, to Mr. Michael Musso and he's reviewed  
13 it, and I believe he submitted a letter dated  
14 March 30th, which we've also received.

15 We're doing this for a couple of  
16 reasons. One, in Orange County Verizon Wireless  
17 is now starting to implement their PCS service.  
18 Currently they have cell service in the 850  
19 megahertz range. They have a license to provide  
20 service in PCS, which is 1,900 megahertz. They  
21 also have a license, newly acquired, to provide  
22 service in the 700 megahertz spectrum, which is  
23 the 4G, what you may have heard about on the  
24 commercials. We don't have PCS service in this  
25 area right now. This site will be utilized for

1  
2 PCS service, ultimately LTD, which is the 4G, and  
3 it will provide some additional capacity for our  
4 850 megahertz. We have the application that  
5 demonstrates that. It's got propagation that  
6 shows you what service we have, and what we don't  
7 have, and what we will have with this site if it  
8 gets approved.

9 Even though this is a co-location, we  
10 did look at other alternatives. We looked at the  
11 St. Luke's Hospital. That was about a 115 foot  
12 tall roof. Our RF engineer looked at that.  
13 Unfortunately that would not cover the service  
14 area. I think it was about fifty percent  
15 coverage compared to this site. We also looked  
16 at the Free Academy tower. I'm not familiar with  
17 that one.

18 MR. GALLI: It's the high school.

19 MR. OLSON: It's about 146 feet tall.  
20 It's taller than that. We looked at putting  
21 antennas at the 146 level, and that would only  
22 cover about seventy-five percent. We ended up  
23 here. There are three other carriers here. It  
24 seemed like a pretty good location. We entered  
25 into a lease with the property owners and we got

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their consent as part of the application.

We also gave, pursuant to Mr. Musso's request, a couple photo simulations that show you what their tank looks like now and what it will look like if it's approved with our antennas.

We are proposing to paint the antennas and the cables the same color as the water tower or tank so that it blends in as best as possible.

Something that might be of interest. We have a radiofrequency safety report in the record, and it takes into consideration all the existing antennas on the tower right now as well as the proposed Verizon Wireless antennas. It confirms we are still one percent of the permitted FCC threshold. Primarily it's due to height. Once you get above thirty feet, the FCC's regulations say we're categorically exempt because the signal is considered a low-power signal, it disseminates fairly quickly. So there should be no health concerns whatsoever.

We're here to request the Board -- certainly to answer any questions the Board may have, and, if appropriate, schedule a public hearing for the next meeting.



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CHAIRMAN EWASUTYN: Frank, do you have any questions?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: At the work session we had talked about the structural analysis report, which I'm sure Mike Musso is going to request if he hasn't already.

MR. OLSON: Actually, he's got it I believe. I think he looked it over and I think he's okay with it. The report, according to our engineer, passes without any problem.

CHAIRMAN EWASUTYN: I think it was discussed there would be some additional bolts that would be added.

MR. OLSON: Correct, Mr. Chairman. I believe two base bolts on each leg. We'll take care of that.

MR. CANFIELD: He'll report to the Board of his findings.

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CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: A note this needs to be referred to the Orange County Planning Department. Also, the bonding for this water tank because it's been submitted as part of the Nextel application.

CHAIRMAN EWASUTYN: Then I'll move for the Board to grant conceptual approval for the Verizon Wireless location, Mid-Valley Mall, to declare ourselves lead agency, to circulate to the Orange County Planning Department, and to schedule the 5th of May for a public hearing.

If you contact Bryant Cocks in reference to the mailing list, Bryant will help you with that. If you'll coordinate with Bryant Cocks as far as a notice of hearing and a circulation of that.

MR. OLSON: Will do.

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

MR. GALLI: So moved.

MR. MENNERICH: Second.

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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. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you.

MR. OLSON: Thank you very much.

(Time noted: 8:22 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: May 3, 2011

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

----- X

In the Matter of

G&M ORANGE, LLC  
(2011-07)

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

----- X

CONCEPTUAL SITE PLAN AND  
ARCHITECTURAL REVIEW BOARD

Date: April 7, 2011  
Time: 8:22 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
KENNETH MENNERICH  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
JERRY CANFIELD

APPLICANT'S REPRESENTATIVE: ROBERT DALY

----- X

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

1  
2 MR. GALLI: The next order of business  
3 is G&M Orange, LLC located at Crossroads Court  
4 and Route 17K, Section 95; Block 1; Lot 73,  
5 represented by Henry Kroll, Full Throttle  
6 Construction, conceptual site plan and ARB.

7 MR. DALY: My name is Robert Daly,  
8 D-A-L-Y, and I'm a planner working with G&M  
9 Orange. I'll do the presentation for you this  
10 evening.

11 G&M Orange, LLC has ownership of this  
12 property which is here in the Town of Newburgh at  
13 the intersection of Route 17K and Crossroads  
14 Court. 17K is the northerly boundary and  
15 Crossroads Court is the easterly boundary. Orr  
16 Avenue is also a road which is on the west side.

17 The property is being developed for a  
18 mixed use building. The owner, G&M Orange, will  
19 build to suit for the tenant, which will be  
20 Orange County Choppers. Orange County Choppers  
21 will mostly occupy this building.

22 Just by way of background, as you know  
23 they're currently involved, they being Orange  
24 County Choppers, in a foreclosure procedure with  
25 regard to their building, their existing building

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2 at 14 Crossroads Court, and this would become  
3 their tenancy where they would move to.

4 If there's any further questions with  
5 regard to the foreclosure procedure, I certainly  
6 would refer them to counsel for Orange County  
7 Choppers, Mr. Markovits.

8 I know also before the Board a question  
9 was raised with regard to an application for a  
10 restaurant in that existing facility at 14  
11 Crossroads Court pending Orange County -- the  
12 existing Orange County Choppers facility, and  
13 that application is a separate application and is  
14 currently on hold pending the foreclosure  
15 proceeding there. I know it's on hold here  
16 before the Board. Again, I would defer questions  
17 with respect to that to counsel for Orange County  
18 Choppers, Steven Markovits.

19 CHAIRMAN EWASUTYN: Is he here this  
20 evening?

21 MR. DALY: He is not, Mr. Chairman.

22 CHAIRMAN EWASUTYN: I think in the  
23 future if you're going to make suggestions that  
24 any questions be referred to someone, for the  
25 benefit of the Planning Board we should have that

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person here so we can ask the questions,  
otherwise it's meaningless.

MR. DALY: Mr. Chairman, I will make  
him available at the next --

CHAIRMAN EWASUTYN: Don't you agree?  
What you're suggesting -- we may have questions.  
We did discuss it at the work session, and now we  
don't have that avenue to discuss it with.

MR. DALY: Right. I understand what  
your concern is and --

CHAIRMAN EWASUTYN: It's simple.

MR. DALY: Yup. The project before us,  
this is -- G&M Orange owns the property which is  
a 2.29 acre parcel. It's located in the IB Zone,  
which is the interchange business zone here in  
the Town of Newburgh.

As I pointed out, we're here for  
conceptual approval tonight for a site plan  
approval for this intended use at the building.

The footprint of the building is a 90  
by 90 footprint in essence. The building is three  
stories tall. With a couple of add-ins it comes  
out to be about 25,000 square foot.

The use of the building. On the lower



1  
2 level it would be manufacturing, and we'll come  
3 back to that, and some offices. The use on level  
4 2, which would be the main level fronting onto  
5 Route 17K, would be for retail and a cafe. The  
6 retail would be 6,200 square foot, the cafe 2,000  
7 square foot. On level 3 would be the offices and  
8 warehouse or retail section of that. The  
9 warehouse would be 6,100 square foot and the  
10 offices about 2,000 square foot. The  
11 intended construction, the square footage  
12 involved would necessitate parking, and we  
13 calculated out the parking and provided it on the  
14 site plan. The parking shown covers 81 -- shows  
15 81 parking spaces. We're required to have 79  
16 based upon the uses which we've provided to the  
17 Board in this submission.

18 The combination of uses here at the  
19 site will demand a little over 3,000 gallons per  
20 day in terms of water and sewer needs, and our  
21 plans are drawn accordingly to show that.

22 Also, a prevalent feature would be some  
23 site work which will accommodate the building on  
24 the site and provide for landscaping to put the  
25 building in a perspective on the site and to

1  
2 provide for stormwater, and the stormwater  
3 management plan is in preparation.

4 We have a couple of features which I  
5 know are of concern. One being it comes through  
6 here, a class A stream, tributary to Quassaick  
7 Creek. There is no planned activity in the creek,  
8 and we did note on the plan that there was a  
9 permit but with further investigation it's not a  
10 permit that we've had, it's a permit that has  
11 expired that was acquired by Hilton Gardens some  
12 years back with respect to their work on  
13 Crossroads Court, which is a private road.

14 Just with regard to the other aspects  
15 of the building, it's a steel frame building with  
16 a steel exterior and we're -- with a composite  
17 roof on it. In terms of what we're looking at  
18 for the building is basically an open design  
19 access between floors, and between uses will be  
20 provided by a lift and stair wells within the  
21 building.

22 The building is fully sprinklered and  
23 will have combination restroom services on each  
24 of the floors of the building.

25 The project, as I pointed out earlier,

1  
2 has its primary access on Crossroads Court, which  
3 is a private road which provides access out onto  
4 New York State Route 17K. We have a secondary  
5 access shown which is on Orr Avenue, and that  
6 access is a Town road. It was recognized, I  
7 think, that we would need to seek Town approval  
8 for a curb cut on that road.

9           With regard to the development of this  
10 property, you can see it's an unusually shaped  
11 piece of property, and its unusual shape has  
12 really necessitated the plan that we have. The  
13 configuration is -- the configuration of the line  
14 along the western most boundary, along the  
15 southernmost boundary and the existing Orange  
16 County Choppers building here at the corner of  
17 Crossroads Court, and it comes back up crossing  
18 back over the stream on the eastern side up to  
19 the northern boundary where it runs somewhat  
20 close to 17K. We have two intervening properties  
21 there, one being the Patton Cemetery. We did  
22 have this reviewed as part of a cultural review  
23 prepared by BTK Associates with respect to this  
24 property. The other intersecting piece that  
25 really keeps the frontage away from New York

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2 State Route 17K is part of the State taking when  
3 this was subdivided many years back.

4 One of our key concerns here that we  
5 would ask for some guidance from this body with  
6 regard to is with respect to the parking  
7 arrangement and parking in the buffer area.  
8 Because of the large nature of the area from New  
9 York State Route 17K, from the pavement to the  
10 closest point in the parking area is 60 feet, and  
11 to most of the parking areas over 100 feet. So,  
12 you know, one of the issues was that there would  
13 be a visual buffer on properties that are  
14 adjacent to New York State Route 17K. You know,  
15 we certainly -- the intent with that would be to  
16 have this be shown as such, but there is some  
17 question of interpretation. I did take the  
18 opportunity to discuss it with the consultants at  
19 my end and, you know, we certainly would ask the  
20 Board to provide us with a little guidance on  
21 that.

22 With regard to the overall use, I think  
23 you have a good idea of what the volume of use  
24 and traffic is at the site. Currently we project  
25 a max of fifty vehicle trips per hour as a max.

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2 That certainly is within what we see as our  
3 current use on the adjacent site. We had asked  
4 our transportation engineer, Phil Grealy, to  
5 update work that had been done there with respect  
6 to the transportation questions. Phil is here.  
7 In response to our questions, he felt that, you  
8 know, the design that we had was certainly well  
9 within the carrying capacity of the existing road  
10 system, 17K and the access.

11           The key point I think is that what  
12 we're looking to do here, G&M Orange, LLC is  
13 looking to provide a facility, a downsized  
14 facility for Orange County Choppers at a location  
15 that's recognizable here in Orange County. The  
16 benefit is clearly to save the jobs that are  
17 there and keep them right here in the Town of  
18 Newburgh. There's forty-five jobs. We project  
19 that will increase by six with the addition of  
20 the cafe facility. We also recognize that the  
21 capital investment, which we put down at  
22 \$3,900,000, will provide a significant short-term  
23 impact in terms of employment opportunities for  
24 construction and labor-related facilities. We  
25 project them to be about twenty-five people.

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2 So we're here asking the Board to give  
3 us an opportunity to pursue this before the Board  
4 and give us a conceptual okay and we'll begin to  
5 address questions.

6 We did receive letters from the  
7 consultants. I received four letters, one from  
8 Ken Wersted on the traffic issues; and from Karen  
9 Arent on landscape issues; from Pat on the  
10 engineering-related issues; and from Bryant Cocks  
11 on the planning-related issues. We did not see  
12 anything there that was particularly troublesome.  
13 What we felt we would be moving towards was  
14 fleshing out the plans, providing things like a  
15 stormwater pollution prevention plan and  
16 addressing issues of landscaping and detail of  
17 landscaping, moving of a dumpster, the refuse  
18 container from the north side of the site to the  
19 south side of the site, and providing more detail  
20 in terms of where the plantings and the lighting  
21 would be placed so as to give a better sense of  
22 how this would appear.

23 I do have here sort of a rendering.

24 Mark, would you put up the rendering?

25 I do have here a copy of the rendering

1  
2 of a visual. This is the view from the front of  
3 the building to Route 17K. This is what you  
4 would see as you were coming along from east to  
5 west or west to east. This would be the visual.

6 The building conforms to the  
7 requirements of the zone, the IB Zone and, you  
8 know, in terms of the overall coverage of the  
9 site in term of its site requirements. We feel  
10 confident that it would be a good asset here in  
11 the community.

12 CHAIRMAN EWASUTYN: Questions from  
13 Board Members. Frank Galli?

14 MR. GALLI: Yes. I have a few. You  
15 said lifts or is it going to be elevators?

16 MR. DALY: Elevators. An elevator.

17 MR. GALLI: The restaurant, the last  
18 restaurant that was on the former property was a  
19 full-blown restaurant.

20 MR. DALY: Mm'hm'.

21 MR. GALLI: I forget how much seating  
22 it is. This is a cafe with twenty seats?

23 MR. DALY: A cafe with twenty seats.  
24 That's correct.

25 MR. GALLI: It's not going to be a

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full-blown restaurant?

MR. DALY: No.

MR. GALLI: Events. We ran into an issue with events, when we approved Orange County Choppers' original site, that there was going to be four events a year per se, which I know is not true. There's more than four events a year because I've been to a few of them. There's probably quite a few events. When you have events up there, the place is jammed. Parking is very limited. Now that you may not own the other piece of property for whatever reason, where are you going to put the overflow parking?

MR. DALY: I think the easiest response to this is there are no -- this is not going to be an event facility.

MR. GALLI: You already have it advertised in The Record as of Tuesday I think.

MR. DALY: That's the existing facility.

MR. GALLI: That's correct. What's going to stop you from running -- what's going to stop you from running events now at the new facility? You put a limitation on the last



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facility that wasn't followed. Now this facility, you can do the same thing. Why would you follow it if we tell you no and you do what you've got to do anyway? I don't think you have enough parking to really do what you're going to at that site.

MR. DALY: I would just point out, other than -- I don't know in reference that there have been many unplanned events. I can't speak to that.

MR. GALLI: I follow them.

MR. DALY: With regard to this site, you know, you point out very clearly that, just as I had stated to you, this is not a planned event site.

MR. GALLI: If we put a stipulation on the plan no events --

MR. DALY: So you will.

MR. GALLI: The second thing is just a question, and I don't know if you can answer it. You said refer to your attorney, but he's not here. Is this going to be a tax exempt property like the last one?

MR. DALY: A tax exempt property?

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MR. GALLI: Pilot, whatever they call that program, where you pay the Town or you owe the Town.

MR. DALY: No.

MR. MENNERICH: Economic Development.

MR. GALLI: Economic Development. So you're not getting any grants or anything for that?

MR. DALY: No.

MR. GALLI: That's all I have, John, for now.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: What are the materials that are going to be on the building?

MR. KROLL: This is the metal siding. It's a pre-engineered building.

MR. MENNERICH: Compared to the existing Orange County Choppers building, it's kind of a real step down. It's one that's going to be right up by 17K. Just a comment, that's all.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Just a comment. We're looking at this as a project. Neighbors or

1  
2 whatever it is, this is the project we're looking  
3 at. I'm looking at the parking, the traffic,  
4 what's going on with the cafe, no events or  
5 events, tourists, whatever. Other properties  
6 that are there will be occupied. There's going  
7 to be a volume of traffic going out no matter how  
8 you look at it. You have Orr Road, 17K. With  
9 added parking with this facility, you've got to  
10 look at the overall picture. That's what we're  
11 looking at.

12 How high is the building? In your  
13 papers it says 32.

14 MR. DALY: I think -- Mark, the height  
15 of the building?

16 MR. KROLL: The height of the building  
17 actually at the apex is 35 feet from the bottom,  
18 the dirt.

19 MR. WARD: With the property going up  
20 by the graveyard -- the cemetery, excuse me,  
21 you're putting a retaining wall where you have to  
22 -- we'll go back to the engineer to tell you --  
23 talk to you about that. To me, that's a very  
24 high wall next to a cemetery.

25 There was one other issue. There was

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parking --

MR. DALY: The cemetery is actually --

MR. WARD: Right next to the parking.

MR. DALY: It's actually higher.

MR. WARD: Yes. You're putting a retaining wall there. There's no buffer between it.

MR. DALY: I'm not aware there was a need for a buffer between a retaining wall and the cemetery. I'm not sure that the code includes that. If it's a matter of code, we will comply with the code. That's not a problem.

CHAIRMAN EWASUTYN: What John Ward is also saying is in your presentation you eluded to, was it BK that did a study on the impact?

MR. DALY: BTK.

CHAIRMAN EWASUTYN: Did you make that part of your submission?

MR. DALY: What they looked at?

CHAIRMAN EWASUTYN: Do you have any kind of written report based upon --

MR. DALY: Yes.

CHAIRMAN EWASUTYN: You made that part of your submission?

1  
2 MR. DALY: I did not make that part of  
3 the submission. I noted in there that these  
4 reports were available.

5 CHAIRMAN EWASUTYN: Again Mr. Daly, and  
6 I think you're a planner, you understand the  
7 process, to elude to something somewhere that  
8 isn't here, that we can't review, whether it be  
9 an attorney, a report, what do we do? Do we sit  
10 here and wait for it to magically appear or do  
11 you come complete with the information so that  
12 we, as a Board, and our consultants, can review  
13 it, so Mr. Ward can then know whether there is an  
14 impact. If there is an impact, should there be a  
15 mitigation measure. Whether it spells it out in  
16 the code or it doesn't spell is out in the code,  
17 what he's saying is is there a need for  
18 mitigation measures as far as the impact with the  
19 cemetery. You're saying you've done a report.  
20 We don't have the report. We need the report.

21 MR. DALY: Fine.

22 CHAIRMAN EWASUTYN: Okay.

23 MR. DALY: Fine.

24 CHAIRMAN EWASUTYN: John, please  
25 continue.

1  
2 MR. WARD: One more thing was the  
3 parking lot being next to the creek. I'm  
4 concerned about stormwater management with that,  
5 with the DEC.

6 MR. DALY: It's adjacent to it but it's  
7 not in the creek at all. I mean there's no --  
8 it's setback from it. It's actually -- as the  
9 plan indicates, it's a buffer. We do have -- you  
10 know, during the construction phase there would  
11 be further management taken to protect the stream  
12 in that case.

13 MR. WARD: What I'm saying is the  
14 drainage to show what you're going to plan on the  
15 stormwater drainage going by there.

16 MR. DALY: Yes. Well, that's part of  
17 the site plan that we, you know, will address as  
18 part of the stormwater runoff plan.

19 I neglected to address the issue as  
20 part of the plan that there is a Kortex system  
21 which will be used underneath the parking lot for  
22 the storage of stormwater. That detail, what is  
23 shown over here, it's actually in there as part  
24 of the stormwater management plan.

25 MR. WARD: Okay.

1  
2 CHAIRMAN EWASUTYN: At this point I'll  
3 turn to our Consultants. We've been through this  
4 with Orange County Choppers. We'll try and  
5 summarize it. This is a Planning Board. We have  
6 consultants. We read every bit of information  
7 that is necessary to grant either conceptual  
8 approval, site plan approval. So in the future,  
9 rather than referring to something that doesn't  
10 exist and that in fact was reported upon, we  
11 won't accept the fact that you're not ready to  
12 give us what's necessary. You're a planner. I  
13 expect the most of you because we're talking  
14 about planning issues. I'm somewhat  
15 disappointed. We've been through this before.  
16 It's like pulling teeth sometimes as far as  
17 things being complete. It really is. I say that  
18 respectfully.

19 MR. DALY: Mr. Chairman, we had every  
20 intent, as a conceptual review, to provide you  
21 with whatever information is required. We're  
22 just trying to get to the point where we  
23 understand that this is a project that you would  
24 entertain as we've constructed it to this point  
25 so that we can bring these people in and provide

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them to you.

CHAIRMAN EWASUTYN: Fine. Whether we entertain or we don't, we need completeness in your presentation. Whatever materials you have, whatever studies you've had leading up to this presentation, we would like to have them.

Jerry Canfield?

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: I have a City of Newburgh flow acceptance letter will be required for the sanitary sewer flows discharged to the Town's collection system.

There is a proposed pump station that's going to discharge to a force main in Crossroads Court. This will be the third pump station in that force main, so when the design report is submitted we want to make sure that it functions along with the other pump stations. Mr. Daly can certainly provide that report. Stormwater management must address DEC and Town standards.



1  
2 We did note the Kortex system that was  
3 proposed, similar to the one used on the original  
4 Orange County Choppers site, we'll need the  
5 appropriate soil testing in that report to show  
6 there were substantial cuts in some of the areas  
7 where that Kortex system is going to be proposed.  
8 We need to make sure those soil tests are at the  
9 proposed grades.

10 The fire service and potable water  
11 lines are depicted as separate right now. They  
12 need to be combined together in compliance with  
13 the Town's standards so that when the fire flow  
14 water is terminated to the structure, the potable  
15 water is also terminated.

16 At work session I discussed with the  
17 Planning Board the need for the stormwater pump  
18 station shown at the basement entrance, and we'll  
19 be looking for the design of that as well as the  
20 report supporting that.

21 I have a comment regarding the  
22 retaining walls. I talked to the Board at work  
23 session, which is I think Mr. Ward's comment also  
24 is the constructability of that twenty-foot  
25 retaining wall in close proximity to that

1 cemetery. Normally a wall that high would need  
2 to have some sort of geogrid or some form of  
3 Tyvek for global stability. There's a concern  
4 about how close that is to the property line and  
5 that cemetery, which we'll be reviewing.  
6

7 Soil erosion and sediment control is an  
8 issue. Besides the Town of Newburgh and DEC  
9 standards, there's a group fairly active in the  
10 Town lately taking a look at that Quassaick Creek  
11 watershed and the City of Newburgh water supply.  
12 You'll probably have them also taking a look and  
13 reviewing your stormwater report. It's the  
14 Quassaick Creek Alliance I believe. They've been  
15 fairly actively lately.

16 The plans for the grease trap, we need  
17 sizing for that in the report.

18 I had a suggestion that Parks and  
19 Recreation and Historic Preservation sign off on  
20 the historic impacts to the cemetery, taking into  
21 account the retaining wall design.

22 That's all we have on the concept plan.

23 CHAIRMAN EWASUTYN: Bryant Cocks,  
24 Planning Consultant?

25 MR. COCKS: The bulk table will need to

1  
2 be revised to reflect this is a corner lot. The  
3 front yard setback on 17K should be sixty feet  
4 and the front yard setback on CrossRoads Court  
5 should be fifty feet. It looks likes it will be  
6 able to be done. The one thing I don't think  
7 we'll be able to be meet is the forty-five feet  
8 of front yard setback.

9           There needs to be a landscape buffer  
10 along Route 17K. I looked at the provision and  
11 it's in the exception to district regulations,  
12 and that can't be waived by the Planning Board.  
13 I think the applicant will need to go for a  
14 variance to provide that forty-five foot buffer.

15           I also had a comment on the retaining  
16 walls on the site that Pat just addressed.

17           The area around the building for the  
18 sidewalk looks to be very wide. I didn't know if  
19 there was landscaping to be proposed within this  
20 area to mitigate the impact on that much concrete  
21 around the building.

22           The Town of Newburgh design guidelines  
23 do not recommend having parking in the front yard  
24 of any new site. Parking is on Route 17K and  
25 Crossroads Court in this development. It's a

1  
2 very tight site, so I don't think the applicant  
3 would be able to meet the eighty-one parking  
4 spaces that are required in the back or the rear  
5 of the site, so they're going to have to bring up  
6 to the Planning Board mitigation measures.

7 The refuse enclosure at the front of  
8 the site also should be moved.

9 A letter from Mike Nowicki regarding  
10 the threatened and endangered species on site  
11 should be submitted to the Planning Board.

12 CHAIRMAN EWASUTYN: Okay. Mary Lou, do  
13 you have any comments at this particular point?

14 MS. VENUTO: I think I better not at  
15 this point.

16 CHAIRMAN EWASUTYN: Any additional  
17 comments from Board Members?

18 MR. GALLI: The back of the building,  
19 how many feet is it from that stonewall to the  
20 actual building?

21 MR. KROLL: This is the back. From  
22 here to here. It's about ten feet.

23 MR. GALLI: Jerry, from the back of the  
24 building to the stonewall is only ten feet. The  
25 building is going to be thirty-two feet high. Is

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that enough room for fire service?

MR. CANFIELD: The accessibility of the road width should be a minimum of thirty feet in the proximity of the building. The site as proposed shows that.

MR. GALLI: So around the back of the building, ten feet is okay?

MR. CANFIELD: It doesn't have to be all four sides. It can be just the one side in proximity of the building.

MR. GALLI: Okay. I think that was it. I still have a concern about the parking. I just don't think the parking is going to work.

CHAIRMAN EWASUTYN: At this point I'll move for a motion from the Board to grant conceptual approval, and to declare our intent for lead agency, and to have Bryant Cocks, with the cooperation of Mr. Daly, circulate to the Orange County Planning Department.

MR. MENNERICH: So moved.

CHAIRMAN EWASUTYN: I had a motion by Ken Mennerich. Do I have a second?

MR. WARD: Second.

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CHAIRMAN EWASUTYN: 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: No.

MR. MENNERICH: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: We can't act on it, we don't have a majority vote.

MR. DALY: Mr. Chairman, at this point would it be appropriate to ask what is the next step with the Board? Should we continue --

CHAIRMAN EWASUTYN: I think you should raise that question to Mr. Galli, since he motioned not to approve it, the concept, what it is he wants to see further.

MR. GALLI: I just have a concern with the restaurant. I find it hard to believe you can have a restaurant with only twenty seats.

MR. DALY: It's not a restaurant. It's just a cafe so you can, you know, have a light --

MR. GALLI: I still have a concern with the events. I just don't think you're going to

1  
2 have enough parking and it's going to run into a  
3 problem. I think you're going to infringe on the  
4 other people's property for parking when you have  
5 events there.

6 MR. DALY: You know, I don't know how  
7 to explain to you that events are not going to  
8 occur here. I mean we've addressed this question  
9 in looking at the design and it was not designed  
10 to have events there.

11 MR. DONNELLY: May I suggest, and this  
12 may not satisfy Frank's concern, you give us  
13 something called a project narrative in which you  
14 state exactly what the limits are of the  
15 activities you're going to carry out and what  
16 they are not, and then we can, at the time we act  
17 on this, if it's approved, tie into that  
18 narrative and say that no activity not listed in  
19 the project narrative may be carried out on site.  
20 At least then, from an enforcement point of view,  
21 the Town is in a better position. I'm not  
22 suggesting it will satisfy Frank but it may be a  
23 direction.

24 MR. DALY: That's fine. Just so you  
25 understand, just conceptually, the cafe part of

1  
2 this is -- you know, I would liken it to a  
3 Starbucks in a Barnes & Noble situation. I know  
4 you're calling it a restaurant. It's not a  
5 restaurant, it's a cafe. A light fare kind of a  
6 thing which is integrated into the retail.

7 MR. GALLI: If you're looking for my  
8 opinion, I think the building is ugly. That's  
9 basically -- the red stripes around it. It's not  
10 a very good looking building and it's going to be  
11 right in the forefront. I mean -- I don't know.  
12 It's just a plain looking, old steel building  
13 with a couple stripes around it and OCC in the  
14 front of it.

15 CHAIRMAN EWASUTYN: The letter that  
16 Mike Donnelly just suggested you prepare, when  
17 can you have that ready by?

18 MR. DALY: I'll prepare it tomorrow.

19 CHAIRMAN EWASUTYN: Then what I'm going  
20 to do is schedule this for a meeting of -- our  
21 next meeting, which is the 17th -- 21st of April.  
22 Any additional supporting information you could  
23 supply us with, whether it be the study on the  
24 cemetery, we'll discuss that as far as the number  
25 and how to complete it. As far as scheduling



1  
2 that to receive it, in which case I know we'll  
3 have one additional Board Member here and  
4 possibly two. Okay.

5 MR. DALY: Thank you, Mr. Chairman.

6 One item occurred to me. As we're  
7 continuing along here in the development of this,  
8 should we be in contact with the consultants to  
9 provide them information in response to their  
10 comment letters that we received?

11 CHAIRMAN EWASUTYN: I think the initial  
12 comments you could begin working on. I think  
13 what will happen in that case, your revised plans  
14 -- if you want to submit revised plans between  
15 now and the meeting of the 21st, that would need  
16 to be done in a timely manner. Those plans will  
17 be the same plans and responses that would come  
18 from the Planning Board Members and the  
19 Consultants. If you want to act somewhat in that  
20 direction.

21 MR. DALY: Fine. Thank you. Thank  
22 you, Members of the Board, Consultants.

23 CHAIRMAN EWASUTYN: All right. At this  
24 particular point I would like to close the  
25 meeting. At this particular point we have no

1  
2 other items before us this evening, so I'll move  
3 for a motion to close the Planning Board meeting  
4 of April 7, 2011.

5 MR. GALLI: So moved.

6 MR. MENNERICH: Second.

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

11 MR. GALLI: Aye.

12 MR. MENNERICH: Aye.

13 MR. WARD: Aye.

14 CHAIRMAN EWASUTYN: Myself.

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16 (Time noted: 8:58 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: May 4, 2011