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

----- X

In the Matter of

LANDS OF GALLAGHER
(2008-15)

Ashley Drive
Section 43; Block 5; Lot 2.21
R-3 Zone

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION

Date: May 6, 2010
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: ROBERT JAMES

----- X

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

1
2 MR. PROFACI: Good evening, ladies and
3 gentlemen. Welcome to the Town of Newburgh
4 Planning Board meeting of May 6, 2010.

5 At this time I'll call the meeting to
6 order with a roll call.

7 MR. MENNERICH: Present.

8 CHAIRMAN EWASUTYN: Present.

9 MR. PROFACI: Present.

10 MR. FOGARTY: Here.

11 MR. WARD: Here.

12 MR. PROFACI: The Planning Board has
13 professional experts that provide reviews and
14 input on the business before us, including SEQRA
15 determinations as well as code and planning
16 details. I ask them to introduce themselves.

17 MR. DONNELLY: Michael Donnelly,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. CANFIELD: Jerry Canfield, Town of
22 Newburgh.

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

25 MR. COCKS: Bryant Cocks, Garling

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Associates, Planning Consultants.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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

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

MR. WARD: Please stand so we can say the Pledge of Allegiance.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on this evening's agenda is lands of Gallagher on Ashley Drive, Section 43; Block 5; Lot 2.21 in the R-3 Zone. It's a public hearing for a three-lot subdivision represented by Robert James.

CHAIRMAN EWASUTYN: Mr. Mennerich, would you read the notice of hearing, please.

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

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LANDS OF GALLAGHER 4

Town Law on the application of lands of Gallagher for a two-lot subdivision on premises Ashley Drive in the Town of Newburgh, designated on Town tax map as Section 43; Block 5; lot 2.21. Said hearing will be held on the 6th day of May 2010 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated April 6, 2010."

CHAIRMAN EWASUTYN: Tom, would you report on the mailing?

MR. FOGARTY: We sent out thirteen certified letters and we received ten receipts returned.

CHAIRMAN EWASUTYN: Thank you.
Mr. James, if you would give your presentation.

Before we start the meeting; Mike Donnelly, would you explain to the audience the purpose of a public hearing.

MR. DONNELLY: Sure. Subdivision

1 public hearings are mandatory. The purpose is
2 for the public to bring matters to the attention
3 of the Board that the Planning Board or its
4 consultants may not have discovered. After the
5 applicant gives his presentation, if anyone
6 wishes to speak, we'd ask you to raise your hand
7 and the Chairman will recognize you. Please
8 direct your comments to the Board. If you have
9 questions, the Chairman will direct those
10 questions to either the applicant's
11 representative or one of the consultants.

12
13 CHAIRMAN EWASUTYN: Thank you.

14 Mr. James.

15 MR. JAMES: What we have is a two-lot
16 subdivision of the lands of Edward and Cornelia
17 Gallagher located at the northerly terminus of
18 Ashley Drive. It consists of 4.9 acres. There's
19 an existing house on the property.

20 The division line will create two lots.
21 Lot 1 will have the existing house and
22 improvements on it, and it is 3.6 acres. The
23 second lot, the vacant lot, will be 1.3 acres.

24 We're showing the proposed house.

25 There will be on-site sewage disposal.

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There will be connection to the municipal water system for water supply.

CHAIRMAN EWASUTYN: Okay. Is there anyone here this evening who has any comments in reference to the Gallagher two-lot subdivision, will you please raise your hand and give your name and your address?

(No response.)

CHAIRMAN EWASUTYN: At this point there's no public comment.

I'll turn to our consultants for their review comments. Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We have some comments on the septic system.

We also suggested that a note be added to the plans that no wells exist within a hundred feet upgradient on lot 2.

Those appropriate notes have been added to the plans, so our previous comments have been addressed.

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CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: The Town of Newburgh
Highway Department is going to need to approve
the driveway location on Ashley Drive.

A signed and sealed survey sheet will
be needed for final approval.

The applicant is going to need a
revised E.A.F. to include the information on
threatened and endangered species.

A certification must be placed on the
plans and signed by the owner of the lot for
approval.

There's going to be a \$2,000 recreation
fee for the new lot. You are able to defer that
until the time of the building permit if you'd
like, but you will need to put a note on the plan
and fill out a certificate for Mike Donnelly's
approval which I can provide to you if you
choose.

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Comments from Board
Members?

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MR. MENNERICH: No questions.

MR. PROFACI: Nothing additional.

MR. FOGARTY: No comments.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: At this point I'll ask one more time, is there anyone here from the public who has any questions or comments on the two-lot subdivision for the lands of Gallagher?

(No response.)

CHAIRMAN EWASUTYN: There seems to be no one in the audience this evening, so I'll move for a motion from the Board to close the public hearing on the two-lot subdivision for the lands of Gallagher.

MR. WARD: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this point I'll turn to Mike Donnelly to give us conditions for approval for the two-lot subdivision for the lands of Gallagher.

MR. DONNELLY: The resolution will be both preliminary and final approval. The first condition is we'll need a sign-off letter from Bryant Cocks indicating that the items in his memo of April 28th have been addressed.

Additionally, we'll need a certification that the map notes have been added in the event that you wish to defer the payment of parkland fees.

We need the highway superintendent sign off.

I had notes, Pat, about the need to have a drainage easement reviewed from a note in the past. I didn't see it in your current memo. Is that something that's not --

MR. HINES: I'm not aware of that.

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MR. DONNELLY: My notes must be in error.

We need a foundation staking condition that essentially says before you begin construction you have to stake out and survey the foundation in the field because it's close to the building envelop.

MR. JAMES: A note on the plan to that effect?

MR. HINES: Yes.

MR. DONNELLY: Sure. We'll carry that in the resolution as well.

As Bryant mentioned, there will be the requirement of the payment of \$2,000 for the one new residential lot created in this site plan.

CHAIRMAN EWASUTYN: Any additional comments from our consultants?

MR. HINES: No.

CHAIRMAN EWASUTYN: From our Board Members?

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: There being no further comment, I'll move for a motion to grant final approval for the two-lot subdivision of

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LANDS OF GALLAGHER 11
lands of Gallagher subject to the conditions that
were presented to us by our Attorney, Mike
Donnelly.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. The second was by Tom Fogarty?

MR. FOGARTY: Yes.

CHAIRMAN EWASUTYN: Any discussion of
the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll ask for a roll
call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you.

(Time noted: 7:07 p.m.)

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

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

DATED: June 1, 2010

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

----- X

In the Matter of

METRO PCS - MEADOW HILL ROAD
(2010-08)

Meadow Hill Road
Section 60; Block 3; Lot 35.1
IB Zone

----- X

SITE PLAN - SPECIAL USE PERMIT

Date: May 6, 2010
Time: 7:08 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
PATRICK HINES
KAREN ARENT
GERALD CANFIELD
MICHAEL MUSSO

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

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

1
2 MR. PROFACI: The next item on this
3 evening's agenda is Metro PCS - Meadow Hill Road,
4 Meadow Hill Road cell tower, Section 60; Block 3;
5 Lot 35.1 located in the IB Zone. It's a site
6 plan for a special use permit represented by
7 Daniel Laub.

8 MR. FURST: Good evening. I'm John
9 Furst. I work at Cuddy & Feder with Dan Laub.
10 I'll be making -- would the Board like a brief
11 presentation?

12 CHAIRMAN EWASUTYN: Please.

13 MR. FURST: Metro PCS is seeking a
14 special use site plan approval to co-locate a
15 wireless telecommunications facility on an
16 existing 145- foot tower that's located off
17 Meadow Hill Road which is right by the Newburgh
18 Mall. As you know, Metro PCS is an FCC licensed
19 provider of next generation digital wireless PCS
20 services. They've been before the Board on a
21 couple of prior occasions. They're trying to
22 complete the build out of their network in the
23 Town of Newburgh. They're starting from scratch
24 here. They've already got some prior approvals
25 before the Board . This is another piece of the

1 puzzle. They're looking to provide service
2 along the New York State Thruway, I-84, Route 52,
3 Meadow Hill Road and Route 300.
4

5 Sprint, Omnipoint, Verizon and AT&T
6 currently operate at this site. We would be the
7 fifth carrier on this pole.

8 Metro is planning to install fifteen
9 antennas on the existing tower with a center line
10 item of approximately 108 feet above ground
11 level. So they'll be the lowest of all the
12 carriers on this pole.

13 In addition, they will not be
14 increasing the height of this tower.

15 In addition to the antennas there will
16 be an unmanned equipment cabinet within an
17 existing fenced-in compound located at the base
18 of the tower.

19 Just to provide a little update, in the
20 original application we had submitted plans for
21 three equipment cabinets. We made a slight
22 revision this week. What they're doing is
23 they're proposing four cabinets in the same
24 general area. It's going to be a little
25 L-shaped.

1
2 In addition to that they had to
3 relocate one of the power and telephone cabinets
4 a little further I guess to the northeast within
5 the existing compound.

6 So all the changes are just minor
7 changes occurring within the compound. It has to
8 do with their site layout. Again, this just came
9 about the last couple of days. We will submit
10 revised plans to the Board when they're ready.

11 This proposal constitutes the highest
12 preference for siting wireless facilities within
13 the Town pursuant to your wireless regulations.
14 It's consistent with the other carriers'
15 facilities. It will have minimal impact, if any,
16 on the surrounding neighborhood.

17 We had some individual simulations.
18 Again, we are the fifth carrier. There's already
19 four carriers on there and we'll be the lowest
20 height.

21 That's pretty much it in a nutshell.

22 We also had submitted a structural
23 report which I guess is probably the real issue
24 here. I believe your consultant is still looking
25 at it. So that was submitted with the original

1 application and we're here for any questions. We
2 have the engineer as well as the radiofrequency
3 engineer here if you have any questions regarding
4 coverage issues.
5

6 CHAIRMAN EWASUTYN: Thank you. At this
7 time in the meeting we'll ask the Planning
8 Board's communication representative, Mike Musso,
9 to update us.

10 MR. MUSSO: Sure. Mr. Chairman,
11 Members of the Board and Members of the Public,
12 thanks for having me here tonight. Mike Musso
13 with HDR working on behalf of the Town of
14 Newburgh.

15 As noted, this is a proposed co-
16 location site. The New York State Thruway is
17 running north in that direction. This is in the
18 back of the Newburgh Mall area. I know this
19 Board is familiar with it because we did look at
20 a co-location several months ago for Verizon.

21 A couple notes. There is an
22 established equipment compound in the back.
23 Metro PCS's equipment by design and the nature of
24 their system is relatively small. This L-shaped
25 area is the proposed lease area within this

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bubble.

This is the small change. It's about a four-foot by two-foot pad where an equipment compound is going to be set onto. So as noted, we have confirmed everything is within this compound.

The existing tower is located back at this end. At this point we are working with the applicant's structural engineer to confirm and clarify some assumptions.

I know every application that's gone in front of this Board, we do want to be ensuring the existing infrastructure has enough structural integrity to maintain the new and existing. We're reviewing that right now with regard to the latest codes, design assumptions and what not, and certainly by the time we issue our report within the next couple weeks we'll have our structural addendum on the back of that.

One thing I did want to note about the photo simulations is photo simulations were taken at a time when there were three carriers located, Sprint at the top, Omnipoint second and what is now AT&T number three. Since those photo

1
2 simulations were taken Verizon antennas have been
3 installed.

4 I think a question that came up at the
5 work session was the antennas seemed a little bit
6 out of scale. The plans that are shown are
7 accurate. They do display all four existing
8 arrays and the proposed array.

9 At this point, I guess just to give you
10 some highlights of our review, we have reviewed
11 it for comprehensiveness against the code. We do
12 feel that the application has all the elements in
13 it that we usually look at except for the
14 structural clarifications that will happen.

15 This site is a very key site to Metro
16 PCS as it is to other carriers. 84 and the New
17 York State Thruway are certainly highly traveled
18 areas, and also the commercial areas off of 300
19 are a high desire for wireless coverage.

20 We looked at the radiofrequency report
21 that preceded, confirming that the existing four
22 carriers plus Metro proposed antennas have been
23 incorporated. As expected, the ground-based or
24 general public areas of radiofrequency are
25 significantly lower, on the order of one to two

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percent of what would be allowed for full-time general public exposure.

So we'll tie up all these items for our final letter report that's submitted including the structural. Really at this point I don't have much more to comment on, unless there's any questions from the Board or public.

CHAIRMAN EWASUTYN: Are there any questions from the Board at this time?

(No response.)

CHAIRMAN EWASUTYN: The consultants?

MR. HINES: None.

CHAIRMAN EWASUTYN: John, would anyone on your team like to speak?

MR. FURST: No. We're basically here for the Board's questions, if any.

CHAIRMAN EWASUTYN: Thank you.

Mike Musso, your advice to the Board as far as SEQRA determination. Would you advise us that we can act as far as declaring a negative declaration and setting the 16th of June for a public hearing with the fact that between today, being May 6th, and the time of the public hearing, being June 16th, that you'll have

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received a structural analysis that you would find satisfactory to the Board?

MR. MUSSO: I think subject to that, that would be, Mr. Chairman, the one outstanding item that we do anticipate getting resolved. Having worked with the same structural engineers at this same site on other applications, I do think the application is comprehensive enough to make those decisions.

MR. DONNELLY: I think the date is the 17th of June.

CHAIRMAN EWASUTYN: Thank you ever so much. Thank you. I appreciate that.

Any additional comments?

MR. FOGARTY: During the work session I had some concerns about the weight and the load on the pole. What would occur if this causes the weight to go over the max? Are there things done to the pole to reinforce it or once it goes over the max that's it, you have to look at another equipment location?

MR. MUSSO: That's an item we're looking at. If you remember, with another application with the lattice tower there was

1 reinforcing proposed on some of those members. A
2 monopole is a different type of structure. We
3 want to confirm there is adequate capacity,
4 existing loads, proposed loads, and then also any
5 wind or icing conditions that are put on top of
6 that. So certainly it has to be below that
7 criteria, and that's what we're working on now to
8 confirm.
9

10 MR. FOGARTY: Thanks.

11 CHAIRMAN EWASUTYN: Additional
12 comments?

13 MR. MENNERICH: Just a question. Mike,
14 earlier you mentioned there's some work going on
15 at the site on the landscaping.

16 MR. MUSSO: Yeah.

17 MR. MENNERICH: Is that from the
18 previous application that work is being done
19 under?

20 MR. MUSSO: Yes. There's no
21 landscaping proposed as part of this application.
22 In speaking at the work session tonight just
23 reminded me, as I often do with Karen Arent,
24 Landscape Architect, we want to make sure that
25 things that may have been done got carried

1 through. There's no landscaping proposed right
2 now. Speaking with Karen just a couple minutes
3 ago, we're not aware of any issues with that but
4 that's something, in revisiting a site like this,
5 we can always check out. No, there's no specific
6 flag in that regard. It's just a reminder to
7 check out this particular site as we're working
8 on it.
9

10 MR. MENNERICH: Thanks.

11 CHAIRMAN EWASUTYN: Then I'll move for
12 a --

13 MR. FURST: Mr. Chairman, sorry.

14 CHAIRMAN EWASUTYN: Sir.

15 MR. FURST: I just have one question.
16 I'm assuming it's not possible to schedule the
17 public hearing for the first June meeting? Is
18 that too soon or are you not meeting?

19 CHAIRMAN EWASUTYN: We have other items
20 that will be going on.

21 MR. FURST: Understood.

22 CHAIRMAN EWASUTYN: Thank you.

23 MR. FURST: Okay.

24 CHAIRMAN EWASUTYN: We need to take a
25 break from one another after this week.

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Actually, that's what normally happens. We already have things in the pipeline.

MR. FURST: Understood.

CHAIRMAN EWASUTYN: I understand your concern.

I'll move for a motion to declare a negative declaration for the Metro PCS - Meadow Hill Road property and to schedule a public hearing for the 17th of June.

MR. FOGARTY: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. I have a second by Joe Profaci. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried. Thank you.

MR. DONNELLY: I think our minutes

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METRO PCS - MEADOW HILL ROAD

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should reflect we're going to refer this to the
Orange County Planning Department for a report.

CHAIRMAN EWASUTYN: Did I not do that?

Thank you.

I do have items, John, in all
seriousness, that are inhouse already.

MR. FURST: Understood. Just thought
I'd ask. Thank you.

(Time noted: 7:20 p.m.)

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

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

DATED: June 1, 2010

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

----- X
In the Matter of

MAGYAR SUBDIVISION
(2010-09)

Larabee Lane
Section 9; Block 1; Lot 16.0
R-3 Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: May 6, 2010
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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2 MR. PROFACI: The next item on
3 tonight's agenda is the Magyar Subdivision on
4 Larabee Lane off of Route 9W, Section 9; Block 1;
5 Lot 16, located in the R-3 Zone. It's a
6 conceptual two-lot subdivision represented
7 by Frank Valdina.

8 MR. VALDINA: It's been a while since
9 I've been on this side. It feels a little
10 different.

11 CHAIRMAN EWASUTYN: Welcome. Good to
12 see you.

13 MR. VALDINA: Same here. It's been
14 quite a while. Normally I do send someone else.
15 You have the honor -- dishonor.

16 I'm Frank Valdina, Valdina Consulting
17 Engineers, representing the Magyars on the
18 proposed two-lot subdivision.

19 The property is located on Larabee Lane
20 which is approximately 600 feet off of 9W. It is
21 surrounded on three sides by the Cedar Hill
22 Cemetery property.

23 Presently there's a 2.83 acre site with
24 an existing house and garage on it. We're
25 proposing to subdivide that into two lots. The

1 existing house will be on the 1.15 acre parcel.
2
3 The proposed new residence will be put on the
4 1.67 acre parcel.

5 The house will be served by a well and
6 subsurface disposal system. The existing house
7 has a subsurface disposal system.

8 They're connected to Town water,
9 however we would carry a line in from Route 9W to
10 this site.

11 Joe Magyar is proposing to build a
12 house and live there. This site has been in the
13 family for quite a few number of years. The
14 existing house was built in 1920.

15 Access will be through Larabee Lane
16 which is a private road. Like I said, the house
17 was built in 1920, so that's been there for quite
18 some time.

19 That is basically the presentation.

20 The septic system, we did conduct the
21 percolation tests and deep tests last Saturday.
22 We did find it had excellent results.

23 CHAIRMAN EWASUTYN: Thank you. At this
24 point I'll turn to Jerry Canfield, Code
25 Compliance.

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MR. CANFIELD: We have nothing.

CHAIRMAN EWASUTYN: Okay. Pat Hines,
Drainage Consultant?

MR. HINES: We were looking for
information on the water supply for existing lot
1, if you know where that is. I was a little
surprised to see that was connected to the Town
water.

MR. VALDINA: It is connected to Town
water. There really aren't any valves here. We
can show where it comes into the house but
there's a valve out here on 9W. It is on the
Town records. They do have a meter and they do
pay.

MR. HINES: It's just a three-quarter
inch service lateral?

MR. VALDINA: Three-quarter inch. It
comes in from the west. This lot is on the east,
the east side of the lot.

MR. HINES: Considering the distance, I
would recommend that a well be installed then. I
don't want to put another house 600 and some feet
in on a three-quarter inch water main again.

The existing bulk table identifies a

1 front yard setback insufficiency. As Bryant will
2 explain his comments, it needs to go to ZBA.
3

4 We're looking for the ownership of
5 Larabee Lane and if it has a maintenance
6 agreement or if there ever was one filed. I'll
7 refer everything to Mike on that.

8 MR. VALDINA: Like I say, the house was
9 built in 1920. It has a private road sign there.
10 There was a subdivision adjacent to this in 1981
11 which was filed. The filed deed does indicate
12 this parcel has access over Larabee Lane to Route
13 9W. That's the extent of it. It's been
14 maintained for the last ninety years.

15 CHAIRMAN EWASUTYN: Mike Donnelly.

16 MR. DONNELLY: Let me see that deed if
17 you would. I don't mean tonight. Send it to me.

18 MR. DONNELLY: It might be sensible,
19 since we're going to have two lots, at least
20 these two lots that you control, to record some
21 kind of maintenance agreement so if they go into
22 separate ownership that at least these two lots
23 can maintain the private road.

24 Right now who is paying to maintain the
25 road now.

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MR. VALDINA: Basically the Magyars.

MR. DONNELLY: Why don't you make sure.

So when there's two separate owners -- what's going to happen is people are going to show up at the Town Hall complaining to the Town Board about how the Planning Board let this happen. Let's record a maintenance agreement if one doesn't exist.

CHAIRMAN EWASUTYN: Thank you.

Pat?

MR. HINES: We're looking for the topo to be added to the future plans.

Deep and percolation testing which you mentioned, we'll look for those, and review the septic system, and then we have some clean-up notes you received.

MR. VALDINA: No, I didn't.

MR. HINES: You didn't?

MR. VALDINA: No.

MR. HINES: We'll get you a copy.

With that we believe it has sufficient information for sketch. That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

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MR. COCKS: As Pat mentioned, the existing house as shown has a thirty-one foot front yard setback when the requirement is fifty feet in the R-3 Zone.

We did have one question. Is that a porch or a patio on the front?

MR. VALDINA: That's a porch.

MR. COCKS: Okay. We're going to have to figure out what the distance is from the porch to get the actual setback. That's what we're going to have to send to ZBA just so we know exactly what that is. It's going to have to be referred either way.

The location map just should show the zoning boundary because there's a couple different zoning districts in that area.

Pat mentioned topography.

MR. VALDINA: I don't think there's any zoning district within 200 feet, is there?

MR. COCKS: It's that far up to 9W?

MR. VALDINA: We'll check it.

MR. COCKS: Okay. The owner certification must be signed and dated.

As mentioned, the private road

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maintenance agreement.

There's going to be a \$2,000 parkland fee for this lot. You're able to defer that to the time of building permit. If you want to do that, there's a note you're going to have to put on the plan.

The E.A.F. has to be revised to state from the DEC whether there's threatened or endangered species on the site.

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

MS. ARENT: No.

CHAIRMAN EWASUTYN: Board Members?

MR. MENNERICH: No questions.

MR. PROFACI: Nothing additional.

MR. FOGARTY: No comment.

MR. WARD: No comments.

CHAIRMAN EWASUTYN: My only minor comment was I think at some point in time there will need to be a stop sign, I didn't notice one when I was out there, at the end of that road. I think that's a requirement even with private roads.

CHAIRMAN EWASUTYN: Jerry, would they

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have to have stop signs?

MR. CANFIELD: Back then I don't know.

CHAIRMAN EWASUTYN: I mean now they're updating it is what I'm saying.

MR. CANFIELD: It would be a good idea.

CHAIRMAN EWASUTYN: I think it's part of the code. Okay.

I'll move for a motion to circulate this to the Orange County Planning Department and also have Mike Donnelly speak on behalf of the referral to the ZBA for a front yard variance.

Mike.

MR. DONNELLY: Right. As Bryant mentioned, when a deficiency, even a pre-existing one, that's protected is subject to a subdivision, the protection is lost and you need to apply for a variance. Because we don't have the exact dimension, I would suggest I mention then in the approval letter that the proper dimension of the variance sought will be supplied in the application made directly to the ZBA rather than hold up the referral until we have that information.

CHAIRMAN EWASUTYN: Okay.

1
2 MR. DONNELLY: With your direction I
3 will refer this to the Zoning Board. You'll
4 still need to apply directly.

5 CHAIRMAN EWASUTYN: Then again, we'll
6 grant conceptual approval to the two-lot
7 subdivision for Magyar, we'll circulate it to the
8 Orange County Planning Department and we'll make
9 a referral to the Zoning Board of Appeals for a
10 front yard variance, and the actual determination
11 of what that distance is will be set prior to --
12 within the letter that Mike Donnelly refers to
13 the ZBA. I'll move for that motion.

14 MR. MENNERICH: So moved.

15 MR. PROFACI: Second.

16 CHAIRMAN EWASUTYN: I have a motion by
17 Ken Mennerich. I have a second by Joe Profaci.
18 Any discussion of the motion?

19 (No response.)

20 CHAIRMAN EWASUTYN: I'll move for a
21 roll call vote starting with Ken Mennerich.

22 MR. MENNERICH: Aye.

23 MR. PROFACI: Aye.

24 MR. FOGARTY: Aye.

25 MR. WARD: Aye.

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MAGYAR SUBDIVISION

CHAIRMAN EWASUTYN: Myself yes. So
carried.

Thank you, Frank.

MR. VALDINA: Thank you.

CHAIRMAN EWASUTYN: Frank, if you get a
hold of Bryant, Bryant will get the necessary
maps for you to circulate. Bryant will let you
know how many sets he needs for circulation.

MR. COCKS: I just need one. I'll send
my copy tomorrow.

(Time noted: 7:30 p.m.)

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

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

DATED: June 1, 2010

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

----- X
In the Matter of

KRISTOPHER J. NOTO
(2007-28)

Route 52 and Old South Plank Road
Section 64; Block 2; Lot 8.2
B Zone

----- X

SITE PLAN - ARB

Date: May 6, 2010
Time: 7:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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

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KRISTOPHER J. NOTO

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MR. PROFACI: The final item on this evening's agenda is Kristopher J. Noto, site plan and ARB, located on Route 52 and Old South Plank Road, Section 64; Block 3; Lot 8.2 in the B Zone, represented by Justin Dates.

MR. DATES: I'm Justin Dates with Maser Consulting. I have Linda Zwart, the project architect, and also the applicant, Mr. and Mrs. Kris Noto.

Would you like me to just update the Planning Board? It's been some time since we were last here.

CHAIRMAN EWASUTYN: Sure.

MR. DATES: Actually we were last here April of 2009 in which a conceptual approval was granted for the project.

The project is located in the B District. The lot is 1.43 acres and it is naturally subdivided by the right-of-way for Old South Plank Road. There is a portion of the lot on either side of South Plank Road.

The proposed development is focused on .56 acres in the B Zoning District. This lot has frontage to the north on Old South Plank Road and

1 then on the south on Route 52. The site is also
2 located in the Town water and sewer district.
3

4 We're proposing a 3,000 square foot
5 eating and drinking establishment, a single story
6 building. We have the required parking based on
7 Town code, twenty spaces here off to the east of
8 the site.

9 There are two access points to the site
10 itself. The main access for customers for the
11 parking lot is off of Route 52, and then on the
12 back side off Old South Plank Road is more of the
13 service access to the building. The dumpster is
14 located in the rear there as well. That would be
15 picked up through the Old South Plank Road access
16 point.

17 Stormwater design is per the Town and
18 State regs. We're using a subsurface storm tech
19 system in this area of the parking lot to treat
20 stormwater.

21 Basically the grade of the site is from
22 left to right, the high point being on the left
23 lower right-hand side of the site. So our
24 grading plan kind of mimics that natural grade
25 putting the low point for the storm tech system

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KRISTOPHER J. NOTO

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in that area. The stormwater itself from the west of the site is conveyed through a grass swale. The curb breaks in the parking lot which would allow stormwater to runoff into that swale there.

The building is proposed to be serviced by Town water and sewer through connections in Old South Plank Road and the existing mains.

We did develop full lighting and landscaping plans for the project site taking into consideration the design standards. We have some stonewalls proposed on either side of the access there on 52 and then also adjacent to the -- on the east and west side of the building there.

I think that sums up the project.

CHAIRMAN EWASUTYN: Do you want to show us some -- go through your ARB? Do you have any samples with you of material?

MS. ZWART: Yes, I do.

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

MS. ZWART: It's Linda Zwart, and I'm a licensed architect.

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KRISTOPHER J. NOTO

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CHAIRMAN EWASUTYN: Do you have a business card, by chance, for the Stenographer? If not it's all right.

MS. ZWART: Yes, I do.

CHAIRMAN EWASUTYN: Would you mind giving it to the Stenographer.

MS. ZWART: Hopefully this doesn't tip over. Okay. The drawing here reflects what you have in your packet.

Basically what we're trying to do is go with some earth tones that are generally pleasing with some of the other buildings in the area. The lower portion of the building is going to be the cultured brick and then the -- its exterior finish and insulation system, that is going to be the big wall area, and then the trim around it.

There's going to be a couple canopies over the front entrance doors and the side entrance doors. They're going to be in the style of this shown, and they're going to be more of a burgundy color. This is just showing like a shape and a style.

For the most part it's going to be, you know, landscaped all around per the landscape

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KRISTOPHER J. NOTO

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drawings that Maser has done and kind of just pick up more on the earth tones and that sort of thing.

CHAIRMAN EWASUTYN: Do you have any idea what the shingles will look like on the building?

MS. ZWART: Yeah. Actually they're going to be -- I had trouble laying my hands on a sample of that, but it's going to be an Owens Corning. It's their oakwood and it's driftwood is the color.

CHAIRMAN EWASUTYN: Comments from Board Members. Ken Mennerich?

MR. MENNERICH: Just a question. The long view of the building, that would be facing Route 52?

MS. ZWART: Yes.

MR. MENNERICH: And that will be an entrance?

MS. ZWART: No.

MR. MENNERICH: So that's like a facade treatment?

MS. ZWART: It's basically -- if you refer to the plan that you have there, you can

1 see that the center portion just pops out about
2 eighteen inches just to break up the side, give
3 it a little bit of balance. Because of the shape
4 of the site, you know, it is going to be a long
5 facade. We wanted to break it up, make it look
6 interesting, make it look inviting. This is going
7 to be the front from the parking lot.
8

9 MR. MENNERICH: Thank you.

10 CHAIRMAN EWASUTYN: Joe Profaci?

11 MR. PROFACI: How high is the cultured
12 brick going to be versus the Drive It?

13 MS. ZWART: The Drive It goes up -- the
14 soffit there is about twenty-two foot and this is
15 going to be approximately three-and-a-half to
16 four feet. If you'd like also, for your records,
17 because I noticed one of the comments that had
18 come in is you wanted the materials labeled. I
19 also have this. I prefer to do this type because
20 it's a little bit more accurate on what it's
21 going to be looking like. The computer tends to
22 make it a little monomatic, but at least this
23 comes with actual, you know, labels. It lists
24 the shingles, what's being called out and that
25 sort of thing. There's several copies if you'd

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KRISTOPHER J. NOTO

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like to add it to the packet.

CHAIRMAN EWASUTYN: You can put one in the basket if you don't mind. You can distribute them to people. Give one to Bryant Cocks, Karen Arent and give one to Jerry Canfield.

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

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: Not on this. There was a concern in one of the memos that I read insofar as Ken Wersted was supposed to make a comment on the delivery area and whether or not the trucks would be able to make the turn in the delivery area. I don't know if that was addressed or not.

MR. DATES: I didn't get any comments from Ken.

CHAIRMAN EWASUTYN: We didn't get one either.

MR. DATES: The service access is for a large box truck. No semis. Large box trucks and garbage trucks would be utilizing that access.

CHAIRMAN EWASUTYN: Bryant, if you'd make it a point to e-mail Ken Wersted on that.

MR. FOGARTY: Thank you.

MR. WARD: The only question I had is

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KRISTOPHER J. NOTO

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it's going to be facing 52. Is there a reason why can't you put any windows on that side?

MS. ZWART: This center section here does have windows. In general for an eating/drinking establishment, if you have a lot of windows on the edges sometimes it dictates more exactly where your tables and that sort of thing are going to be. For example, head into Fridays, TGIFs or something like that, a typical restaurant like that, if you look at the facade there's usually a grouping of windows and then it's more blank just so you get a little bit more flexibility in what you can do with the interior. It gets a little more cozy when you're getting into the actual layout.

MR. HINES: It will keep them from putting neon signs in the windows, too. That's notorious on that strip.

CHAIRMAN EWASUTYN: Comments from our consultants on the ARB. Jerry Canfield?

MR. CANFIELD: I have nothing on the ARB.

MR. HINES: Nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

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MR. COCKS: Just the signage that's going to be on the plan, just a signage chart has to be labeled with the ARB drawings and the site plan showing allowable amount of signage and what the proposed amount of signage is.

MS. ZWART: Okay.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I have the same comment as Bryant, just the signage.

I had one other comment. The mechanical units, do you know where they'll go? The air conditioning compressor units. Just as long as they're not in the front if it's possible.

MS. ZWART: No, we wouldn't do that to you.

MS. ARENT: If they have to be, make your building function well, just show them so they can be screened. If you can just address that.

MS. ZWART: That's fine. We can do that.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Thank you. Would

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KRISTOPHER J. NOTO

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the Board care to act on ARB approval at this point?

MR. PROFACI: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to grant ARB approval for the Kristopher J. Noto site plan.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by Tom Fogarty. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

CHAIRMAN EWASUTYN: Justin, do you feel you've completed your site plan review for now? We'll turn to our consultants for their comments.

MR. DATES: One thing I want to add. We

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KRISTOPHER J. NOTO

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did have to go to the ZBA for this project.
Because of the linear dimensions of the site, we
did need to get two front yard setbacks and a
variance for lot depth, which we did get all
three variances.

CHAIRMAN EWASUTYN: Okay. At this
point I'll turn to Jerry Canfield, Code
Compliance.

MR. CANFIELD: We have no outstanding
site issues.

We had commented earlier about
accessibility which has been corrected.

Also there's good accessibility for
firefighting from Route 52.

We have nothing outstanding. There was
a comment about the water line, but Pat will
discuss that.

CHAIRMAN EWASUTYN: Okay. Pat Hines,
Drainage Consultant?

MR. HINES: A City of Newburgh flow
acceptance letter is required. If you can send a
narrative report of the project along with the
anticipated flow from the project to Jim Osborne,
he'll forward that on to the City. It's a

1
2 procedural step that we need to complete before
3 any approvals.

4 The sprinkler service connection needs
5 to be in compliance with the Town code where if
6 the fire suppression sprinklers are set off the
7 potable water supply to the building is also shut
8 off. If you need that we can supply that typical
9 detail to you.

10 We're looking for the depth of the
11 percolation deep tests at the bottom of the
12 infiltration system.

13 Drainage manhole number 1, it looks
14 like it needs an adjustment to the grades there.
15 You're about .2 feet higher at the catch basin
16 and your discharge to the infiltrator is --

17 MR. DATES: We can take care of that.

18 MR. HINES: Also we need a note on the
19 map requiring the execution of an enforceable
20 agreement for operation and maintenance of the
21 stormwater and submission of an annual report to
22 the code compliance office. And then we ask that
23 you consider putting rip rap between the drop
24 curbs and the swale on the final plans.

25 MR. DATES: Okay.

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KRISTOPHER J. NOTO

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MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: My first comment is just regarding the sidewalks on the plan. They're listed at five feet and in the narrative you said it will be six feet.

MR. DATES: It will be five feet.

MR. COCKS: The garbage enclosure, just indicate the color of the vinyl slats.

We did send this to the Orange County Planning Department. They issued a Local determination and didn't have any comments.

We're going to need approvals from the Town of Newburgh Highway Department and the New York State DOT.

You mentioned the ZBA determination.

If you guys want to defer the landscape bond until the time of building permit, there's a note that needs to go on the plans. If you want to do that, e-mail me and I'll send it to you.

MR. DATES: Okay.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: The Planning Board is fine

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with no sidewalk across the front.

The thirty-inch high walls are fine.

If you can consider possibly a little more screening of the parking area from Route 52, from the highway.

MR. DATES: Where? Old South Plank?

MS. ARENT: Old South Plank.

MR. DATES: We are preserving a good buffer of the existing mature vegetation there, and we do have supplemental shrub plantings.

MS. ARENT: Right. For the parking area. I was concerned about the other side.

MR. HINES: The Route 52 side.

MS. ARENT: Route 52. I'm sorry. You had I think some Spirea.

MR. DATES: We have some Inkberry, we have some Matea. We have a couple clusters along with the stonewall. There's a cluster planting here and here to kind of take care of some screening from the road.

MS. ARENT: It's up to the Planning Board if they want any more screening. Do you feel that the back of the building is adequately screened in the winter, the service area?

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MR. DATES: We are maintaining the existing vegetation there with some foundation plantings along there. You can see it from the architect's rendering here.

MS. ARENT: More the dumpster area. I thought there's a little bit of view in from the back of the dumpster area. That's again a Planning Board decision, whether or not they feel --

MR. DATES: We do have the full enclosure on that along with some evergreens.

MS. ARENT: That was the portion of the building that will be visible. It's up to the Planning Board whether or not they would want screening.

Is there going to be a free-standing sign or are all the signs going to be on the building?

MR. NOTO: I never thought about -- yeah, I would like a free-standing sign.

MS. ARENT: You should consider it now just to show what it would look like, either on the architectural drawings or the site plan, and include both sides of it in your calculation for

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square footage of signage.

MR. NOTO: Okay.

MS. ARENT: You have two front yards -- two roads, so you're probably allowed, you know, a fairly -- I don't think a free-standing sign would trigger any variances because you have so much -- it's one half of the linear footage of signage -- square foot of signage for every linear footage of road frontage. Sorry.

MR. COCKS: You were right the first time.

MS. ARENT: So you probably have more than enough road frontage to put a free-standing sign if so desired. And the design guidelines show you what kind of signs.

CHAIRMAN EWASUTYN: Comments from Board Members. Ken Mennerich?

MR. MENNERICH: One thing relative to signage that Karen was talking about. Since there is a lot of road frontage you could end up with a huge sign, but I think it should be in proportion to the size of the building so it doesn't stand out.

MR. NOTO: We're not going to get

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KRISTOPHER J. NOTO

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carried away with it.

MR. MENNERICH: The other thing was the color of the slats for the garbage enclosure gate. Linda, do you have some thoughts on what color that would be? To go with the building or --

MS. ZWART: I would prefer to see something that would go with the building because it's adjacent to the building. Correct?

MR. DATES: Yes.

MS. ZWART: I would prefer to see something that would go with the building. Some of the darker browns that are used, not the lighter browns. That's basically your choice. Either that or like a forest green. Typically it doesn't look good. I mean they really don't. I think I would rather see the earth tone brown or some of the darker ones.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have nothing further.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I have no questions.

CHAIRMAN EWASUTYN: John Ward?

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KRISTOPHER J. NOTO

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MR. WARD: The stonewall, as long as it looks -- blends in with the building and the contour of the neighbors and everything else, I think that would be nice for the building itself. It would attract people.

CHAIRMAN EWASUTYN: All right. The next thing I have to poll the Board Members on is if the Planning Board wants to hold a public hearing.

MR. MENNERICH: Do you want comments?

CHAIRMAN EWASUTYN: Please. Thank you.

MR. MENNERICH: I guess because there are residential properties to the north of the site, I think we probably should have a public hearing.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Yes.

MR. FOGARTY: I agree.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Okay. We actually couldn't act on approving this, even subject to the revised plans, until we get a City flow acceptance letter from the City. So we have that window of time.

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2 Bryant, I know you'll be away next
3 week. I'm asking you based upon your assistance
4 with the circulation and mailings, if we should
5 set this for the 17th --

6 Mike, thanks for correcting me.

7 -- the 17th of June for a public
8 hearing.

9 MR. COCKS: That's fine. I can get it
10 out tomorrow.

11 CHAIRMAN EWASUTYN: If that's the case
12 then we would have it for the -- that would be
13 the 17th -- that would be the first of June.
14 That might be too soon. Okay.

15 I'll move for a motion to set this for
16 a public hearing on the 17th of June.

17 Jason, if you work with Bryant Cocks
18 for the mailing and circulation. The one thing
19 I'll ask of you is on that Tuesday, which would
20 be the 15th, if you could get to the Planning
21 Board office, let me know that you'll be bringing
22 them in so we can accept it, is your return
23 receipts for the certified mailing.

24 MR. DATES: Do you think we could -- is
25 there enough time for the early June meeting?

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2 CHAIRMAN EWASUTYN: I think it will
3 coincide with other public hearings that we have.
4 You still have to get a letter to Jim Osborne and
5 he has to get a letter to -- who is the fellow in
6 the City? Craig Marti. Until we get a response
7 back from them. If it's all right I'd like to
8 schedule it for the 17th.

9 MR. DATES: All right.

10 CHAIRMAN EWASUTYN: Then I'll move for
11 a motion to set this for the 17th of June for a
12 public hearing.

13 MR. WARD: So moved.

14 MR. FOGARTY: Second.

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

18 (No response.)

19 CHAIRMAN EWASUTYN: I'll move for a
20 roll call vote starting with Ken Mennerich.

21 MR. MENNERICH: Aye.

22 MR. PROFACI: Aye.

23 MR. FOGARTY: Aye.

24 MR. WARD: Aye.

25 CHAIRMAN EWASUTYN: Myself yes. So

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KRISTOPHER J. NOTO

carried.

If you want to defer the landscape bond, speak to Bryant Cocks as far as notes on there. Work on your revised maps. We have other materials in house.

MR. DATES: Yeah. Just a question for you, Mr. Chairman. At the public hearing meeting we should be in a position, as long as we get the letter from the City of Newburgh, for a conditional final at that point? Is that --

CHAIRMAN EWASUTYN: Michael?

MR. DONNELLY: I don't see why not. I don't think there's any other conditions that would hold it up.

MR. DATES: Okay. Thank you.

(Time noted: 7:51 p.m.)

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

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

DATED: June 1, 2010

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

----- X

In the Matter of

STONYBROOK COURT
(2007-14)

Request for a One-Year Extension of
Site Plan Approval

----- X

BOARD BUSINESS

Date: May 6, 2010
Time: 7:51 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

2 MR. PROFACI: We have three items of
3 Board Business. The first is Stonybrook Court.
4 The applicant is requesting a one-year extension
5 of site plan approval. It was originally granted
6 April 17, 2008. It will run through April 17,
7 2011.

8 CHAIRMAN EWASUTYN: I'll move for that
9 motion, to grant the extension for the Stonybrook
10 Court subdivision.

11 MR. MENNERICH: I'll make the motion.

12 MR. PROFACI: Second.

13 CHAIRMAN EWASUTYN: I have a motion by
14 Ken Mennerich. I have a second by Joe Profaci.
15 Any discussion of the motion?

16 (No response.)

17 CHAIRMAN EWASUTYN: I'll ask for a roll
18 call vote starting with Ken Mennerich.

19 MR. MENNERICH: Aye.

20 MR. PROFACI: Aye.

21 MR. FOGARTY: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: And myself. So
24 carried.

25 (Time noted: 7:53 p.m.)

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DATED: June 1, 2010

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

----- X
In the Matter of

ELM FARM SUBDIVISION
(2000-09)

Request for an Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: May 6, 2010
Time: 7:53 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DANIEL SULLIVAN

----- X

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

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2 CHAIRMAN EWASUTYN: Joe, skip to the
3 third item next because I think the last item we
4 don't have money for the Stenographer. We'll
5 make that a general discussion.

6 MR. PROFACI: Okay. The next item is
7 Elm Farm Subdivision which is an extension of
8 preliminary approval which expires on May 9, 2010
9 and will run through November 9, 2010.

10 MR. SULLIVAN: I'm Dan Sullivan, the
11 Attorney. I just came because the last time I
12 understand there were a lot of problems with
13 communications -- the approval of the minutes,
14 your approval last time, and you got very nervous
15 so I said I would come tonight to see if it was
16 approved. So I could tell them I was here.

17 CHAIRMAN EWASUTYN: Okay. I'll move
18 for a motion to grant the approval for Elm Farm
19 Subdivision to November 9, 2010.

20 MR. FOGARTY: So moved.

21 MR. PROFACI: Second.

22 CHAIRMAN EWASUTYN: I have a motion by
23 Tom Fogarty. I have a second by Joe Profaci. Any
24 discussion of the motion?

25 (No response.)

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CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Thank you. I'll move for a motion to close the Planning Board meeting of the 6th of May.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:54 p.m.)

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DATED: June 1, 2010