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

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In the Matter of

HICKORY HILL SUBDIVISION  
(2011-17)

Hickory Hill Road  
Section 47; Block 1; Lot 64.22  
R-1 Zone

----- X

PUBLIC HEARING  
FIVE-LOT SUBDIVISION

Date: June 6, 2013  
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  
JOSEPH E. PROFACI  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of June 6, 2013.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

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

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance, Town of Newburgh.

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

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MR. COCKS: Bryant Cocks, Planning  
Consultant.

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

MR. WARD: Please stand to say the  
Pledge.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on  
tonight's agenda is a public hearing. It's for  
the Hickory Hills Subdivision, project 2011-17,  
located at Hickory Hill Road, Section 47,  
Block 1, Lot 64.22, located in the R-1 Zone.  
It's six-lot subdivision represented by Charles  
Brown.

I will ask, prior to beginning, Michael  
Donnelly, Planning Board Attorney, to explain the  
purpose of a public hearing.

MR. DONNELLY: Though this application  
has been before the Board for quite some time,  
before the Board takes action on a subdivision  
application such as this, it's required to hold a  
public hearing. After the applicant gives the

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description and presentation of the project, the Chairman will ask those who wish to speak to raise your hand to be identified. The purpose of the public hearing is for you, the members of the public, to bring to the attention of the Planning Board issues or concerns that the Planning Board may not be aware of or that have not been brought to the attention of the Board by the consultant team that works for the Town. After you have been recognized, we ask you to step forward if you would, give your name, spell it if you would for our Stenographer so we get it down properly. Address your comments to the Board. If you have a question that can easily be answered, the Chairman may ask the applicant's representative or a member of the Town's consultant team to answer that question.

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 Town Law on the application of Hickory Hill Subdivision, Project 2011-17, for a five-lot

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subdivision on premises 150 Hickory Hill Road in the Town of Newburgh, designated on Town tax map as Section 47, Block 1, Lot 64.22. The applicant proposes a five-lot subdivision with four new homes and a residual lot of a 15.4 acre parcel on 150 Hickory Hill Road, located in the R-1 Zoning District. One lot will be accessed from the -- from a driveway directly onto Hickory Hill Road while the other four lots will be accessed from the cul-de-sac off of Hickory Hill Road. All lots will utilize individual wells and septic systems. Said hearing will be held on the 6th day of June 2013 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 May 7, 2013."

MR. GALLI: We also have in our possession an affidavit of posting and an affidavit of mailing of the notices.

CHAIRMAN EWASUTYN: Charlie.

MR. BROWNE: Thank you. This is a

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15 1/2 acre parcel, vacant currently. It does contain some Federal wetlands which are delineated here in the hatched area.

The proposal is to create four new building lots and leave the balance at this time undeveloped. Of those four lots, one will be accessed off Hickory Hill Road with a driveway, the other three will access off a proposed private road that was built by the applicant.

All the wells -- all the proposed lots, the building lots, will be served by individual wells and septics.

We do have a small pond on this project. It takes care of the water quality and quantity.

We're here to answer any questions.

MR. MARGOSHES: I'm sorry. Do I need to identify myself?

CHAIRMAN EWASUTYN: Please. He's still speaking. You'll get your turn. Let's --

MR. MARGOSHES: I'm just trying to --

CHAIRMAN EWASUTYN: Sir, sir, again your first question was should you introduce yourself. You didn't wait for a response and now

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you're talking. Let the Planning Board make their announcement to open the meeting to the public.

MR. MARGOSHES: Can I just say that I --

CHAIRMAN EWASUTYN: Not at this particular time.

MR. MARGOSHES: -- I can not hear.

CHAIRMAN EWASUTYN: We'll open it up to the public.

MR. MARGOSHES: Okay. Thank you. I can't hear.

MR. BROWN: The location of the parcel is roughly halfway down the length of Hickory Hill Road and it's directly across from the New Life Manor.

CHAIRMAN EWASUTYN: At this point, as Mike Donnelly said, if you raise your hand, give your name and your address, we'll recognize you to speak. One other thing we would like to follow, each person should have an opportunity to speak one time and then we'll make a second round, but we have to open it up for everyone.

So if you'd give your name and address,

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sir.

MR. MARGOSHES: Excuse me for my lack of protocol. I've never been to a meeting. I'm Steve Margoshes, 225 Hickory Hill Lane.

First of all, I have a hearing problem so I really couldn't hear what you were saying. That's why I was interrupting, wanting to know what the gentleman was saying.

And can we first have an opportunity to identify what that map means? I don't see where the entrances are. I can't figure out the map from here.

MR. BROWN: All right. The parcel wraps around the New Life Manor, a community residential facility. It has a private road that's coming off of Hickory Hill Road which is on the north edge of our property right along the stonewall. Three of the lots will be accessed off of that. The fourth lot has a driveway right to Hickory Hill Road.

MR. MARGOSHES: Which is adjacent and which is Hickory Hill Lane?

MR. BROWN: This is Hickory Hill Road, this is --



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HICKORY HILL SUBDIVISION

MR. MARGOSHES: And Jason Road and  
Hickory Hill Lane?

MR. BROWN: I have no idea --

MR. HINES: Charlie, the lots on the  
north side front on Jason Road.

MR. BROWN: Jason Court. These are the  
lots that front on Jason Court.

MR. MARGOSHES: Excuse me. I'm just  
trying --

MR. BROWN: Jason Court is right up  
here.

MR. MARGOSHES: Jason Court is here.  
Okay. This is the --

MR. BROWN: This is south of Jason  
Court.

MR. MARGOSHES: And the new lots are  
here?

MR. BROWN: Right.

MR. MARGOSHES: Thank you. I just  
wanted to follow that.

CHAIRMAN EWASUTYN: Comments or  
questions? Sir.

MR. RUSSELL: Richard Russell, 216  
Hickory Hill Lane. I just want to check to make

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sure it's not going to be entered onto Hickory Hill Lane. Correct? That's above Jason.

MR. BROWN: The only entrances are off of Hickory Hill Road.

MR. RUSSELL: Where you posted the sign?

MR. BROWN: That's a new policy, to post the signs. The one sign on the left facing the property, that will be the driveway location. The one on the right, that will be the new private road. That's the only location.

MR. RUSSELL: The one on the right side of the rehab house is going to be a driveway or the road?

MR. BROWN: Left side driveway, right side road.

MR. RUSSELL: Thank you.

MR. MAURICE: How are you doing. Frank Maurice, M-A-U-R-I-C-E, 9 Jason Court, Newburgh, New York. I've been a resident there for 19 years.

The problem I have with this is I live right on Jason Court. The private road that they're planning on bringing up, what kind of

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buffer are we going to have between our property line and that road? Is there any?

MR. BROWN: The stonewall that's between our proposed private road and your property is going to remain. Close to Hickory Hill Road we pretty much graded right through that stonewall. As soon as we get above that, there's probably about 20 foot --

MR. MAURICE: See, that leaves no buffer for my property, and a private road -- when I moved in 19 years ago, I look in my backyard, it's beautiful, countryside, woods. That's what drew me to this house. Now 19 years later to today, they want to put a road behind my house with no buffer at all, nothing to leave anything for me. It's all going to be about them with their road, their houses. What about their septic? What about all the wetlands? What about there's a lot of water? I know on that map it says there's a five-foot depth to hit water. Not true. My house, one foot you dig down, you have water. Water is a big issue back there. And what is that going to do by building four or five more houses to all the water around us and the

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wetlands? When it rains up there it floods real easy.

Thank you.

CHAIRMAN EWASUTYN: Charlie, do you feel like commenting on any of those questions?

MR. BROWN: Jason Court actually ran towards Hickory Hill Road. His parcel, the parcel that is before the Board right now, does not drain in that direction, so nothing that we do on this parcel will add any drainage issues to anything to the north.

With respect to the depth of groundwater, that's where the septics were proposed. We did some extensive testing on this parcel all over. Yes, there were areas that we did hit water relatively close to surface. Those areas are not proposed for septics for that reason. And I think that pretty much covers it.

MR. MAURICE: Have you been around there when it rains? I mean it's -- I've been back there. I know the woods. It's bad. And my property is right next to that property and I have -- my field is flooded out in a rainstorm. I can't believe that it's not going to be an

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issue with their septics, possibly getting into wells and with the surrounding houses. I can't see it not happening.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We've reviewed the subsurface sanitary disposal system and the data that was utilized to design them. The septic systems meet the requirements of the Public Health Law 75-A. A couple of the septic systems are what's known as shallow absorption trench systems and they are being installed due to the presence of a slightly high groundwater table. But the septic systems meet the separation distances and design requirements for the Public Health Law for a septic system. The separations for the wells also comply.

As far as the drainage on the site, a stormwater management plan has been prepared because of the Town's requirement. The disturbance didn't exceed the DEC requirements. Because of the construction of the private roadway, a stormwater management plan was required which incorporates any detention pond to

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provide both water quality and water quantity control.

The runoff from the private roadways is collected in a closed pipe drainage system and it's going to discharge to the pond on lot 2.

Charlie, if you can indicate where that's going to be.

MR. BROWN: The pond -- that gets tied into the existing drainage proposed underneath Hickory Hill Road.

MR. HINES: The Planning Board doesn't typically require buffers and there's no mechanism in the ordinance to require buffers between residential properties.

I will note that the -- in response to your comment, the cul-de-sac portion of the private road ends kind of behind -- you have a small shed in your backyard. That's where the road stops and the majority -- the rest of that --

MR. MAURICE: But there's another driveway that comes off the cul-de-sac.

MR. BROWN: More than 25 feet.

MR. HINES: There's more than 25 feet

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between the property line there.

MR. MAURICE: 25 feet is really not a lot when you're talking about cars going up the road that you've never had before. In the wintertime I'll be looking -- from what I gather, it's about 100 feet off of the stonewall is the house?

MR. HINES: Yeah, approximately. 50-foot front yard. It is a 100 feet. 102.

MR. BROWN: 110.

MR. MAURICE: With no buffer at all? So that's lowering my property value. When I moved in, you know, I bought the house with woods. Granted I might not own those woods, but that's how I bought it. Now I'm getting a road and a house right behind me. It just -- it seems like there should be some allotment for me to have some buffer so I don't have to see that.

MR. HINES: There's no requirement in the Town's ordinance for a buffer. You're certainly free to plant anything on your property but this plan meets the requirements of the Town of Newburgh Zoning Regulations.

MR. MAURICE: So he could take every

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tree down up that road that's been there for years?

MR. HINES: He could take every tree down now if he wanted to under the clearing and grading permit. Also, the Federal jurisdictional wetlands have been delineated on the site and we have received a report from a wetland biologist. They're avoiding any impacts to the Federal jurisdictional wetland.

MR. DONNELLY: Mr. Maurice, the Town does require buffering between residential and commercial properties. It does not require buffering between residential and residential or between residential and a roadway.

MS. JOHNSON: Hi. My name is Robin Johnson, 17 Jason Court. I also live on Jason Court. Also living there for 19 years. Again, the same thing about, you know, I'm at the top of the hill. I have a raised bed septic system. It's very wet. You could do an engineering report but if you're not there during a rainstorm, then you don't understand the water issues that we have.

Will their septic systems be able to



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handle their house size and not pollute the wells? That's a concern of everybody on Jason Court.

They wanted to know what type of houses were being built, if they were single family and the value of the houses, because there are two houses for sale -- one house for sale and one vacant house on Hickory Hill Lane, and right now the house is up for sale for 245. We were just concerned about how much the houses are going to be valued at and what the -- we wanted to know what the size of the lots was going to be. You said it's a 15 acre parcel. You know, what size are the lots and is there going to be a minimum of 200 feet between the septic and Frank Maurice's well or Bob Kelleher's well because their wells are in their yard and you're going to be building a house 50 feet away from their house. How is that 200 feet away?

MR. BROWN: Okay. As far as well separations to septic systems, the minimum is a 100 assuming that the well is -- it's only 200 if the well is downhill from the septic.

These proposed lots, the smallest one

1 is 1.3 acres. The proposal right now is all  
2 single-family residences. If the applicant  
3 decided at any time to do a duplex or that he  
4 wanted to do a duplex, in this Town you need a  
5 minimum of 100,000 square foot lot, which is over  
6 two acres. I think the only one that even comes  
7 close to that would be lot number 4, but that  
8 would also require another application before  
9 this Planning Board for site plan approval for a  
10 duplex. So at this time they're all single-  
11 family houses proposed. The applicant is going  
12 to be building a house for himself but he has not  
13 established a price range at this time.

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15 MR. HINES: The septic systems are  
16 designed based on four-bedroom houses also. So  
17 there's a limitation there.

18 MS. JOHNSON: There's no value yet?

19 MR. BROWN: No value.

20 MS. JOHNSON: Well that's a concern. It  
21 affects the value of our houses, so it is a  
22 concern.

23 CHAIRMAN EWASUTYN: Jerry Canfield,  
24 Code Compliance. The minimum requirement for a  
25 house in the Town of Newburgh?

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MR. CANFIELD: The zone has a minimum requirement for the size. There is no requirement for the dollar value of a house to be built.

MS. JOHNSON: The market is really down right now. If they can't sell house for 245 on the next street, how are they going to sell brand new houses? It's a concern.

MR. KELLEHER: Bob Kelleher, 3 Jason Court. I'm there 22 years. Is there going to be any kind of -- what's the word I'm looking for -- like draining away from the brick wall by the road?

MR. BROWN: The stonewall?

MR. KELLEHER: Yes. Basically with us, I had to put pipes in pretty much. Basically when it does rain it's wet most of the summer, so I had to basically put drainage pipes in my property.

MR. BROWN: Where the road is, above the road the property actually drains from your guys lots onto the Carlton property. Where the road is, it pretty much runs right parallel down the stonewall. We have swales with the road and

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2 pipes, probably culverts, and then a piping  
3 system that collects all that water and brings it  
4 into this detention pond away from your lots, and  
5 then it gets tied into the piping that goes  
6 underneath Hickory Hill Road, almost in front of  
7 the driveway for the --

8 MR. KELLEHER: So it's going to be  
9 diverted from the wall?

10 MR. BROWN: Yes.

11 CHAIRMAN EWASUTYN: Okay.

12 MR. HINES: There's a system of catch  
13 basins and closed pipe drainage that are going to  
14 convey it to the pond onto lot 2.

15 MR. RUSSELL: Is this road going to be  
16 taken over by the Town or private?

17 MR. BROWN: A private road.

18 MS. JOHNSON: Again, with the rain, I  
19 was going to say the residents of Jason Court,  
20 there's four of us, four families, we spent  
21 \$15,000 of our own money, because it is a private  
22 road, improving that road. We all chipped in,  
23 almost \$4,000 a family, to improve the road, to  
24 do drainage. So if their water is coming onto  
25 our property and then running down our road, it's

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a problem. It's a big problem.

MR. HINES: That's not the case. My office reviewed the stormwater management report. The water actually is coming generally from that way towards this site and then this one will collect the water completely on the site. There's no discharge from this property to the rear of the Jason Court property. Actually, they'll be collecting some of that that comes off of there and putting it into the detention pond because of the construction of the roadway and the swales associated with it.

MR. MAURICE: Whereabouts is the detention pond?

CHAIRMAN EWASUTYN: Frank, I'll ask you to do me one favor. Just at least, because the Stenographer takes minutes and if you or anyone else, whether today, five years from now, when we read those minutes they wouldn't know who that was that was speaking. So if you, on impulse, want to say something, Robin or Frank, then just say, you know, hi Robin, hi Frank.

Frank, go ahead.

MR. MAURICE: Where in location to New

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Life is the detention pond?

MR. BROWN: North of New Life, and then north of the pond is our proposed road, and then the stonewall which adjoins all of your lots.

MR. MAURICE: Is that lot 2 you said?

MR. BROWN: Correct, lot 2. This is the facility, and this is lot 2, and this is the pond. That's the proposed road.

MR. MAURICE: How large a detention pond? I mean is it, you know, 75 feet by --

MR. BROWN: It's only about 4 feet deep. It is pretty spread out. It's probably about 250 feet by 60 feet. That's the top of it and then it's 1 on 3.

Maintenance of the pond will be part of the private road maintenance agreement, so lots 2 through 5 will be responsible for not only maintaining the road but the pond also.

MR. LEE: My name is Lloyd Lee, 217 Hickory Hill Lane. If this is approved, approximately when do you plan to start construction?

MR. BROWN: Within a year. Within one year.

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MR. MARGOSHES: One year?

MR. BROWN: One year, yes.

MR. MARGOSHES: How long does the construction take?

MR. BROWN: For the infrastructure it will take less than a year. When they build houses, when he builds the houses, that's entirely up to him and the market. Again, whatever the market will support.

So the pond and the road, those will be built first or they'll be bonded. In other words, a bond is an insurance policy to guarantee they're going to get built. That will all be done within one year.

MR. MARGOSHES: And that's before houses are built?

MR. BROWN: Generally, yes. The road has to go in before the houses are in.

MR. MARGOSHES: What is the bond going to be?

MR. HINES: The stormwater facilities have to go in before the houses.

MR. BROWN: Lot 2, which is directly accessed off Hickory Hill Road, could conceivably

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2 be built before the road. For the applicant to  
3 do that he would have to put up a bond. In other  
4 words, an insurance policy to guarantee  
5 construction of this road before that lot is  
6 actually graded and the map is filed.

7 MR. HINES: For clarification Charlie,  
8 that was lot 1. You said lot 2.

9 MR. BROWN: I'm sorry. Lot 1. Right.

10 CHAIRMAN EWASUTYN: Richard.

11 MR. RUSSELL: I have a question, not  
12 pertaining to this right now. All of my  
13 neighbors, as you can see, get these letters. I  
14 have never gotten one for any issues. I've  
15 always depended on my neighbors to tell me when  
16 these meetings are and we've been here 25 years.  
17 I don't know who to go to about this.

18 CHAIRMAN EWASUTYN: The assessor is the  
19 one who supplies the list, and that's done within  
20 -- Bryant, why don't you explain how that  
21 happens. Bryant Cocks is our Planning  
22 Consultant.

23 MR. COCKS: Sure. When the applicant  
24 comes in we send a letter to the town assessor  
25 with a 500 foot radius from the property line in



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every direction. So I'm not sure exactly where your house is.

MR. RUSSELL: There was an issue that was 25 feet from my front door the last time and I never got a letter. All the other neighbors did. I never got one.

MR. DONNELLY: Do you get a tax bill?

MR. RUSSELL: Yes. Oh, yeah. That's not an issue. They make sure that goes to the right address. I've gone to the tax department, I just don't know who to go to about it.

CHAIRMAN EWASUTYN: Russell is your last name?

MR. RUSSELL: Yes, sir.

MR. GALLI: It's not on the list. His name is not on there.

MR. RUSSELL: This is a neighbor across the street. They got a letter.

MR. HINES: You're on Hickory Hill Lane?

MR. RUSSELL: Yeah.

MR. HINES: It's more than 500 feet.

MR. RUSSELL: I'm just saying, all these other neighbors got letters and I --

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HICKORY HILL SUBDIVISION

MR. HINES: They're within 500 feet.

MS. RUSSELL: How could they? They're right across the street from us. It's just a freaking road.

MR. GALLI: Only three people on Hickory Lane got letters. I don't know how many live on the street.

MS. RUSSELL: Eight.

MR. GALLI: Only three qualify.

MR. RUSSELL: Like I said, the last issue with me, it was right next door to us. It was the house next door was built too close to the road and they had to give him a variance. All the other neighbors got a letter but me. It's not the first time. I just didn't know who to go to.

MR. GALLI: What number are you on Hickory?

MR. RUSSELL: 216.

MR. GALLI: 217 got it.

MR. RUSSELL: They're right across the street.

MR. GALLI: All the odd numbers got one. None of the even numbers got one.

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MR. BROWN: The south side of the street got them.

MR. RUSSELL: I'll just check with the tax department and find out what's going on. Thank you.

CHAIRMAN EWASUTYN: Bob.

MR. KELLEHER: Bob Kelleher again. The retaining pond, is that going to have like a liner inside to keep basically the water from flowing out or is this dirt or --

MR. BROWN: It's just going to be dirt. I mean the retaining pond, you don't want standing water in there for an extended duration. It's usually a 24-hour thing.

MR. KELLEHER: I'm just hoping it doesn't flow out against us.

MR. BROWN: It's piped out into the existing pipe, a 36-inch pipe. It's a 3-foot diameter pipe that goes under Hickory Hill Road now. It will be piped into that.

The purpose of the pond is not only to address quantity, in other words we can't increase the amount of water running off this site after we do the development, and that's what

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it does. It stores the water temporarily, releases it at a rate that's less than what's coming off the property now. It also has a forebay and a micropool which store the first little bit of rain you get, the first half inch, store that for an extended period of time so that any pollutants that come off the site don't make it into the drainage system and into the stream and the rivers, et cetera, et cetera, et cetera.

MS. JOHNSON: Robin Johnson. That water then from that retention pond is going to be draining to the Town road, to Hickory Hill Road; is that correct?

MR. BROWN: Correct.

MS. JOHNSON: The Town just spent a lot of money improving Hickory Hill Road, which is a Town road. It's not a private road. So now that water is going to feed into Hickory Hill Road. When we've had bad snowstorms, not just rainstorms, bad snowstorms, bad rainstorms, there are trees on Hickory Hill Road that are pitched just the way the road is growing up. Now you're going to add all this water. We're going to have trees down and have power lines down.

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MR. GALLI: I think the water drains underneath.

MS. JOHNSON: And there's one way in and one way out. And the fire hydrant is on Route 52. If any of our houses catch on fire, goodbye house.

MR. BROWN: We're not draining along Hickory Hill Road. We're draining to the existing pipe that goes underneath Hickory Hill Road. If anything, the problems that you're talking about will actually be in some way mitigated. The water that's running through this property now into the swale on Hickory Hill Road, it's going to be intercepted and drain directly into the piping system. It's not going to be running along Hickory Hill Road.

MR. RUSSELL: You're talking about the pipe in the center, the new pipe they put in?

MR. BROWN: Yes. The three-foot pipe.

MS. JOHNSON: I have another question about the fire hydrant. When we moved there weren't all these houses -- there's all these houses now that were built on Hickory Hill Road. There's like another twelve houses. Now you're

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adding six more houses; is that correct?

MR. HINES: Four.

MR. BROWN: Four.

MS. JOHNSON: Four. What constitutes -- or I should ask the Planning Board. What constitutes another fire hydrant inside? Since we only have one way in and out of Hickory Hill Road, that's the only way in and out, there's no other way to get out any way else, should there be another fire hydrant further down on Hickory Hill Road? None of us would have access to a fire hydrant in the event of a fire.

CHAIRMAN EWASUTYN: Who would be responsible? That would be a Town Board's decision.

MR. HINES: The project is not in the water district so you could not extend the Town's water system without extending the water district and putting that burden on everyone as you extend that. But the jurisdictional fire department, I'm sure, is capable of putting out fires in this area. They bring water with them in tankers.

MS. JOHNSON: Okay.

MR. CANFIELD: To elaborate on that,

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that is the Orange Lake Fire District, Dan Leghorn Engine Company. They do have a tanker and they have mutual aid agreements and will bring in other apparatus in light of areas that do not have Town water.

MS. JOHNSON: Is there ever a plan to bring Town water or sewer in since we have more houses now?

MR. CANFIELD: That would be a Town Board decision, not the Planning Board.

MS. JOHNSON: Not Planning Board.

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

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to our Consultants. Bryant Cocks, Planning Consultant?

MR. COCKS: One was the 10,000 square foot buildable area requirement which Charlie has done on the plans.

The other was the wetland delineation and survey were to be shown on the plans, which he has done.

I have nothing further.

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CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: The applicant has addressed our previous comments. The last time they were before us we commented on the design of the detention pond and requested that they provide the water quality forebay and micropool in compliance with the regulations. Those have been shown on the plans and the stormwater management report has been updated to address that.

We did have a comment that since there is a private road here, the private road access and maintenance agreement should be written such that the lots that are tributary to the detention pond are also responsible for that maintenance. That is a requirement prior to the approval.

We commented on several of the septic systems, and those comments have been addressed.

We previously commented on the private road detail for the pavement section, and that pavement section has been upgraded to meet the Town's requirements. So they've addressed our previous comments on the project.

CHAIRMAN EWASUTYN: Jerry Canfield,



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Code Compliance?

MR. CANFIELD: I have two questions.  
The private road name, has that been selected and submitted to the Town Board?

MR. BROWN: Not yet. Not yet. We're working on it, though.

MR. CANFIELD: That will be a requirement.

My second question is the maintenance and functionality of the detention pond, would those responsibilities be deeded to lot number 2?

MR. BROWN: Those will be part of the private road maintenance agreement which actually Dan Bloom has already drafted, I've reviewed and my client has reviewed and it will be forwarded to Mike Donnelly very shortly. So lots 2 through 5 will be responsible not only for the road but also for maintenance of the pond. So the maintenance of the stormwater facilities is included in the stormwater -- I mean in the common road maintenance agreement -- the private road maintenance agreement.

Pat, is this -- MS-4 is Town or -- the Town; right?

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MR. HINES: This is the Town's MS-4 system.

MR. BROWN: I'll talk to you on that.

MR. CANFIELD: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: Charlie, say where Jason Court is and say Maurice's property, with the private road going there what's where the private road is going to the houses? Is it all treed??

MR. BROWN: Yes. The Kelleher property, they probably have about 10 foot of trees left before they get to the stonewall. The Maurice property, there's one part where they went right to the stonewall, but at that point we got 25 feet that we're not disturbing as part of this project, so that will remain treed. Does that answer the question?

MR. WARD: Well, I'm asking if you could preserve as much buffer as you can there.

MR. BROWN: Well, I mean, you know, again it's not something we're required to do. We have left a provision because the Fayo property to the rear is a very, very large parcel

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with questionable access from any other location. Mr. Fayo and my client have met. We have left a future right-of-way. Again, we can leave that 25 foot as far as this proposal. You know, this is what I can represent to the homeowners: In the future if another road was proposed to extend all the way through the back, we would be back before this Board again, hopefully I would be the engineer, and you would be notified again or there would be another public hearing, but that would be a whole different project.

MR. WARD: Thank you.

MR. KELLEHER: Can I ask a quick question?

CHAIRMAN EWASUTYN: If you don't mind, since the Board Members are now --

MR. KELLEHER: I'm sorry.

CHAIRMAN EWASUTYN: I'd like to finish that.

MR. KELLEHER: Okay.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I have nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: An interesting

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observation, a lot of people that had houses built in the subdivision 20 years or so ago, the requirements now for stormwater runoff are a lot more stringent and get a lot more detailed review than they did 20 some years ago. So some of the problems where I heard people say they put money in their own yards because of drainage problems, that type of thing, with the regulations that are in place now you shouldn't have those kinds of problems with new subdivisions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Just to address Mr. Maurice's concern. Unfortunately people that own property in the Town of Newburgh have the right to develop it because they pay taxes like we do. You also could have the option of buying it. I'm not saying you want to buy a lot just to keep it free and clear. Everybody has the same opportunity in life to either develop the property they own or keep it empty, or someone has the right to purchase it if they'd like.

As far as Robin's comment on risk of building and the pricing, he's spending a lot of money to develop this. For the infrastructure it

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costs a lot of money compared to what it did 20 years ago. He's not going to put up a \$100,000 or \$200,000 house. You can't make money today developing five lots, putting up a \$200,000 house. The value of the house, whether he does it now or three years from now, whatever the market bears, he's going to want a return on profit so he's going to put something decent up to sell. I don't think you'd have to worry too much about the value of your property for the development that's going in. It's not like it's a thirty-house development where they are going to be cookie cutter. And they are one acre plus parcels. It's not a postage stamp lot.

CHAIRMAN EWASUTYN: Rob, you had a question?

MR. KELLEHER: Rob Kelleher again. Basically on the end towards my property, there is a lot directly in back of mine, right? Kelleher, the first one on the bottom?

MR. GALLI: Lot 2.

MR. BROWN: The road comes in.

MR. KELLEHER: Basically like when we had that big snowstorm, 4 1/2 feet about three

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years ago, I had about twenty trees that came down. That basically -- most of those are going to be cleared out or some left?

MR. BROWN: In the back of your property pretty much everything through the wall for the first 150 feet will be removed. Beyond that -- the first 150 feet. That's actually from the center.

MR. KELLEHER: That's the whole thing.

MR. BROWN: No. That's from the center of Hickory Hill Road. It's about a third of your property. The next two-thirds of the back of your property, there will be about 15 feet of trees that will remain.

MR. KELLEHER: Most of the stuff came down and I ended up having to clear it out.

MR. BROWN: Generally when they go through a job like this, any trees that are distressed they will take down. They don't want them falling on a new private road either. So healthy trees would remain but anything that's questionable would come out.

CHAIRMAN EWASUTYN: Frank?

MR. MAURICE: You had mentioned

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something about a future road going up to Fayo I believe you said.

MR. BROWN: This land leaves a provision for that to happen. It's not something that's definitely going to happen. It's not something that's proposed at this time. It's not something that Mike Fayo or my client is actively pursuing at this time. However, we have left that option. In other words, we left a fifty-foot right-of-way all the way from the end of our cul-de-sac, all the way to Mr. Fayo's property in the rear so in the event he wants to access his property, he has a way to do that.

MR. MAURICE: How many acres are you talking about up in that area?

MR. BROWN: Fayo's property?

CHAIRMAN EWASUTYN: 60 I think.

MR. BROWN: It's a pretty big parcel.

CHAIRMAN EWASUTYN: You can see it on the other end of Gardnertown Road, closer to Lakeside Road. It's called Black Angus Court where that flat away is and the wetlands is.

MR. HINES: There's some environmental challenges to access that.

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HICKORY HILL SUBDIVISION

MR. BROWN: From the other side.

MR. MAURICE: From our side or --

MR. HINES: From this side, yeah.

MS. JOHNSON: Which way would they  
access that property?

MR. BROWN: Again, in the event that  
Mr. Fayo -- again this is all hypothetical --  
wanted to develop his property, again there's  
some issues coming in from the other side and  
also issues coming in from this side. The  
topography from this side is actually better, and  
the wetlands don't extend all the way. So he  
would have to deal with filling in some wetlands  
also. But that's a whole other project, a whole  
other public hearing, and we would then be  
discussing those issues with that project.

MS. JOHNSON: The Federal wetlands are  
behind my property.

CHAIRMAN EWASUTYN: Okay. Any final  
questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll make a motion  
to close the public hearing on the five-lot  
subdivision for Hickory Hill Subdivision.



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MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this time I'll turn the meeting over to Mike Donnelly, Planning Board Attorney.

MR. DONNELLY: I prepared a resolution. The resolution is preliminary and final subdivision approval. I spoke to Charlie Brown before we began and informed him of the Town Board resolution that allows the partial deferral of fees in lieu of parkland, and he informed me that the applicant wishes to take advantage of the resolution that the Town Board has passed,

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2 therefore I will include that condition. You  
3 will need to comply with the resolution that will  
4 require the addition of a map note and the  
5 delivery of a certification and acknowledgement  
6 to the Town Hall. All of that needs to be done  
7 before November 1, 2014 or you can not avail  
8 yourself of the deferral.

9           Secondly, the approval is conditioned  
10 upon the Town Board approving the name of the  
11 roadway. The highway superintendent will have to  
12 approve the connection. We'll need a private  
13 roadway easement and maintenance agreement that  
14 includes a provision for maintenance of drainage  
15 structures.

16           The wells shown on the site are close  
17 to the 15-foot roadway setback requirement. Make  
18 sure that isn't violated. We had spoken earlier  
19 and you agreed you will stake the well locations  
20 in the field, provide a survey, deliver it to the  
21 building inspector before any of those wells are  
22 drilled.

23           We will need a stormwater improvement  
24 security and inspection fee, a private road  
25 security and inspection fee.

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Do we need a stormwater control facility and maintenance agreement on this project?

MR. HINES: No. It's going to be incorporated into the --

MR. DONNELLY: The private road security and inspection fee. I think I mentioned already the private roadway easement and maintenance agreement. You'll be required, as we mentioned earlier, to pay fees in lieu of parkland for the four new lots in the subdivision totaling \$8,000. Unless you avail yourself, as you said you are willing to do, of the deferral, that \$8,000 would be due in full at the time of map signing. If you avail yourself of the Town Board's resolution, you would have to pay forty percent of that amount at presentation of the map and the balance as the building permits are issued.

MR. BROWN: \$3,200. Okay. We'll do that.

CHAIRMAN EWASUTYN: Any additional comments or questions from our consultants?

(No response.)

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HICKORY HILL SUBDIVISION

CHAIRMAN EWASUTYN: Board Members?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to approve the five-lot subdivision for Hickory Hill, both for preliminary and final, based upon the resolution presented by Planning Board Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I thank you all for attending.

(Time noted: 7:42 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: June 26, 2013

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

----- X  
In the Matter of

MID-HUDSON MARINA  
(2010-09)

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

----- X

RESIDENTIAL SITE PLAN

Date: June 6, 2013  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: GEORGE CRONK

----- X

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

1  
2 MR. PROFACI: The next item on  
3 tonight's agenda is the Mid-Hudson Marina,  
4 project 2010-19, located on River Road,  
5 Section 121, Block 1, Lot 1, located in the R-1  
6 Zoning. It's a residential site plan being  
7 represented by George Cronk.

8 MR. CRONK: Good evening. Do you mind  
9 if I turn this a little bit?

10 CHAIRMAN EWASUTYN: Not at all.

11 MR. CRONK: George Cronk with Chazen  
12 Companies. Nick Cardaropoli is also here as the  
13 applicant.

14 To give you a brief overview history of  
15 where we're at on this project, you may remember  
16 in 2009 -- I'm sorry, in 2012 reviewing some  
17 documents relative to SEQRA and responding back  
18 to the Town Board for some actions that they were  
19 taking regarding essentially the reduction of the  
20 size of the marina that was required at that time  
21 in the zoning. We actually felt we had pretty  
22 good momentum at that point for the project. We  
23 proceeded after that to start installing the  
24 second well that would be required on the site.  
25 So in the original plan we have the homes that

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would be in this area here, the twenty homes. We proposed an underground, what they call a mid-size sewage treatment facility or system. We have a small pool out here, and then of course on this side of the river where -- this side of the railroad tracks we have the river with the marina and boat slips with that. If you remember the site over here, we have a couple of the Hess tanks and up behind here we had a single-family subdivision that was approved and mostly out -- a portion built out.

There were several things we discussed at that time. Two of the items that we are specifically here to talk with you about tonight is the water and the sanitary sewer. Specifically with the water, when we originally presented this to you, there's an existing well that was already installed out here when the project was previously approved for a marina and a restaurant use. The requirements for a well in New York State Code are not the same as those for residential use. Specifically at that time, in 2009 or so when the project was getting looked at, we had met with the Orange County Department



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of Health to discuss the existing well, the location of it, the requirements that the State sets forth, and at that time, in good faith, we presented that the Health Department was acceptable to continuing to use the existing well and to add a secondary well. Because of the residential use you need a secondary backup for that. In 2012, after we had met with this Board and the Town had made some actions for changes in the marina, boat slip counts, we then contacted the Health Department again to confirm that the second well that we would be installing was in accordance to what they would like to see. Generally we kind of do a cursory review with the Health Department before spending a lot of money sinking equipment and structures into the ground. At that time the Health Department informed us that that well location was no longer acceptable, and so we discussed at length with the Orange County Health Department a location or possible locations for moving the wells, because obviously with no water the project would not be able to move forward. We did discuss several different locations with them, and after discussing several

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locations they asked us to go to the State. So we made several trips to Albany and discussed with the New York State Department of Health locations or alternative locations for the wells. Probably the biggest restriction of the existing well is the distance to the property line. That was very difficult for the County to accept at that time -- or in 2012 to accept. So what we did is we worked with the State and the County, and we have been discussing the well locations. What we are presenting to you tonight for your information is the new location for both of the wells. So the existing well, the State has asked us not to abandon that well at this time but to provide it as a third backup or a possible use of a well. What they've asked us to do, or what they've approved for us to do so far is to put the wells out on the marina side of the tracks. That location allows us to have 100 foot ownership and to maintain any 200 foot control of -- for these two well locations. One of the other alternative locations that we actually discussed with the State was in the area here where the septic disposal system is or was. What

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they asked us to do is to not move infrastructure or the septic system into that area in the event that these wells failed and that this well failed and we weren't able to draw water from the river, that we would then be able to put a well in that location. Obviously there would be -- that's not the ideal location but they just wanted a third or a fourth backup to this because there is no public water supply for this. By doing that, obviously we can't put the sanitary sewer in that location. I think we were originally looking at a system similar to like a Rainco system or that type.

What we are proposing to do is to move the treatment system down closer towards the retention pond. There would need to be a small building or control panels for that treatment system. We're really looking at a product made by Conteches called Magellan. If you're not clear what that is, that is essentially a very large diameter pipe that goes in the ground, so it's completely below the surface, and it's broken up into chambers. As the effluent comes in, it gets treated throughout the various

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stages, and that will discharge to the river. In order to do that we will need to seek the DEC approval just as we would with the original Rainco system that we were originally looking at. There's no approval change on that portion of it.

We have not received the effluent limits yet from the DEC at this time because we wanted to come back to the Board, discuss what we're proposing to change to allow us to still get the water for the project.

I really open this up to questions for the Board. This is really just an informational. We're not looking for an approval at this time.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I have no questions. The owner I think wants to speak.

MR. CARDAROPOLI: When we came --

CHAIRMAN EWASUTYN: Sir, can you give your name?

MR. CARDAROPOLI: Nick Cardaropoli, C-A-R-D-A-R-O-P-O-L-I, Senior. We were pretty excited that we were going to get going. In the meetings with the County it looked like everybody was in agreement. I went up with George to make

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sure, after we visited you gentlemen, and they said -- rather the State did, it's never happened to me and I've been in business for half a century. That's what we did, the County. They said go to the State and we had to start all over again. Lots of trips. It's hard to get an appointment with them and their staff is cutback. You know the routine. We all deal with the State. So different Board Members come up to me and said what happened. Well nothing really has happened, we just keep spending a lot more money. In the end I think it will be a better project.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have no questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I have no additional comments or questions. The site layout hasn't changed ,the lot count, any of the setbacks. We have no issues with the change.

CHAIRMAN EWASUTYN: Pat Hines?

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MR. HINES: All the changes are under the jurisdiction of other agencies, the Health Department and the DEC. The surface discharge does explain why the system shrunk so much. I wasn't aware -- you're going to go back under the railroad track as a surface discharge?

MR. CRONK: Actually, the railroad track eventually comes out into the river. So the river sits on both sides of the track at this point. So we'll be able to --

MR. HINES: You have a place to discharge. Otherwise they have to seek those outside agency approvals.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one question. The plan calls for a fire pump house. Could you explain what that fire pump house will supply?

MR. CRONK: I think when we were originally looking at the project here, especially when we were doing the SEQRA review, comments were raised that we would need to provide sprinklers for the buildings because they are very close together in length. Most likely

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the construction is going to be wood. So the fire pump house will draw water from the river and supply the sprinkler system in the event that it's needed.

MR. CANFIELD: Now with the townhouse configuration, it's still your intent to sprinkler the buildings?

MR. CRONK: If the requirement is not required, we would certainly lift the need for that. But yes, as of right now.

MR. CANFIELD: Okay. And also the yard hydrants which we can review at a future date. Okay.

MR. CRONK: Yup.

CHAIRMAN EWASUTYN: That's fine.

MR. CRONK: Thank you very much for all of your time tonight.

MR. CARDAROPOLI: Thank you very much.

(Time noted: 7:54 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: June 26, 2013



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

----- X  
In the Matter of

GARDNERTOWN COMMONS  
(2009-12)

One-Year Extension of Conditional  
Final Site Plan Approval

----- X

BOARD BUSINESS

Date: June 6, 2013  
Time: 7:54 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  
JOSEPH E. PROFACI  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- X

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

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MR. PROFACI: We have three items of Board business. I'm going to go out of order a bit here. First is Gardnertown Commons, project 2009-12. The applicant is requesting a one-year extension of conditional final site plan approval which will run from May 19, 2013 to May 19, 2014.

MR. CAPPELLO: Good evening, everyone. It doesn't seem like two years ago this was before the Board asking for the approval because the applicant was telling me to hurry up, he was going to close on financing, begin building the project. Lo and behold, two years later and we're still pursuing the application.

I think you're familiar with Gardnertown Commons. The last time we were before the Board we made some provisions regarding the patios and decks and the layout of the units. We also obtained subdivision approval to allow the project to be constructed in phases with individual HOA units. I know Mr. Jeremias is still actively pursuing development there. I think times are getting a little better, we keep hoping.

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I would ask for that additional year to pursue it. I understand under your code you're only permitted to give one additional year, so we have our work cut out for us to go back to the drawing board and try to be creative. We're hopeful.

CHAIRMAN EWASUTYN: Bryant Cocks, any comments on this?

MR. COCKS: No. This ought to be a retroactive approval because May 19th was the date of the expiration of the last approval. That should be okay.

CHAIRMAN EWASUTYN: Any comments from Pat Hines?

MR. HINES: We have nothing on this.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: I have no additional.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Mike Donnelly?

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MR. DONNELLY: Nothing.

CHAIRMAN EWASUTYN: Okay. Do you want to put that in a motion?

MR. PROFACI: I'll ask for the motion to approve the one-year extension of conditional final site plan approval for Gardnertown Commons.

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

MR. CAPPELLO: Thanks very much.

(Time noted: 7:58 p.m.)

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

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DATED: June 26, 2013

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

----- X  
In the Matter of

LONGVIEW FARMS  
(2006-39)

Six-Month Extension of Conditional  
Preliminary Approval

----- X

BOARD BUSINESS

Date: June 6, 2013  
Time: 7:58 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  
JOSEPH E. PROFACI  
JOHN A. WARD

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

----- X

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MR. PROFACI: The next item of Board Business is Longview Farms, project 2006-39. The applicant is requesting a six-month extension of conditional preliminary approval which will run from June 14, 2013 to December 14, 2013.

CHAIRMAN EWASUTYN: I'll move for a motion to grant a six-month extension for Longview Farms.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by John Ward. I correct myself. I don't know if I said Longview Farms. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So carried. Thank you.

(Time noted: 7:59 p.m.)

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

----- X  
In the Matter of

LOCAL LAW - REZONING OF A PARCEL OF LAND ON PUTNAM  
STREET AND BOULDER ROAD FROM THE R-3 TO THE IB ZONE

Discussion by Michael Donnelly, Esq.

----- X

BOARD BUSINESS

Date: June 6, 2013  
Time: 7:59 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  
JOSEPH E. PROFACI  
JOHN A. WARD

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

----- X

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BOARD BUSINESS

MR. PROFACI: The last item of Board Business is Michael Donnelly will discuss the local law regarding the rezoning of a parcel on Putnam Street and Boulder Road from the R-3 to the IB Zoning District.

MR. DONNELLY: You've received a referral from the Town Board of a proposed local law that also involves a change to the comprehensive development plan. Under the Newburgh Town Code it is a requirement before the Town Board takes action on a map change, and that's what this local law will do, that the Planning Board render a report on four separate criteria. The proposal is by Colandrea Sunshine Ford Lincoln who has petitioned the Town Board to rezone a 1.8 acre area currently zoned R-1 to be zoned IB. It is ultimately the intent of Colandrea to use that to add to its additional Sunshine Ford Lincoln dealership. Most of the parcels, I'm told, are vacant. I think there are one, two -- it looks like twelve separate parcels. There are two that are occupied by residential uses that were not purchased, if I understand this correctly, by Colandrea but

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BOARD BUSINESS

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they're still part of the zone map change application.

The criteria upon which the Planning Board is required to report to the Town Board are as follows: First, whether the uses permitted by the proposed change would be appropriate in the area concerned. Perhaps it's easiest for me to stop there and hear your comments so we can formulate the report.

CHAIRMAN EWASUTYN: Any comments from the Board Members?

MR. GALLI: No concern.

MR. MENNERICH: I think it's appropriate.

CHAIRMAN EWASUTYN: Do you think it's appropriate?

MR. PROFACI: I think it's appropriate, yes.

MR. WARD: Yes.

MR. DONNELLY: Secondly, whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as the result of such change.

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That one is clearly not applicable because we are zoning from residential to commercial.

Third, whether the proposed change is in accord with any existing or proposed plans in the vicinity. I think we've heard the announcement that Colandrea proposes to add the land to it's dealership. Under the IB zoning designation, if approved the existing residences are also permitted uses and may continue. I don't have knowledge myself of what the -- of any other proposed plans in the vicinity.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: I'm fine with that.

CHAIRMAN EWASUTYN: Okay. We're in agreement with it.

MR. DONNELLY: Lastly, whether the proposed amendment is likely to result in an increase or a decrease in the total zone residential capacity of the Town and the probable affect thereof. Clearly it will have a decrease, although slight, in the residential capacity of the Town. I don't know if you want to make any comment regarding the probable affect of that decrease.

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BOARD BUSINESS

CHAIRMAN EWASUTYN: Then I guess we will make a comment on it.

MR. DONNELLY: Other than the note that it's small and it only involves twelve homes or twelve lots.

With your permission then I will take those comments, incorporate them into a letter and send it to the Town Board.

CHAIRMAN EWASUTYN: Please. Thank you. If there's no further business before the Board at this time, I'll take a motion to close the meeting of the 6th of June.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself aye.

(Time noted: 8:02 p.m.)

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DATED: June 26, 2013