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

----- X

In the Matter of

POMARICO SITE PLAN
(2012-10)

Route 300
Section 96; Block 1; Lot 5
IB Zone

----- X

SITE PLAN

Date: June 21, 2012
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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL POMARICO

----- X

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

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CHAIRMAN EWASUTYN: I would like to welcome everyone to the Town of Newburgh Planning Board meeting of June 21st.

At this point we'll call the meeting to order with a roll call vote.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning Board has professionals who represent the Town and give advice and recommendations to the Board. I'll ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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

MR. COCKS: Bryant Cocks, Planning Consultant.

CHAIRMAN EWASUTYN: At this point I'll

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turn the meeting over to John Ward.

MR. WARD: Please rise for the Pledge.

(Pledge of Allegiance.)

MR. WARD: If you have cell phones,
please turn them off or put them on vibrate.

CHAIRMAN EWASUTYN: The first item on
the agenda this evening is the Pomarico Site
Plan, it's on Route 300 in an IB Zone and it's
being represented by Michael Pomarico.

Michael.

MR. POMARICO: Good evening, everyone.
I would like to introduce also Jesse McMahon, my
potential tenant. Basically a couple weeks ago
Jesse had seen my sign and inquired about renting
the space. There's two levels, an upper suite
and a lower suite. He has an ice cream business,
an ice cream parlor, custard and frozen treats,
like that. He looked at the upstairs level but
there was a little bit of height variation from
the floor area to the parking. He needs to get
customers from here to here, which would require
some sort of decking or some sort of landing. So
then I showed him the second suite, which is
ground level, which is on the side, and he liked

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that. That works well. People can simply walk up to the window and place their order without any stairs or any encumbrances, and basically have a couple of outdoor tables, umbrella tables or something like that.

That's kind of where we're at right now. He's very interested in taking advantage of the hot weather to get up and running.

Any questions?

CHAIRMAN EWASUTYN: I don't know how you want to start out.

Jerry, do you want to start out? Pat Hines?

MR. CANFIELD: I'll start if you'd like.

CHAIRMAN EWASUTYN: Do you want me to turn the fan off?

MR. CANFIELD: Yeah, John. Please. Thank you.

This application, as we discussed in the work session beforehand, has been before the Board before. The application is for the exemption, which is provided in our Municipal Code, to the full site plan review process. It

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allows existing structures under 2,500 square feet. It affords the Planning Board the opportunity to exempt the full site plan review process. The Board does have the luxury of making recommendations or requirements upon the applicant based on what they present to you.

We talked in the work session. I know Mr. Pomarico briefly talked about the floor plan and some of the issues as far as the site itself and the mechanics of the tenant to be proposed.

We also talked about perhaps traffic patterns and the floor plan. Maybe a little bit more in depth if you could get an understanding from the applicant what the floor plan will consist of, what type of service you're going to provide.

It may be wise to take into consideration the amount of traffic that's anticipated from the site because it does enter and exit from a State road, Route 300.

The parking lot. Last time we had talked about perhaps making the parking lot smooth and safe and striping. The Board may want to be concerned about that.

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The application does qualify for the exemption, should the Board choose to do so.

As Mr. Pomarico said, there are two levels to this one-family house, at one time which it was. It is a ranch style house. I believe the area of the structure he's talking about is the basement, which has full access out to grade level in the rear and on the side. That leaves the opportunity of occupancy for the main floor.

The Board may want to consider some type of mechanism to limit or have the opportunity to review future tenants that I'm sure the owner may be looking into, to not limit him so he can rent it but again still afford the Board the opportunity to review that should that situation arise.

So basically that would be my recommendations to the Board.

CHAIRMAN EWASUTYN: Pat, as far as Board of Health involvement in this --

MR. HINES: Because of the food service it will need a food service permit. The Health Department will review -- I believe the site is

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on septic at this time. They'll review that along with their food service permit. That's an annual renewal that they do.

As Jerry said, the issues I heard there were some tables possibly. I think the Board should know how many tables there's going to be. That could depend on how many people.

MR. McMAHON: With the Board of Health, it limits you to twenty people for seating, for outside seating, otherwise you need to have public restrooms. It's going to be just window service, so I wouldn't do more than twenty seats.

MR. POMARICO: Pretty much like a custard stand. The same use, you walk up to a window and either drive off or --

MR. HINES: If you use your normal restaurant parking calculations at four per car, that's five parking spots.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant? Then I'll poll the Board Members.

MR. COCKS: I have no additional comments. I believe all the issues we discussed at the work session have been raised here.

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With the parking counts, I'm sure just to have an ice cream stand there's going to be more than five cars there, although five spaces would be required. I just want everyone to be aware. I would assume you would want a lot of traffic in and out of their quickly.

MR. HINES: The only thing is, and we talked at work session, is we probably would need input from DOT, at least a letter saying they acknowledge. We don't want to get a letter back from them saying what have you done. I think they should be informed and kept in the loop here.

MR. POMARICO: If I might add, the prior use of this particular space was a chiropractor's office. That was pretty much hours from 9 to about 6. Patients pretty much came and went all day. There were just appointments in a row. So you had a lot of in and out of there.

MR. HINES: The basement space?

MR. POMARICO: Yeah. The lower level was Paez Chiropractic for about fifteen years. The upper level was Century 21 which had about

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ten agents. There was a lot of coming and going in that spot anyway. I don't think he would increase what was previously there. I don't think it would be any worse than what it was prior.

MR. FOGARTY: I think this might be more peak kind of traffic.

MR. POMARICO: Seasonal, too.

MR. FOGARTY: Yeah.

MR. HINES: Is it a seasonal?

MR. McMAHON: It is. Right now it will be closed for three months.

MR. DONNELLY: It certainly slows down.

MR. POMARICO: It gets to subzero out there.

CHAIRMAN EWASUTYN: Comments from Board Members. Ken Mennerich?

MR. MENNERICH: If I heard right, there won't be any indoor seating --

MR. McMAHON: No.

MR. MENNERICH: -- there will only be outside.

MR. McMAHON: Yes.

MR. MENNERICH: -- is there a restroom?

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You said there's no public restroom. Is there a restroom for the employees?

MR. McMAHON: Yes.

MR. POMARICO: There is a restroom right off the -- actually, the layout of the building, there's a double window and there's an entry door. The double window is a simple double hung window. That's the only structural change, if you will. We're just going to change it to a sliding window so you can just slide and open, and probably put a little service counter there I would think. There's an existing awning that's there which Jesse would like to change and redo and put his own graphics and whatever as it is right now.

As far as signage, there's an electric sign up by the road which is shared by the two tenants. He would have access to both sides of that. It's pretty much -- pretty straightforward. There's really no one sitting down there or entering the building at all.

MR. MENNERICH: Will it be soft serve ice cream, --

MR. McMAHON: Yes.

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MR. MENNERICH: -- hard serve or both?

MR. McMAHON: Both. Italian ice, soft
serve.

MR. POMARICO: My office is right next
door, too.

CHAIRMAN EWASUTYN: Where are you
currently operating? Where are you currently
operating?

MR. McMAHON: I'm not right now. This
is new to me.

MR. POMARICO: He has a restaurant
already.

MR. McMAHON: Me and my fiancée have a
restaurant.

CHAIRMAN EWASUTYN: And where is the
restaurant?

MR. McMAHON: It's in New Windsor.

CHAIRMAN EWASUTYN: The name of the
restaurant?

MR. McMAHON: Irish Eyes.

CHAIRMAN EWASUTYN: Okay.

Tom, questions?

MR. FOGARTY: I don't have any problem
with this. The one thing I agree with Jerry is

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that as you change tenants, since you're falling under this exemption, I think it is a good idea that you review whoever the tenants are going to be, maybe with Jerry's office, so you can go through the rules and regulations pertaining to that particular tenant. I think that would be a good rule of thumb.

MR. POMARICO: If a new tenant were to come along that shared the prior use, the office use upstairs, that would be acceptable if it was something that was similar to what was there already? Like another real estate guy, lawyer, insurance man?

MR. CANFIELD: I would think it would be advisable it would be a case-by-case basis. I think it's a very difficult thing, Mike, for this Board -- I don't want to speak for the Board -- to leave it open ended, --- -

MR. POMARICO: Okay.

MR. CANFIELD: -- keeping in mind that you're applying for this exemption.

MR. POMARICO: Okay.

MR. CANFIELD: They have requirements that they have to be aware of. So I think what

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we had discussed was that any tenant to go in upstairs, we have the opportunity to review it.

MR. POMARICO: Okay. Just like we're doing now essentially.

MR. CANFIELD: Yup.

MR. POMARICO: That's fine.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is with the parking lot itself, for lighting itself in the back, there will be nighttime people. At the same time, if you do get another tenant upstairs, you need to have enough parking for both tenants and not being congested with everything.

MR. POMARICO: Right.

MR. WARD: And my other concern is traffic going out on 300 with the Vitamin Shoppe that's going to be there. You've got Lowe's, Cosimo's, and right in the middle of it you have this project.

My other concern was, like I said, the new tenant. If they come in, what is it going to be and how is that going to affect overall traffic and parking? But the lighting is an issue, too.

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MR. POMARICO: There is security lighting on the building right now. There's flood lighting to the side where his entrance would be and there's also flood lighting to the back. It's pretty well illuminated. At my office next door, we have two big halogen lights that light up our backyard all night, too. So you would get ambient lighting there. There is lighting on the building.

MR. WARD: Is there any requirement with the parking lot with something like this?

MR. CANFIELD: Not this small.

MR. WARD: That's why I'm asking, because if you're going to have families there and everything else, you've got to make it right.

CHAIRMAN EWASUTYN: Michael, what kind of improvements are you looking to make to the existing lot? I remember there was conversation at the last meeting about some potholes in the rear, --

MR. POMARICO: Right.

CHAIRMAN EWASUTYN: -- some striping. Can you just kind of elaborate on what you're looking to do to enhance the property now?

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MR. POMARICO: Certainly.

CHAIRMAN EWASUTYN: The wooden railing that's in front of the building needs to be uprighted. It's tilted backwards somewhat.

MR. POMARICO: The guardrail, yeah.

CHAIRMAN EWASUTYN: I think overall there's a little bit of tweaking that needs to be done on the property because, now again, you're bringing in new people. As John Ward explained, everything around you is going to be new. What kind of investment are you going to make for the benefit of the new tenant or for the Town itself so we know when it comes time for a certificate of occupancy, you met your responsibilities as a landlord?

MR. POMARICO: Well I plan on the parking lot first and foremost. There's about -- it's a paved lot in the back. There's probably about a ten-by-ten area that's rough. There was a stump there at one time. That's gravelly. That I want to patch and re-sealcoat the whole thing in the back and have the lines all put in for parking. That would be the first order of business, to kind of organize the rear lot so

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people pull in and it's defined where you park
and this and that.

There's currently a dumpster, which you
kind of see through the drive down, which I'd
like to move that to the back corner, kind of out
of sight so you don't really see it from 300.
That was pretty much there from when I bought the
building, I just never did anything with it.

CHAIRMAN EWASUTYN: We typically have
the dumpsters enclosed in the Town. Can you see
yourself enclosing that?

MR. POMARICO: I could put a pen around
it. Like a three-sided pen and stick it in the
corner. That way it's nicer for his clients
coming and going, too, so it's not as obtrusive.
Those are immediate things. I mean I have to
consider cash flow. It's going on about ten
months of an empty building.

CHAIRMAN EWASUTYN: That's your
hardship, that's not our hardship.

MR. POMARICO: As more business comes
in I'll be able to do more.

CHAIRMAN EWASUTYN: That's your
hardship. We need to have a commitment from you

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as to -- understanding you have a hardship, we still need a commitment from you. Again, that fencing needs to be uprighted.

MR. POMARICO: Right. I can redo that.

CHAIRMAN EWASUTYN: There's certain things we ask you to do there.

MR. POMARICO: The retaining fence and the -- it's not a retaining wall, it's like a guardrail fence. That can be replaced and pretty much spruce up the back lot.

CHAIRMAN EWASUTYN: I don't know about replaced. It should be uprighted. It's tilted back.

MR. POMARICO: I'll take it out all together and change it.

CHAIRMAN EWASUTYN: John?

MR. WARD: One more thing. You've got to remember you're going to have a business there, and I'm talking for you -- for your business. You want an atmosphere that they see it. That whole area is going to be say the Vitamin Shoppe and there's other future lots. They're going to be seeing it from the parking lot coming down. You want it to look appropriate

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for the families and everything else to go there. We're trying to say not have an eyesore because we have everything going, it's going to look beautiful there, but we don't want -- we're going to try to help but at the same time we want it looking right to sell your product.

MR. McMAHON: Absolutely.

CHAIRMAN EWASUTYN: In summary, you have to compliment the area and the area is going through a revitalization. Realizing money is tough with you, the dumpster enclosure would compliment the front yard of the new project around you. So you have to look at the total environment that you're locking into. You're in the building trades, I don't have to explain it to you.

MR. POMARICO: Yup.

CHAIRMAN EWASUTYN: That's what we're looking to do.

MR. POMARICO: I just don't like from Route 300, if you're stopped at the light, the Adams light and look towards the building. If everything goes well, he's up and running, it will attract attention. When you look down the

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driveway, you see the hopper there. I'd rather move it to the far corner and get it out of the way. I could put a little three-sided pen around it. There's no problem with that.

CHAIRMAN EWASUTYN: Jerry, Mike, how do we memorialize this?

MR. DONNELLY: Let me ask Jerry one question. Does this need a CO from you? What authorization does it need?

MR. CANFIELD: Yes. Once the Board chooses to move forward with the exemption, the Board will have to do a resolution.

MR. DONNELLY: Right.

MR. CANFIELD: Of course we'll spell out the conditions in the resolution. Once that's done, then the applicant can apply to my office for a building permit. So yes, there will be a C of O.

MR. DONNELLY: From what I heard, we can include three conditions. The first is this exemption is granted to the applicant for use by a downstairs tenant for an ice cream parlor only. If any different or additional use is proposed, the applicant shall be required to return to the

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building inspector and/or the Planning Board for further review. Secondly, we'll need you to get a letter from the DOT that they have reviewed this and it's satisfactory to them. And thirdly, we'll list the improvements that are required to be completed before issuance of a certificate of occupancy, and that's the parking lot repairs with the defined parking areas, the relocation of the dumpster with an enclosure, and repair of the guide rail and fence.

MR. MENNERICH: Just one other question. The outside tables, do you have a plan that shows where they are going to go?

MR. McMAHON: Not yet.

MR. MENNERICH: But you will be showing -- you'll need that.

MR. CANFIELD: At the time of the building permit we'll need to see that.

MR. McMAHON: Okay.

MR. CANFIELD: Actually, our concern there is the proximity to the road, Route 300, the safety of your tenants -- your occupants.

MR. McMAHON: Yup.

MR. POMARICO: Actually those tables,

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they would be -- the guardrail that John mentioned, they're actually behind there and down a stone retaining wall. They're kind of on a different tier than the main parking level on the top part. They're kind of secluded. You'll probably just see the tops of the umbrellas. You won't see the tables, from the vantage point of the road anyway, because they're down.

I would like to add one thing. I think, John, you made a good point about the lighting. I can talk to Central Hudson. I know they have security lights that they'll put up. It might be a good idea to put one in the back corner just to kind of illuminate back there. It's a good point, you're going to have families walking in and out. That's not a problem. I know they have a monthly charge. They'll put the pole in and do the whole thing.

CHAIRMAN EWASUTYN: I think what John is saying is that's like try to make it pedestrian friendly. Generally for something like that we look for a height around sixteen feet.

MR. POMARICO: If I'm not mistaken, the

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project next to me with the Vitamin Shoppe and that whole Goddard Development situation there, I thought they left a curb cut -- I know they're going to put a new road to hook behind eventually. I thought they were going to leave a curb cut into my property at one time.

MR. HINES: There is.

MR. POMARICO: So maybe with an eye to the future, maybe that lot, we can set it up where eventually people can pull in and they can also exit through that area there as well rather than coming back out. Some might come back out to 300.

MR. HINES: The provisions were made on the Goddard lot, for lack of a better term, but there was no agreement from you at that time. So there is a stub road shown. You'd have to work out the actual easement agreement to utilize that.

MR. POMARICO: At some point, just to be on the record, I'd be happy to connect to that via some paving and possibly direct some of that traffic into that plaza which would get into the light by Adams eventually, which couldn't hurt.

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MR. WARD: That's a win-win situation for you.

MR. POMARICO: It alleviates a little bit.

CHAIRMAN EWASUTYN: Okay. Mike, would you give us the language for a motion on this?

MR. DONNELLY: The resolution would be to grant a site plan waiver under Section 185-56 B with the three conditions that I just gave you.

MR. HINES: A Type II action for SEQRA.

MR. DONNELLY: It is Type II.

CHAIRMAN EWASUTYN: I'll move for a motion to approve the site plan before us this evening presented with the conditions by our Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. FOGARTY: Second.

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

MR. MENNERICH: Is there going to be a separate one on the resolution?

CHAIRMAN EWASUTYN: I think it would be part of the resolution, --

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MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: -- the three conditions spelled out.

MR. DONNELLY: The resolution will be a site plan exemption, and the three conditions that I just outlined will be within it. It's a Type II action.

CHAIRMAN EWASUTYN: I have a motion by John Ward, I have a second by Tom Fogarty and discussion by Ken Mennerich. Any further discussion?

(No response.)

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

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Thank you.

MR. POMARICO: Thank you very much.

CHAIRMAN EWASUTYN: Michael, you may want to contact the office at a later time. I have to talk to you about balancing the escrow

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account to cover the expenses of this evening.

MR. POMARICO: Fair enough. The next thing we need would be to do these improvements and go to Jerry or we need to come to you first? What's the process from here? What would we do next?

MR. CANFIELD: I think the largest thing you have to deal with, Mike, is displaying compliance with the DOT.

CHAIRMAN EWASUTYN: And the Board of Health.

MR. CANFIELD: The Board of Health we can handle through the building permit. But prior to that, to basically secure this agreement or exemption with the Planning Board, because you're going to have to display that the DOT is on board with this.

MR. POMARICO: Very good. Zibby Zachariah Carbone, she usually handles it.

MR. CANFIELD: Yes.

MR. POMARICO: I'll get in touch with her. Very good.

MR. WARD: You might want to talk to Goddard about that hook up.

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CHAIRMAN EWASUTYN: I don't think he'll put that together in that little bit of time.

MR. DONNELLY: It might be a consideration from the DOT's position.

MR. POMARICO: That's going to be a parking lot initially and then eventually a thoroughfare. Maybe we can be connected so businesses can flow, you know, through.

CHAIRMAN EWASUTYN: That's a personal matter. So you try your best.

MR. POMARICO: I'll do what I can. It helps the cause. All right. Thank you very much, everyone. Have a good night.

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

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

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DATED: July 11, 2012

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

----- X
In the Matter of

LOWER HUDSON FORESTRY SERVICES
(2012-11)

Union Avenue
Section 14; Block 1; Lot 48
RR Zone

----- X

TIMBER HARVESTING PERMIT

Date: June 21, 2012
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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: The next item of business we have this evening is the Lower Hudson Forestry Service for a timber harvest permit for Union Avenue near Chapel Road, Section 14; Block 1; Lot 48.

Jerry Canfield, Code Compliance Officer, will bring us along on this.

MR. CANFIELD: Yes. This is an application which falls under the jurisdiction of our clearing and grading requirement, Chapter 83. Because of the size of this proposed timber harvest, which is approximately 21 acres of a 40 plus or minus acre parcel, requires that this comes to the Planning Board for the Planning Board's review and approval, should they choose so.

There is also a requirement for the scheduling of a public hearing for this application, again because of the threshold of disturbance over one acre and being a timber harvest.

This particular application is for, per industry standards, not a large timber harvest, however it calls for 160 trees to be harvested on

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a 20 acre parcel, which is a little over 8 trees per acre. Again, it's not large by industry standards.

There are wetlands on the site. As discussed in the work session, Pat had indicated that the timber harvest is not to be in the wetland area. There will be no disturbance in the wetland area.

MR. HINES: The access and landing are shown in what I believe are the wetlands. There's a stream crossing in the wetlands and then the access landing area is shown kind of in that area.

MR. CANFIELD: Prior to the public hearing, we will have the opportunity, the consultants will, to review and make comments with respect to soil erosion and control, wetlands, if there's any disturbance and any other environmental issues that come forward, of course. And then the rules of public hearing will apply. If there's any input from the public, they'll have their opportunity to speak. But other than that, Chapter 83 is what dictates that this application come before the Board, and

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it is subject to the public hearing requirement because of the size of it.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant, will you notify the assessor's office?

MR. COCKS: Yes, I did. He provided a mailing list for 500 feet from the parcel boundary, and we did receive that today. The next public hearing available is July 19th.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: In looking at the map, and I advised the Board, this was the Minka subdivision, so we have detailed mapping, two foot contours in the file for that for review.

Also noted that forestry operations are exempt from the Town's stormwater regulations. That's one of the specific exemptions. So they don't need to comply with that.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. FOGARTY: One of my concerns, at least at this particular stage, is how much of that area is going to have to be disturbed in order to get those 160 trees out of there?

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MR. HINES: One of the things that you could ask is to show the haul roads, how the operation will take place on the site, so that you'll know where -- how they're going to skid the logs out to that landing site, and they may be able to present that at the public hearing so the neighbors know that.

MR. FOGARTY: Okay.

CHAIRMAN EWASUTYN: Additional comments from Board Members?

MR. MENNERICH: John, is this a Type II for SEQRA or --

MR. DONNELLY: I don't know. I would have to look at the exemption list. One does not come to mind that tells me that, so I suspect it's Unlisted. I could look at the list further.

MR. MENNERICH: The reason I was asking is I was wondering if it's going to have to go to Orange County Planning or anything.

MR. DONNELLY: It's not a site plan or a subdivision so it doesn't have to go to Orange County Planning.

CHAIRMAN EWASUTYN: Any additional comments or questions?

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(No response.)

CHAIRMAN EWASUTYN: Then I would move for a motion to set this for a public hearing for July 19th.

MR. FOGARTY: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. 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 Ken Mennerich.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself, yes.

Jerry, for now can we let Bryant be the point person with Chris as far as the mailing list, the follow up on the escrow and so on and so forth, --

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: -- to save you from laboring, with all the other things you have, and Bryant will work on your behalf to coordinate

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back and forth. Okay?

MR. CANFIELD: Yes. Absolutely.

CHAIRMAN EWASUTYN: Good. I guess the important thing is now we work in a timely manner to get the publications in within the timeframe that's necessary.

MR. COCKS: Mm'hm'.

CHAIRMAN EWASUTYN: We have only one item --

MR. CANFIELD: John, one other thing. I don't know if Bryant mentioned, on the mailings, that you did request for the 500 feet distance. Did you mention that?

MR. COCKS: Yes, I did.

CHAIRMAN EWASUTYN: As a matter of fact, that will be a new local law, so Bryant contacted Mark Taylor. We're a little early on that but we're up to date on it.

Thank you, Jerry.

(Time noted: 7:26 p.m.)

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

----- X
In the Matter of

WOODFIELD MANOR PHASE II
(1995-34)

Request for an Extension of Conditional
Preliminary Approval

----- X

BOARD BUSINESS

Date: June 21, 2012
Time: 7:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: The last item we have of business today is we received a letter from Michele Babcock, and the letter is requesting an extension of Woodfield Manor Phase II, conditioned on a preliminary approval from July 16, 2012, a one-year extension through July 16, 2013. I'll move for the motion to grant the extension.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:27 p.m.)

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

----- X
In the Matter of

NYC DEP DELAWARE AQUEDUCT REPAIR
(2011-15)

Discussion - Findings Statement

----- X

BOARD BUSINESS

Date: June 21, 2012
Time: 7:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
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CHAIRMAN EWASUTYN: I remind everyone that the next meeting that we have will be pretty much the final site plan, Mike, for -- are we getting close to finalizing the Delaware Aqueduct?

MR. DONNELLY: I hope so. Just as a follow up, we had asked that they give us a copy of the Findings Statement before they issued it. Their response was, and I guess it's a fair one, if we did it to one agency we'd have to do it to them all so as a matter policy they will not. They said they'd get it to us as soon as possible. That's the only thing that could slow it down. We won't know until we see it. I've been working on the resolution. We do have a meeting next week. Maybe they'll have a copy by then.

MR. MENNERICH: Mike, on Findings like that, basically they're doing it for the whole project, not just the Town of Newburgh portion; right?

MR. DONNELLY: The way SEQRA reads is the lead agency must issue findings. Any other involved agency may issue its own findings. The

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hope, I think in a perfect world, would be the lead agency's findings would cover everyone and we wouldn't have a multitude of them. Worse, you'd have a multitude with inconsistencies. I'm not saying we're going to have to but we'll have to see what they have in there.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: I'll move for a motion to close the June 21st meeting.

MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty and a second by John Ward. I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:28 p.m.)

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