

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

LANDS OF RUTH CAMPBELL  
(2009-03)

Fostertown Road  
Section 17; Block 2; Lot 23.13  
AR Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: June 18, 2009  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of June 18, 2009.

At this time I'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present.

CHAIRMAN EWASUTYN: Present.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

Newburgh.

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

MR. COCKS: Bryant Cocks, Planning  
Consultant, Garling Associates.

MS. ARENT: Karen Arent, Landscape  
Architectural Consultant.

MS. HAINES: Thank you. At this time  
I'll turn the meeting over to Joe Profaci.

(Pledge of Allegiance.)

MR. PROFACI: Please turn off your cell  
phones. Thank you.

MS. HAINES: The first item we have on  
our agenda tonight is the Lands of Ruth Campbell.  
It is a public hearing on a two-lot subdivision  
located on Fostertown Road, it's in an AR Zone  
and being represented by Darren Doce.

CHAIRMAN EWASUTYN: Before we have the  
reading of the notices, I'll turn to Mike  
Donnelly, who is the Attorney for the Planning  
Board, and for the purpose of education and  
information for the public who is here, I'll have  
Mike Donnelly explain for you the purpose and  
meaning of a public hearing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Mike.

MR. DONNELLY: We have two public hearings on this evening, both of them are subdivisions. The first, what you see on the board, it's a relatively new project. State law requires before the Planning Board take action on a subdivision application, that it hold a public hearing. The purpose of the public hearing is to obtain comments from members of the public who may have different perspectives or may see issues that Planning Board Members and the consultant team have not yet thought of. Therefore, after the applicant has described the outline of the project, the Planning Board will ask members of the public who wish to speak to come forward. We would ask you, when called upon, to please stand up, the microphone isn't on so you don't need that, but if you could tell us your name, spell it for our Stenographer so we get it correctly in the transcript, and give us an idea where you live in relation to the project. We would ask that you address your comments to the Board. If you have a question that needs to be answered, the Chairman will call upon either the applicant

1  
2 or one of the consultants to answer that question  
3 if it's one that can be easily answered at this  
4 evening's meeting.

5 I will point out the second public  
6 hearing is on a project that has been here for  
7 quite some time, since 2003, and it has actually  
8 already received a preliminary approval, I  
9 believe, for the residential development. The  
10 applicant is proposing now, for purposes of  
11 phasing the project, to subdivide the total land  
12 holding into two pieces, therefore a two-lot  
13 subdivision, and then move forward at a future  
14 date with a phasing plan to develop, first, one  
15 part and after that the other part of that  
16 project. I think that should do it.

17 CHAIRMAN EWASUTYN: Thank you.

18 Ken Mennerich.

19 MR. MENNERICH: "Notice of hearing,  
20 Town of Newburgh Planning Board. Please take  
21 notice that the Planning Board of the Town of  
22 Newburgh, Orange County, New York will hold a  
23 public hearing pursuant to Section 276 of the  
24 Town Law on the application of Lands of Ruth  
25 Campbell for a two-lot subdivision on premises

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

Fostertown Road in the Town of Newburgh,  
designated on Town tax map as Section 17;  
Block 2; Lot 23.13. Said hearing will be held on  
the 18th day of June 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 26, 2009."

MR. GALLI: The notice of hearing was  
published in The Mid-Hudson Times on June 10,  
2009 and in The Sentinel on June 12, 2009. The  
applicant's representative sent out twenty-nine  
registered letters, twenty-seven were returned.  
All publications and mailings are in order.

CHAIRMAN EWASUTYN: Darren, would you  
give your presentation.

MR. DOCE: I'm Darren Doce representing  
Mrs. Ruth Campbell. Mrs. Campbell is proposing a  
two-lot subdivision on the thirty-five acre  
parcel located on the north side of Fostertown  
Road just west of North Fostertown Road. Lot 1,  
which is outlined in orange, will be ten acres in

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

7

size. Lot 2, outlined in the blue, will be  
twenty-five acres in size.

We're proposing access over a common  
driveway off of Fostertown Road opposite Summit  
Ridge Road.

We show two houses with wells and  
septics. That's basically the project.

CHAIRMAN EWASUTYN: Okay. As Mike had  
said earlier, anyone who has any questions or  
comments, would you please raise your hand, give  
your name and your address.

The gentleman in the back.

MR. LECAROZ: Do I go over there?

CHAIRMAN EWASUTYN: No. You're fine  
there. That's not actually working. I  
apologize.

MR. LECAROZ: This is. Good to see  
you, Darren.

MR. DOCE: Good to see you again.

MR. LECAROZ: The piece of property  
you're dealing with -- I realize I'm rushing  
things. I live on the corner of Summit Ridge.  
I've been concerned from the time I lived there  
with the fact the traffic going say to this part

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

here or to the mall from Hinch Cliffe Drive and the area up at the top all comes down the hill now and across Summit Ridge to Weyants Lane. Additional traffic makes its way up Fostertown onto that same route. The suggestion here is that we're now adding a couple more lots that are again going to feed that same route. I just am really concerned and I think you ought to find a better way than just looking ahead.

CHAIRMAN EWASUTYN: Okay. We need your name.

MR. LECAROS: Excuse me. Joe Lecaroz, L-E-C-A-R-O-Z, 15 Summit Ridge Drive.

CHAIRMAN EWASUTYN: Thank you.

MS. BERBERICH: Where is the area on the map?

CHAIRMAN EWASUTYN: Ma'am, your name and your address?

MS. BERBERICH: Diane Berberich, B-E-R-B-E-R-I-C-H.

CHAIRMAN EWASUTYN: Okay, Diane.

MS. BERBERICH: My question is before the point he's referring to --

MR. DOCE: This house?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

9

MR. GALLI: The intersection?

MS. BERBERICH: On your map.

MR. DOCE: In this area, Summit Ridge  
and Fostertown?

MS. BERBERICH: Okay. Where is Route 9  
on there? Is it on there?

MR. DOCE: Route 9?

MS. BERBERICH: There's no Route 9?  
That was all.

CHAIRMAN EWASUTYN: Additional comments  
from the public?

(No response.)

CHAIRMAN EWASUTYN: Does anyone want to  
comment on the concern or the impact of  
additional traffic?

We generally, Joe, have a traffic  
consultant who represents the Board all the time.  
Because of what's on the agenda this evening, we  
didn't seem to need his serving the Board.  
Something of this size, and I'll let Mike  
Donnelly speak, wouldn't warrant a traffic study.  
I think more importantly what something like this  
would look at would be the sight distance, the  
visibility on the road as far as safety for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

people coming in and out.

Darren, what's the sight distance  
visibility on this?

MR. DOCE: Right now we have 600 to the  
east and we have 400 to the west, but we were  
requested by the Orange County Department of  
Public Works to do some tree clearing and shrub  
clearing to increase that to around 550 I would  
imagine, which can be done by clearing along the  
north side. Mrs. Campbell's son owns the lot so  
he's going to allow any trees to be cleared along  
the frontage that have to be.

CHAIRMAN EWASUTYN: And why was it that  
the Orange County Department of Public Works was  
involved in this review?

MR. DOCE: Because Fostertown Road is a  
County road.

CHAIRMAN EWASUTYN: And do they have  
permitting authority for this?

MR. DOCE: Yes, they do.

CHAIRMAN EWASUTYN: So the action  
actually in planning sometimes is -- involves  
coordination with involved agencies. Involved  
agencies are agencies that have a permitting

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

11

authority. So before the Planning Board can take action we have to know that those agencies, which are permitting agencies, are permitting the project. So in this case the authority for the access onto a County road is the Orange County Department of Public Works. They in fact are permitting it, so --

MR. LECAROZ: One more thing and then I'll shut up.

CHAIRMAN EWASUTYN: You don't have to, that's why you're here.

MR. LECAROZ: You mentioned Mrs. Campbell's son Wally. He lives in the house you pointed out. Now, if we go back a few years, we had one large piece of land that was an orchard. It eventually stopped being an orchard and got very neglected. Wally bought a piece from his mother, he built a house. Now we're talking of two more. All I'm saying is the trend of the times is that there's going to be a lot more there, and I'm hoping that there be some thought to the flow of traffic through that area. That's all.

CHAIRMAN EWASUTYN: Thank you. You

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

know, I said earlier tonight when we were talking about land use, traffic studies, and I'll let Mike just kind of bring you along on the planning process and issues that you're discussing.

MR. DONNELLY: We were talking earlier about the study that is underway by the County that is going to look at traffic and transportation throughout the eastern part of the County. Whether it will drill down to every intersection like this remains to be seen. The idea is from a regional point of view we need to begin to look at what will happen when each of the towns in the study area begins to have the type of build out that their zoning ordinance allows.

Your point. If we allow houses at X density per acre, when they're built out can the roadway support that, and, if not, when and who pays for the improvements that will be needed for those roadways.

The Planning Board's task is a more focused and narrow one. There are other players, Town Board, the County, who look at the bigger prospective issues, but the Planning Board looks

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

at the applications before it. A two-lot subdivision, we know from our own traffic engineer, will produce in the peak hour probably less than two trips. At maximum it would be the two trips, or maybe a third if somebody was routinely leaving at the same time with two cars. There's not enough of an impact there to warrant a further study or to impose conditions. But you're not wrong to look at the larger issue which is is it appropriate to allow a given level of density if the roadway system can't be improved to handle that traffic. That kind of study has to be carried out by other parties, and at least to some extent will be carried out by the County in cooperation with all of the eastern towns in this county in the near future, and public input will be sought during that process.

CHAIRMAN EWASUTYN: Additional comments from the public? Sir.

MR. SCHECK: Yes. I'm Roland Scheck, I live at 16 Summit Ridge Road. I'm directly across from this here.

You said there's going to be a common driveway?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

MR. DOCE: Yes. A shared driveway to both lots.

MR. SCHECK: So there's going to be, somewhere down the road, two homes built?

MR. DOCE: Two homes somewhere down the road. Right now she's just splitting her property. She's preparing her will so she can leave it to two of her heirs. There's really nothing proposed right now.

MR. SCHECK: Okay. Thank you.

CHAIRMAN EWASUTYN: Additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this point I'll turn to our consultants for their final review and comments. Jerry Canfield, Code Compliance?

MR. CANFIELD: Just one previous comment that we had that needs to be addressed is just to update the correct FEMA panels that is referenced, the flood plains. Wetlands are not affected by this subdivision but we should reference the correct panels.

MR. DOCE: We contacted Mr. Yanosh, he's the surveyor, to make that change to his

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

15

sheet. I'm just waiting for him to complete it.

CHAIRMAN EWASUTYN: Pat Hines, Drainage  
Consultant?

MR. HINES: We've reviewed the project  
with regard to the wells and septic and found  
those in compliance with the guidelines.

Our outstanding comments are the flood  
plain mapping that Mr. Canfield just discussed.

Also there's a need for a private  
driveway, common driveway access and maintenance  
agreement which Mike Donnelly will need to sign  
off on eventually.

Otherwise they've addressed our  
previous comments and we have no more.

CHAIRMAN EWASUTYN: Thank you.

Bryant Cocks, Planning Consultant?

MR. COCKS: The applicant addressed our  
previous comments. We just have a note that the  
Orange County Planning Department also give  
approval for this project, along with the  
Department of Public Works which was previously  
mentioned.

CHAIRMAN EWASUTYN: Karen Arent,  
Landscape Architect?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

MS. ARENT: I didn't review this.

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

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No. It's pretty well covered.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing additional.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: With that I'll move for a motion to close the public hearing on the two-lot subdivision for the Lands of Ruth Campbell.

MR. GALLI: So moved.

MR. MENNERICH: Second.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself aye also.

I'll turn at this point to Mike Donnelly, Planning Board Attorney, to give us the conditions of approval in the resolution.

MR. DONNELLY: The approval will be both preliminary and final subdivision. We'll need a sign-off letter from Pat Hines on the issues addressed in his memo letter. We'll need one from Jerry Canfield's office on the FEMA mapping. I will need to review a common driveway easement and maintenance agreement. We'll have to arrange the recording of that simultaneously

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

18

with the filing of the plat. We'll tie into the conditions of the Orange County Department of Public Works and their letter to us regarding the necessity for clearing. We'll need the payment of parkland fees for the two new lots.

CHAIRMAN EWASUTYN: Any questions from the Board Members as far as the resolution that Mike Donnelly has presented to us?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. At this point then I would move for approval for the two-lot subdivision for the Lands of Ruth Campbell subject to the conditions of the resolution.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

(No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF RUTH CAMPBELL

19

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

MR. DOCE: Thank you.

(Time noted: 7:15 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

---

DATED: July 6, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

ORCHARD HILLS  
(2003-41)

Route 9W and Oak Street  
Section 9; Block 1; Lots 45.21,45.1 & 44.2  
R-3 & R-1 Zones

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: June 18, 2009  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

MS. HAINES: The next project we have tonight is Orchard Hills. It is also a public hearing on a two-lot subdivision. This one is located on Route 9W and Oak Street. It is in an R-3 and R-1 Zone and being represented by Ross Winglovitz.

Will Ken Mennerich please read the notice of hearing.

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 Orchard Hills for a two-lot subdivision on premises Route 9W and Oak Street in the Town of Newburgh, designated on Town tax map as Section 9; Block 1; Lots 45.21, 45.1 and 44.2. Said hearing will be held on the 18th day of June 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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

23

May 15, 2009."

MR. GALLI: The notice of hearing was published in The Mid-Hudson Times on June 3, 2009, in The Sentinel on May 29, 2009. The applicant's representative sent out 323 registered letters, 265 were returned. All publications and mailings are in order.

CHAIRMAN EWASUTYN: Thank you.

Ross.

MR. WINGLOVITZ: Good evening. Ross Winglovitz from Engineering Properties here on behalf of Meadow Creek Development regarding a proposed two-lot subdivision of a 50-acre parcel that has frontage on Oak Street and access to Parr Valley's driveway and 9W via an easement across the Parr Valley driveway to 9W.

The proposal tonight is to subdivide this fifty-acre parcel into two lots. The parcel in front, parcel A, 15.75 acres; and a parcel B at the rear of the site, 35.11 acres.

As the Board knows, this project is the subject of a site plan, so this will in effect subdivide the site plan into two lots.

We are aware of the comments of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

24

consultants. I don't know if you want me to discuss them now. Other than that, that is the project.

CHAIRMAN EWASUTYN: We'll open it up for questions and comments from the public. Ma'am.

MS. BEATTY: My name is Barbara Beatty, B-E-A-T-T-Y. In the notice here it said North Street but tonight you guys said Oak Street. I live in Parr Valley so I'm not really sure where the subdivision is. I live on the west side -- no, I'm sorry, the east side.

MR. WINGLOVITZ: So here's Parr Valley, the tennis court for Parr Valley.

MS. BEATTY: Is this the same thing that was supposed to happen a couple years ago?

MR. WINGLOVITZ: Yes.

MS. BEATTY: Now you downsized also?

MR. WINGLOVITZ: We're just rephrasing it and allowing it to happen as two separate parcels for financing purposes.

MS. BEATTY: As a resident there I think one of the stipulations, and I don't know if it's still going to happen, I'm going to ask,



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

25

is the sewer treatment, ---

MR. WINGLOVITZ: Absolutely.

MS. BEATTY: -- the road and a traffic light?

MR. WINGLOVITZ: Correct.

MS. BEATTY: Is that still on board?

MR. WINGLOVITZ: Correct. All three.

MS. BEATTY: Because I bought four years ago, I wasn't part of the original person who stood here. How many houses or what exactly are you building in this?

MR. WINGLOVITZ: The current proposal is for 260 units.

MS. BEATTY: Okay. That's the orchards all behind us?

MR. WINGLOVITZ: The orchards kind of towards the south on 9W and in the back.

MS. BEATTY: Thank you.

MR. WINGLOVITZ: Thank you.

CHAIRMAN EWASUTYN: Just for Barbara's education, when do you think the sewer treatment plant will be brought online? When do you think the traffic light will be put in place?

MR. WINGLOVITZ: If I was psychic I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

would be able to answer that question. We thought we would be there already. There is hope that this subdivision will allow more flexibility in financing the project, because as everybody knows right now it's difficult to get anybody to finance a project to go forward. The purpose of this subdivision is to make that easier so that hopefully this portion can proceed, which would then require the upgrade to the plant and the like and everything at one point. Hopefully soon.

CHAIRMAN EWASUTYN: Diane, just give your name one more time.

MS. BERBERICH: My name is Diane Berberich. Have you already planned the layout of the -- of whatever it is you're going to do?

MR. WINGLOVITZ: Of the project. Yeah.

MS. BERBERICH: I was just curious.

MR. WINGLOVITZ: I do have it.

CHAIRMAN EWASUTYN: By all means. Public hearings are an informational point. I know we have one.

Diane, you're welcome to come forward and see it, by all means.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

MR. WINGLOVITZ: We changed the orientation, we went from north to south. So here's Parr Valley, here's the entry to Parr Valley coming in. Parr Valley is here.

What would happen is the main entry would be upgraded to a boulevard, curbing, sidewalk. Entry into the project would be off that boulevard into the site. There's 128 apartments, I believe, that would be developed in the upper apple orchard, then there would be around about clubhouse, recreation with an access drive to the rear orchard where there would be 132 town homes, two-story buildings, garages and so forth.

MS. BERBERICH: Is there space? It looks like -- I'm seeing boundary lines from here where the Parr Valley property is and then the road with the structures. Is there like a bunch of trees in there that you guys are leaving?

MR. WINGLOVITZ: In here. Yup. This area is entirely wooded.

MS. BERBERICH: And what about when you go --

MR. WINGLOVITZ: Then there's a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

28

landscape plan for buffering along here.

MS. BERBERICH: Now go up this way more.

MR. WINGLOVITZ: This is all the wetland area. It's a huge wetland. This area is entirely wooded.

MS. BERBERICH: So that gets left?

MR. WINGLOVITZ: That's actually your property.

MS. BERBERICH: It is?

MR. WINGLOVITZ: It's the Parr Valley property.

MS. BERBERICH: Okay.

MR. WINGLOVITZ: Our property there consists mostly of wetlands, then there's a wooded area behind the units.

MR. HINES: There's a stormwater management facility constructed there, too. So there will be some grading in there.

MR. WINGLOVITZ: The pond here constructed and then this is in the old orchard all up here. The ponds and the units.

MS. BERBERICH: Thank you.

CHAIRMAN EWASUTYN: For the record,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

29

your name and your address.

MR. FERRARI: I'm John Ferrari, I'm on Cortland Drive in the back. Cortland Drive, 905. Is it going to be kept wooded? I'm in the back. I live over the orchard.

MR. WINGLOVITZ: In the orchard area --

MR. FERRARI: Yeah.

MR. WINGLOVITZ: -- in the back? This is the current orchard area in the back. This is what is proposed.

MR. FERRARI: Is it going to be kept wooded a little bit?

MR. WINGLOVITZ: There's no woods there now.

MR. FERRARI: There's a little bit. All right, I guess not too much.

MR. WINGLOVITZ: The woods that are here actually are primarily on Parr Valley's property. This is the wetland area, this is the old orchards.

MR. FERRARI: There's still going to be no access? Is there going to be, that roadway where the --

MR. WINGLOVITZ: The access to the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

30

project is all through combined access for Parr Valley, then there's an emergency inner-connection to Parr Valley at the rear where the sewer treatment plant is.

MR. FERRARI: And is there going to be traffic throughout that --

MR. WINGLOVITZ: No. No traffic through that connection. It's emergency only.

MR. FERRARI: Emergency only. Okay. Okay.

MS. BEATTY: Barbara Beatty. Another question I want to ask you. You're going to put the road by the tennis court; is that correct? In that area?

MR. WINGLOVITZ: Here's the tennis court. It punches up through the woods. I don't know --

MR. WEINBERG: There is a fire hydrant right there.

MR. WINGLOVITZ: It's about 200 feet down from the tennis court is where this comes through and goes up the hill.

MS. BEATTY: Are you going to make our common road, which is Cortland Drive, are you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

31

going to widen that because your traffic coming in and out?

MR. WINGLOVITZ: The entry drive coming in will be widened.

MS. BEATTY: It's not going to affect us after that point where the stop sign is, you're not going that far up, I understand that. All of us coming in, it will affect us as far as traffic.

MR. WINGLOVITZ: There will be a boulevard installed and there will be two exit lanes, a right and left lane.

MR. HINES: When he says boulevard, there's going to be an island in the center.

MS. BEATTY: Okay. The other thing I really have to say is how sad it is three hundred and some letters were sent out and there's only three of us here from Cortland Drive. I know Diane and I weren't involved in any of this the first time but it's still sad to see two hundred and some were sent back. I really do appreciate, you know, this.

MR. WINGLOVITZ: Thank you.

MR. DONNELLY: There were more of you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

32

here the first time.

MS. BEATTY: The first time, yes. I understand that.

CHAIRMAN EWASUTYN: Further comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn to our consultants for their final comments. Jerry Canfield, Code Compliance?

MR. CANFIELD: I have no comments on the subdivision, no.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Our comments on the subdivision have to do with creating the access drive. We talked about it in work session. The rear lot, lot 2, needs to be serviced by a Town or private road. I believe the idea is here to create a private road, but that's not currently shown on the subdivision plans and will need to be shown, access from 9W up to lot 2, so that lot 2 has access independent of lot 1 should something not occur or something change in the future.

MR. WINGLOVITZ: I guess we have two



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ways of addressing that. One is through a specific easement detailing the road, or the other, I think which we talked about, is a blanket easement between the two properties for access and utilities, because there are going to be utilities on lot -- parcel B that are going to benefit parcel A. We're going to need reciprocal easements. They all are going to be part of the HOA. It's up to how ever your counsel would like to see it, we'll be glad to do it.

MR. DONNELLY: Both issues are valid. The one Pat is touching upon is this is a subdivision and if we were to approve it without there being a roadway it would violate Section 280-A of the Town Law because we would be creating a lot without frontage on an approved roadway. So we at least need to show that roadway, that it meets specs, and then it's either going to have to be built or bonded before the plat can be filed. There should be, since it's possible that the parcels, though not contemplated, would go into separate ownership, some type of declaration of covenants that would refer to the rights of all utility crossings,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

however you want to describe it, access and utility easements, and those could be more of a blanket nature so that they would run with the land. I think the roadway needs to be particularly described and meet a specification that's adequate to satisfy the 280-A standard.

MR. WINGLOVITZ: Okay. Not a problem.

MR. HINES: That's the only outstanding comment we have on the subdivision.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: We have a number of items that we added to the subdivision sheet. The north arrow still has to be put on there.

You're going to need a surveyor's seal and signature on the plans.

Also, no topography is currently shown on the plan. We do have the topo on the site plan but that is probably going to have to be waived by the Planning Board.

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

MS. ARENT: I have no comments.

CHAIRMAN EWASUTYN: Final comments from

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

35

Board Members. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: I think in light of the previous numerous times we've been here, everything has been addressed except this one item we're addressing now.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Just one comment. Somebody from the public brought up the fact that the project had been scaled back. It was because originally there was going to be how many residential?

MR. WINGLOVITZ: 270 in total, 221 single-family homes.

MR. MENNERICH: The 221 single-family portion of the project was eliminated.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing, John.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No. My concern about the private road was answered in the work session.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was going to say the first phase would be the apartment houses and for the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

36

public to know what your game plan is, like leaving the road going up for future, if they understand that. I'm saying your first stage is the apartment houses and then go forward with whatever for finances for the second.

MR. WEINBERG: That is correct, yes.

MR. WINGLOVITZ: We wouldn't expect the town houses to be -- we don't expect that we're going to complete this and go to this. We're expecting to start this sooner than this but this will be way before completion.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to close the public hearing on the two-lot subdivision for the lands of Orchard Hills.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes.

Approved.

I'll move for a motion from the Board to -- the motion will contain two actions, one to grant -- excuse me. What we have to do is to waive -- do you want for the Board to waive the --

MR. COCKS: Topography.

CHAIRMAN EWASUTYN: -- topography as shown for the two-lot subdivision for Orchard Hills? And the reasoning for that is the topography is shown on the site plan which already has preliminary approval.

So I'll move for that motion, to grant the waiver for the topo on the two-lot subdivision.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

At this time I'll ask Mike Donnelly, Planning Board Attorney, to give us conditions of approval in the resolution for the two-lot subdivision.

MR. DONNELLY: Again, this resolution is for subdivision approval, both preliminary and final. First we'll need sign-off letters from Bryant Cocks and from Pat Hines on the issues outlined in their memos and about which they spoke a moment ago. Next we'll have a condition that recites that except as hereby modified, all conditions attached to the site plan approval earlier granted are to remain in effect, and this

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

approval is subject to them as if set forth at length. Next, all mitigation measures contained within the Findings Statement must be performed as set forth in that document at the times and stages set forth in the document. We will need reciprocal easements for utilities to my satisfaction before we can file the plat. Because the approval is granted in order to accommodate the applicant's proposal to develop the project in phases, we want the resolution to say that, and to go on to say it is the intent of this approval that the applicant shall be required to return to the Planning Board for amended site plan approval for each of the phases proposed. The amended plans will need to address, among other things, the following: A satisfactory plan for the timing of infrastructure construction. Next, a satisfactory plan for the appearance, stabilization and maintenance of any lands disturbed during construction of any phase where construction on that land is not to be completed until a future phase. So that if earth is moved to make the roadway, we want to make sure you

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

have a proposal for stabilization, seeding, planting and, if necessary, screening. And finally, a satisfactory plan for traffic circulation and roadway termination pending completion of the next phase. And of course appropriate financial security and inspection fees for each phase shall be posted as tied into the Findings Statement that had earlier been issued. We will need a private roadway easement and maintenance agreement since we are creating a private road.

We haven't discussed it but do we need any kind of landscaping security and inspection fee for any work that's going to be done as part of that roadway construction?

CHAIRMAN EWASUTYN: Karen?

MS. ARENT: I'm thinking.

MR. HINES: I think it would be included in the site plan.

MR. DONNELLY: Can we wait? Recognize one of the things they could do is to actually build this road before they came back for amended site plan. Is there any need for any kind of landscaping?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. ARENT: I would think not. I don't think they can -- although the boulevard, when they build all that we might want that to be landscaped.

MR. DONNELLY: That's not shown on the subdivision because that's part of the lands of Parr. So we don't need that.

How about the stormwater improvement? Is there any stormwater protection or improvements needed as part of the roadway if it's constructed?

MR. HINES: No. They need to implement the stormwater management plan in total. They need site plan approval with that.

MR. DONNELLY: So then all of the financial security that were part and parcel of the site plan approval, stormwater, landscaping, water main, sewer main extension, all of those will be deferred and handled at the time of the phased site plan approval.

MR. HINES: I don't --

MR. DONNELLY: Similarly, the payment of parkland fees will be delayed. But we will need a private road security and inspection fee.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

MR. HINES: I also don't envision the private road to be constructed independent of the site plan.

MR. DONNELLY: I don't think that as proposed any of that is going to happen, but recognize that it's a subdivision, the lots could be sold and somebody else would do it. They don't want to just put money into the ground for fun, no.

MR. HINES: There's been no separate plan generated to show it can stand alone anyway.

MR. DONNELLY: So with that I think we'll delay the financial security and delay the payment of parkland fees. Those conditions should cover it.

CHAIRMAN EWASUTYN: Okay. Having heard the conditions of approval prepared by Mike Donnelly in our resolution for Orchard Hills, the two-lot subdivision, I'll move for that motion.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

43

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. COCKS: John, I think you forgot to do the SEQRA consistency document.

MR. DONNELLY: Didn't we -- we issued the SEQRA consistency at the May 21st meeting.

MR. COCKS: I thought we had to redo it.

MR. DONNELLY: I thought we decided in work session we didn't need to revise any Findings if you had already prepared a consistency document.

MR. COCKS: That was for the site plan change. I didn't know if we needed to do another

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ORCHARD HILLS

44

one because of the subdivision.

MR. HINES: We're really just drawing a line on paper.

MR. DONNELLY: I included in the resolution, and it's consistent with the earlier SEQRA and is not prohibited by any Findings, so I think that's good enough then.

MR. COCKS: That's fine.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: The consistency was for the two-lot subdivision.

MR. DONNELLY: That's what I first thought.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: We do need to do it for the site plan.

MR. DONNELLY: We will later. Right.

CHAIRMAN EWASUTYN: Barbara, Diane, John, thank you for coming.

(Time noted: 7:38 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

---

DATED: July 6, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

THE POLO CLUB  
(2006-09)

Route 300  
Section 39; Block 1; Lot 78.1  
R-3 Zone

----- X

RESIDENTIAL SITE PLAN

Date: June 18, 2009  
Time: 7:38 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

MS. HAINES: The next project we have is The Polo Club. It's in an R-3 zone and being represented by Ross Winglovitz.

MR. WINGLOVITZ: I just printed out a worksheet so you can see this at a larger scale. I'm here on behalf of Meadow Creek Development.

The specific site plan that we're proposing is the relocation and reduction in size of the recreation area. The recreation area used to be in front of the site in the center isle area there. It's been relocated to the rear of the site and has been downsized in that there's no clubhouse. There's a bathhouse basically, a pool and play area with the associated parking. That recreation replaced a four-unit building that was in this location.

At the front of the site three six-unit buildings have been located where the recreation previously was. This brings the total unit count up 8 units, from 130 to 138 units. Obviously the reason for the change is the economic conditions currently. We need to provide a few more units to make the project as economically feasible as possible and reduce the recreation area where we

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

can for the same reason.

Part of our SEQRA Findings here do talk about recreation and does talk about an appropriate study and working with the Town Board regarding recreation and recreation fees. That has been ongoing and there's currently discussions going with the Town Board regarding that specific issue.

Other than that, the site plan remains consistent with the previous site plan that received preliminary approval.

MR. WEINBERG: The entrance way. I'm talking about -- yes, that.

MR. WINGLOVITZ: One of the comments of the consultants is what we tried to do here is because of visibility -- as you come into the entry drive, this was the clubhouse area, we were concerned about visibility into the rear of these units. What we're proposing is a landscape feature, a berm with a stonewall and some landscaping. Something to protect the visibility of the rear of these units as you come into the site. It has not specifically been defined yet. We'll work with Karen to come up with a plan for



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

that. We wanted to provide something to protect the view shed from the entryway, and that's the reason for that. I think Karen had a comment about being able to use this space, maybe reworking it a little bit. We would be willing to take a look at that.

CHAIRMAN EWASUTYN: I'll start with our consultants. He ended with Karen. I'll turn to Karen Arent, our Landscape Architect.

MS. ARENT: If you can look at the idea, I don't know if it's possible to provide -- I think you are providing -- on the other buildings you were providing some kind of earth land between the buildings. I don't know if there's something like that you can do between the two buildings, the two new buildings. So anyway, it's just a comment for thought. See what can be done. It would be nice to have the green feature there and have a flat spot for a passive type of recreation. I think it would be attractive as well, when you drive in you can see a nice open space because the space -- the space is going to be kind of closed in. Like Brighton Green, the buildings are fairly close to the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

road. So a little relief from that closed in feeling probably -- especially at the entrance, might be a nice feature. Anyway, take a look at it. If it's not possible it's not possible, but if it is I think it would be nice to have a little open space in the project.

MR. WINGLOVITZ: We ended up with this green space kind of here at the end and we weren't really sure how to use it. That's something we would like to explore.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: We're going to need to see architectural drawings on whatever the cabana or pool building is.

I just had a note with the parking spaces, 276 were required and 424 have been provided. That would be adequate.

And then since there is going to be an increase in the total units, we're going to need to amend the Findings Statement, just to change the language in there and also to see if there are any new impacts with the eight new units.

CHAIRMAN EWASUTYN: Pat Hines, Drainage

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

51

Consultant?

MR. HINES: We didn't have any problem with the revised concept. We will be reviewing the utilities and infrastructure impacts. I don't foresee any significant changes to that. Otherwise the concept is okay.

CHAIRMAN EWASUTYN: For the record, we received a review sheet from Ken Wersted, Traffic Consultant, and he felt the five additional units would create a negligible increase in traffic and that the original DEIS had studied 133 units so the fact that now we have 138, and before this change it was 130, there again the additional units would have a negligible increase in traffic.

I'll turn to the Board Members for their comments. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: I just have one question. There is nothing directly we can do per se but the elimination of the meeting room, what's your proposal for the association for the meetings that they are required to have?

MR. WEINBERG: With associations they

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

52

don't have a meeting room, they either will go to a restaurant or public forum, or have it at one of the units.

MR. BROWNE: One of the units? Three hundred people in one unit?

MR. WINGLOVITZ: Regular board meetings. For any major association meetings --

MR. BROWNE: They're required. They're required.

MR. WINGLOVITZ: You would have to have that facility.

MR. BROWNE: I think it would be appropriate that somehow that would be addressed in the prospectus so that people buying would not be blind sided by that.

MR. WEINBERG: We're required to do that and we will.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Good comment. Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Tom Fogarty?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

MR. FOGARTY: No. My question was regarding the recreation areas.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment

CHAIRMAN EWASUTYN: Okay. The first item we have is to grant conceptual approval to the change of the residential site plan for The Polo Club.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Since the original site plan which had a public hearing represented 130 units and now there's a proposed 138 units, I'll poll the Board Members to see if they want to have, and it's optional, whether they want to have a public hearing on the changes before us. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Okay. At this time let the record show -- myself no -- that the Planning Board has waived the need for an additional public hearing for the residential site plan that now shows 138 units.

At this point in the meeting I'd like to turn to Mike Donnelly to discuss the Amended Findings Statement.

I guess Bryant, at a later point in time, will have to do an ARB approval of the cabana and pool.

Mike Donnelly.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. DONNELLY: I think essential to what we're going to do, and you can't act until it's done, is to amend the Findings Statement to dictate whatever -- first to note the changes and then to dictate any amendment to mitigation measures that's required. I think you should authorize Bryant to prepare that as he had done I think in the past. Either that or ask the applicant to take a first stab at a draft and we can work from that. I think there's been some consultant comments. I think the applicant has indicated a willingness to work with Karen on the screening and some of the open space issues, and of course we'll need the information Pat needed for his review and the ARB. So I think until the Findings are done you can't take action. In the meantime those details can be fleshed out.

MR. WINGLOVITZ: We'd like to take a stab at the draft. I think we've already taken a look at it.

MR. DONNELLY: Will you send it to everyone?

MR. WINGLOVITZ: We'll send it out to everybody.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE POLO CLUB

56

CHAIRMAN EWASUTYN: Anything else?

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:48 p.m.)

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

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

---

DATED: July 6, 2009



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

LANDS OF DZIEWIATOWSKI  
(2007-06)

296 Forest Road  
Section 1; Block 1; Lot 118  
AR Zone

----- X

CONCEPTUAL SKETCH PLAN  
THREE-LOT SUBDIVISION

Date: June 18, 2009  
Time: 7:49 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: HOWARD W. WEEDEN

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF DZIEWIATOWSKI

MS. HAINES: The next item of business we have is the Lands of Dziejewiatowski. It's a conceptual sketch plan on a three-lot subdivision located on 296 Forest Road in an AR Zone and being represented by Howard Weeden.

CHAIRMAN EWASUTYN: Howard, please.

MR. WEEDEN: Thank you, Mr. Chairman. This is a three-lot subdivision of a 52-acre parcel with one residential house on it that Mr. Dziejewiatowski lives in right now. We're proposing a 1-acre lot with the house -- a proposed 1-acre lot with a proposed house, septic and well on it. The remaining acres are going to remain undisturbed at this time.

We went to the Orange County Department of Public Works for our approvals. We had a road dedication strip at the time. My client did not want to remove the barn that was in the strip. Since that time he's been -- he has removed a portion of the barn that was in the strip that the County wanted for their road dedication.

The County also wanted us to show a proposed driveway for lot 3 which is going to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

remain undisturbed, and they wanted a driveway for lot 2 off of that driveway.

Since then we've gotten our approvals from the Orange County Department of Public Works. We've gone through the Zoning Board of Appeals for the other accessory buildings that are on lot 2 for a side yard. One of their comments was, at the Zoning Board of Appeals, to turn the house sideways so that it would face the proposed driveway coming in on lot 3 and to show that as a front yard setback at the Zoning Board of Appeals. Right now that's where we stand.

CHAIRMAN EWASUTYN: Okay. This has a long history.

MR. WEEDEN: Very long.

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

Jerry.

MR. CANFIELD: The structures to be removed will need demolition permits.

MR. WEEDEN: Yes.

MR. CANFIELD: That's inclusive of the half of the building that was removed.

MR. WEEDEN: Okay.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF DZIEWIATOWSKI

MR. CANFIELD: That's it.

CHAIRMAN EWASUTYN: It's never too late.

MR. HINES: Just to clarify, that building is going to come down the rest of the way; correct?

MR. WEEDEN: All three of these have to come down within six months.

MR. HINES: We need you to label that front one to be removed.

MR. WEEDEN: Okay.

MR. HINES: I think the other two are.

CHAIRMAN EWASUTYN: Pat, any additional comments?

MR. HINES: Yeah. Mike Donnelly needs to approve a private road access and maintenance agreement, and Bryant's comments and mine both have the waiving of the topography and the full survey for the rear of the parcel which would be up to the Board. That's all we have outstanding.

MR. COCKS: My only comment is that we do have approvals from the Orange County DPW and the Orange County Planning Department. The Town of Plattekill was sent plans and they had no

1  
2 comments.

3 MR. BROWNE: The notes for the removal  
4 are referenced in the ZBA --

5 MR. WEEDEN: That was I believe note  
6 19. It's stating the Zoning Board of Appeals  
7 granted an area variance to keep accessory  
8 structures on lot 2. The variance is good for  
9 six months from the filing of the subdivision map  
10 at the county clerk's office, and he only granted  
11 one six-month extension. That was the note they  
12 wanted put on there.

13 MR. DONNELLY: Check their decision  
14 because they had a removal tied to one year from  
15 Planning Board approval of the subdivision. I  
16 didn't read the minutes to cross check it with  
17 the decision. Unless my decision is an earlier  
18 draft. Let's make sure that that note dovetails  
19 with what they did.

20 CHAIRMAN EWASUTYN: Ken Mennerich?

21 MR. MENNERICH: No questions.

22 CHAIRMAN EWASUTYN: Joe Profaci?

23 MR. PROFACI: Nothing additional, John.

24 MR. FOGARTY: No questions.

25 MR. WARD: No comment.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF DZIEWIATOWSKI

CHAIRMAN EWASUTYN: All right. So the motion before us this evening is to grant conceptual sketch plan approval for the Lands of -- how do you pronounce it?

MS. HAINES: Dziewiatowski.

MR. WEEDEN: Dziewiatowski.

MR. DONNELLY: My notes show you did that on April 5, 2007 at which time you also issued a lead agency designation.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: So I think you need to complete SEQRA and schedule it for a hearing.

CHAIRMAN EWASUTYN: Thank you. Then I'll move for a motion to declare a negative declaration for the three-lot subdivision.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

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

MR. GALLI: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF DZIEWIATOWSKI

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So  
carried.

Dina, what's the next available date  
for a public hearing?

MS. HAINES: August 6th.

CHAIRMAN EWASUTYN: Then I'll move for  
a motion to approve August 6th for a public  
hearing on the three-lot subdivision.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LANDS OF DZIEWIATOWSKI

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

MR. WEEDEN: Thank you very much.

CHAIRMAN EWASUTYN: We look forward to  
seeing you on the 6th. You'll speak with Dina as  
far as the mailing?

MR. WEEDEN: Yes. I'll coordinate  
that.

(Time noted: 7:55 p.m.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

---

DATED: July 6, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X

In the Matter of

LOT #5 - FALLYN ESTATES (2009-05)  
Section 1; Block 1; Lot 82.3

- AND -

LOT #6 - FALLYN ESTATES (2009-06)  
Section 1; Block 1; Lot 82.4

Prospect Hill Road  
AR Zone

----- X

CONCEPTUAL RESIDENTIAL SITE PLAN

Date: June 18, 2009  
Time: 7:55 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAMES RAAB

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. HAINES: The next project we have is lot number 5 of Fallyn Estates. It's a conceptual residential site plan located on Prospect Hill Road in an AR Zone and being represented by Jim Raab.

MR. RAAB: Good evening. Would the Board prefer I do these separately or do them together? The comments are so --

CHAIRMAN EWASUTYN: I think we can do them simultaneously.

MR. RAAB: This, of course, as just mentioned, is lot 5 and also lot 6 of the Fallyn Estates subdivision. What Cornwall Builders, Mr. Harry Lipstein, would like to do is put duplexes on both lot number 5 and lot number 6, two different styles.

The septic systems fit from the previously approved subdivision.

Really mostly the only thing that has changed from the previously approved subdivision is the driveway with the parking, and of course the duplex footprints for the houses.

They share a common driveway. It's not a private road but a common driveway. The two of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

them share this common driveway coming back like this, in through here and like that.

We have supplied four parking spaces for each duplex. I'm sorry, five parking spaces for each duplex. They're located on fairly large lots, both of them, the largest lot being the residual acreage, the 22.75 acre parcel.

Of course this is a site plan approval.

That's pretty much it. We have the comments from your consultants. We have no problems with the changes that were requested. That's it.

CHAIRMAN EWASUTYN: Okay. So let's go through the comments and we'll apply them the way they were presented for each lot.

Jerry Canfield, your comments, Code Compliance?

MR. CANFIELD: We had discussed, Jim, if you could add to the bulk use tables the minimum square footage, which is 900 square feet.

And also if you could submit for the Planning Board's review the building drawings, which I believe Bryant referenced them also.

MR. RAAB: Again, we had submitted the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

architectural elevations, okay, to the Board, and I sent them directly to Karen as I was directed by Dina. I didn't know that you needed anything else besides that. You need the entire building plans?

MR. CANFIELD: Yes. If you look at 185-40 A(2) which deals --

MR. RAAB: We have no problem with submitting them. They're all ready to be submitted.

MR. CANFIELD: -- with two families. So the Planning Board can review them for compliance.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our comments are the proximity of the wetlands buffer on the lot. We're requesting the wetlands buffer be staked in the field and a note added to that.

The clean up on the septic notes.

The as-built certification and mapping to the code enforcement officer prior to CO.

Lot 6, the proposed curtain drain and the separation between the septic tank is fairly

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

close. That needs to get cleaned up.

Just a confirmation that it's not a private road, you're saying shared driveway.

MR. RAAB: That's not in this case. It's a common driveway.

MR. HINES: I don't know if you want those submitted, Mike.

MR. DONNELLY: If it exists already, and I suppose it did --

MR. RAAB: It had to be submitted to you. We'll make sure --

MR. DONNELLY: I'll pull out the old file.

MR. RAAB: We'll make sure you get another copy.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: We're going to need a signed and sealed survey sheet.

Also, you do show topography in the area of the duplex. It was provided in the approved subdivision plans before. This could potentially get a waiver from the rest of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

residual parcels if the Planning Board is so inclined.

The maintenance agreement we just discussed.

The architectural we just discussed.

The driveway location, that was previously approved by the Town of Newburgh Highway Department, so I don't think that will need to go back.

I just have a note that both lots will meet all zoning requirements and no variances will be necessary.

MR. RAAB: I have just one question about the requirement of the survey. These are site plans. The subdivision is already referenced on it. What else would be required? This being a site plan and all, that's why I'm asking.

MR. COCKS: I think for site plan you still require topography for the whole site.

MR. DONNELLY: Talking about the topography issue, it could be waived if it's not necessary.

MR. RAAB: That's entirely up to the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

72

Planning Board.

CHAIRMAN EWASUTYN: You're looking for the Planning Board to waive the need for topo or --

MR. COCKS: Yes.

MR. RAAB: Topo is basic -- the topo is the same as it was from the filed subdivision map. There haven't been any changes.

MR. DONNELLY: Can you just transfer it under the site plan?

MR. RAAB: Yes.

MR. DONNELLY: Then it's satisfied.

MR. RAAB: And it's noted as such.

MR. DONNELLY: What's missing?

MR. RAAB: The stamp from the surveyor. Again, this is topo that's been taken from a filed map.

MR. DONNELLY: I'd have to look at the requirements but I would think that should satisfy it.

MR. RAAB: Most of the time I would believe it does.

MR. DONNELLY: We'll double check it.

CHAIRMAN EWASUTYN: Karen Arent,



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

73

Landscape Architect?

MS. ARENT: If you could just show some wooded areas to remain around --

MR. RAAB: It's an old orchard.

MS. ARENT: It is an old orchard. I could not find this property.

CHAIRMAN EWASUTYN: When you first come in, a little ways up. I couldn't find the access road. I know where the property is.

MS. ARENT: It's an old orchard. Okay.

MR. RAAB: But we have no problem moving the swale, okay, to get to that point.

MS. ARENT: That's not important. I think the architecture fits in nicely with the other homes. They are different houses. It would be nice -- they are different colors?

MR. RAAB: They're going to be different colors, different color shingles.

MS. ARENT: I had a question for the Board. Since it's a dead-end road, we typically on duplexes require screening of the parking areas. I didn't know if it was necessary.

MR. RAAB: I would think this was a lot like the one I did last year for Alexander where

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

74

it was a flag lot so far off the road that nobody is going to see the parking area anyway.

CHAIRMAN EWASUTYN: Is that the one off Valley View Drive?

MR. RAAB: No. It's the one off Roslyn Lane I think. Same area but --

CHAIRMAN EWASUTYN: One would have been a little bit south of the other. We'll discuss that.

Karen?

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Okay. I guess the discussion we have is does the Board want to see additional screening of the parking?

Mike, at this point you're going to look to see if it's necessary to provide the topo. If not, the Board would have to waive that.

MR. DONNELLY: Or get the surveyor to seal it.

MR. RAAB: Again, I don't want to make an issue of it. We can get the surveyor to stamp it. It's Darren Stridiron, it's not a big deal.

CHAIRMAN EWASUTYN: Frank Galli?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

75

MR. GALLI: On the additional screening for the cars, as long as it's not seen from the road, I don't have a problem with that.

MR. BROWNE: I agree with Frank.

MR. MENNERICH: I agree also.

MR. PROFACI: The same.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: Same.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Same.

CHAIRMAN EWASUTYN: Recommendations from the Board as far as a SEQRA determination?

MR. HINES: I would recommend a negative declaration. We've looked at the project as single-family residences. It's not that much change other than the additional parking and the provisions for some flat plate or recreation areas on the lots. So I have no problem recommending a negative dec.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: I agree.

CHAIRMAN EWASUTYN: Karen Arent?

MS. ARENT: I agree.

CHAIRMAN EWASUTYN: This is a site plan

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

76

also. So it would be optional by the Planning Board as to whether or not they want to have a public hearing. Correct?

MR. DONNELLY: Correct.

CHAIRMAN EWASUTYN: I'll take one action at a time. I'll move for a motion to grant a negative declaration for the -- number one, I'll move for a motion to grant conceptual approval for the residential site plan -- residential site plans for lots 5 and 6 for the Fallyn Estates residential site plan on Prospect Hill Road.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

77

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

I'll move for a motion to --

MR. HINES: You're duplicating these ? It's two separate applications.

CHAIRMAN EWASUTYN: That's why I said --

MR. HINES: I didn't hear you say the lot number.

CHAIRMAN EWASUTYN: -- lots 5 and 6. I believe I did say that.

MR. PROFACI: Yes.

CHAIRMAN EWASUTYN: I'll move for a motion to grant a negative declaration for lot 5 and lot 6 of the Fallyn Estates residential site plans.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

78

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I'll move for a motion -- I'll poll the Board Members to see if they want to have a public hearing for the residential site plan for lot 5 and lot 6 of the Fallyn Estates site plan.

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: John, can I ask one question? Are there other people who live anywhere in the vicinity around this?

MR. RAAB: The closest house is Carmen Monaco's house which is about 500 feet to the -- 500 feet this way of lot number 6. All the rest

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

79

of them are over 700 feet away that way and over 1,000 feet to Quaker Street. The closest house is Carmen's, if Carmen still lives there. I call it Monaco because I know he lived next door. It's approximately -- I looked it up on Google today because I thought somebody might ask me that question. It's about 500 feet away.

MR. FOGARTY: I vote no.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show that the Board waived a public hearing for lot 5 and lot 6 of the residential site plan for Fallyn Estates.

At this point I'll move for a motion to grant ARB approval for lot 5 and lot 6 of Fallyn Estates residential site plan. I'll move for that motion.

MR. PROFACI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci. I have a second by John Ward.

MR. BROWNE: I have a question, John.

CHAIRMAN EWASUTYN: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. BROWNE: With the ARB do we need to see the plans or whatever to ensure the entrance for the ARB or is that something that should be independent?

CHAIRMAN EWASUTYN: We do have plans that Karen reviewed.

MS. ARENT: It needs probably for Jerry to review it to make sure there's no interconnecting doors between the two plans. So it could be subject to Jerry's review.

MR. BROWNE: My question is if there is an issue, would that affect the ARB?

MR. CANFIELD: They supplied the elevations, the exterior elevations.

MR. BROWNE: Okay. What you're talking about wouldn't affect that part at all?

MR. DONNELLY: Not ARB.

MR. CANFIELD: It should not affect the floor plans.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: We had a motion by Joe Profaci, we have a second by John Ward for ARB approval, we had discussion by Cliff Browne. Any further discussion?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

81

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Mike, at this point I guess the motion before the Board would be to grant final approval.

MR. DONNELLY: I think it would be. I'm not sure -- Jerry, you mentioned that. 185-40 A(2) imposed a requirement as part of site plan approval that you receive and review the building plans themselves, and I don't know if you're comfortable with conditioning that on a sign-off letter from someone that says they're submitted. Am I correct that that's what that section says.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

82

MR. CANFIELD: Yes.

CHAIRMAN EWASUTYN: I'll ask the advice of Jerry Canfield. Jerry, how do you advise the Board?

MR. CANFIELD: What I would look at is basically to see, and I have no indication not to believe, that the minimum floor area will be met based on the footprint on the site plan. Again, we should have the plans in our hands to actually review them and then I can actually report to the Board my findings.

MR. RAAB: I've got them. I wasn't going to submit them, I just have them. I know better.

MR. HINES: The other issue we looked at in the past is to make sure they're distinctly separate buildings and there's no doorway between.

CHAIRMAN EWASUTYN: What we'll do is we'll take -- if the Board agrees, we'll take action on lot 5 and lot 6 of the Fallyn Estates residential site plan under Board Business subject to approvals from Jerry Canfield. Is that all right with the Board?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LOTS #5 & #6 - FALLYN ESTATES

83

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: We can set that for -- Dina, our next meeting is what date?

MS. HAINES: July 2nd.

CHAIRMAN EWASUTYN: Let's make a note under Board Business for July 2nd we'll discuss the conditions for final approval for lot 5 and lot 6 of the Fallyn residential site plan subject to a common review letter from Jerry Canfield -- a satisfactory comment review letter from Jerry Canfield.

Anything else?

MR. RAAB: Would the Board object to me giving Mr. Canfield the plans right now? Does the Board want copies of the plans also?

CHAIRMAN EWASUTYN: I think basically that's a code compliance issue, so you can give them to Jerry.

MR. RAAB: Thank you very much.

(Time noted: 8:11 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

---

DATED: July 6, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

QUARTERLY SITE INSPECTION

----- X

BOARD BUSINESS

Date: June 18, 2009  
Time: 8:11 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BOARD BUSINESS

MR. BROWNE: I suggested to John that we postpone the site visit.

CHAIRMAN EWASUTYN: If the Board is in agreement, we'll reschedule the site inspection.

MR. FOGARTY: Fine.

CHAIRMAN EWASUTYN: That being the case, we'll close the Planning Board meeting. I'll move for a motion to close the Planning Board meeting of June 18th.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Frank Galli. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:12 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

---

DATED: July 6, 2009