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

----- X

In the Matter of

MAVIS/MIXED USE
(2015-03)

1413 Union Avenue
Section 60; Block 3; Lot 40.2
IB Zone

----- X

SITE PLAN & ARCHITECTURAL REVIEW

Date: August 6, 2015
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

APPLICANT'S REPRESENTATIVE: MICHAEL MANES

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome
you to the Town of Newburgh Planning Board
meeting of August 6th.

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

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: The Planning
Board has representatives with us this evening
that will help us with legal matters and land
use matters.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MR. EDSALL: Mark Edsall, McGoey,
Hauser & Edsall, Engineers.

MS. CONERO: Michelle Conero,
Stenographer.

CHAIRMAN EWASUTYN: At this point I'd
like to turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the

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MAVIS/MIXED USE

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Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please keep your cell phones on vibrate or off, please. Thank you.

CHAIRMAN EWASUTYN: We have four items on this evening's agenda. The first is the Mavis/Mixed Use site plan. It's on Union Avenue. It's in an IB Zone.

Michael Manes --

MR. MANNIS: Yes.

CHAIRMAN EWASUTYN: -- is here this evening to discuss it.

MR. MANES: Hello. First of all, thank you for the opportunity to meet with the representatives of the Town at the workshop. It was extremely helpful, very productive and we got through a lot of technical issues.

Among them, we discussed water collection on the street. I think initially we had three separate lines. We were going to go with one connection to minimize disruption on Route 300.

Sanitary sewer, I think it was Jim Osborne that suggested perhaps re-using the

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existing sanitary from the existing building for Mavis initially and not building a new one. We're going to take that under advisement. I don't know how old it is or what shape it's in. We want to do this once and do it right.

We also discussed perhaps leaving the existing six-inch tap, thinking that might be enough for the three buildings. I spoke to Rob a little while ago, our engineer, and we both felt it probably wasn't -- we'll wind up making a new tap in Route 300.

At the meeting we also addressed stormwater comments. We made revisions to the hydro CAD for comments on the fore bay.

We also made modifications to the detention pond in response to their comments.

We adjusted a swale in the southwest corner of the site to prevent any runoff from the site onto a neighbor's site.

Traffic, we went through those comments. There wasn't a whole lot. Ken believed that our traffic study was, in general, fairly conservative. We agreed that the left turn out at the main entrance, it made sense to

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keep that to mitigate problems at another intersection north of there. I think that was about it.

The other important things to come out of the workshop were that we talked about a phased approval and sort of a phased development. In lieu of that we'd like to go for an approval of the whole project with construction phasing. We'd like to come back hopefully one last time for that and we'd seek approval for the entire project with construction phasing.

We have ARB approval for the Mavis and for the Buffalo Wild Wings.

We're still in negotiations with a tenant on that other one. At this point it's going to be some sort of professional office, like a dentist's office or an optometrist. Something like that. In consideration of that, that particular use, we've changed this to proposed office. It leaves open a wider range of opportunities for tenants. It will probably be something like a dentist or optometrist.

The setback line for that is a thirty-foot side yard setback instead of

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fifty-foot for retail, which was the original proposal.

In consideration of that changed use we're proposing pushing the pad site for what was then retail, now professional office, back to that thirty-foot setback line.

The other minor modifications to the site plan are this tenant required some additional parking, so we tried to get a few more spaces on the site to bring up the overall parking level. I think we're at about 158 spaces now and approximately 120 are required based on the particular uses. So, you know, we struggle with providing as much parking as possible without turning it into something that looks like Paramus. We still maintain quite a bit of landscaping and green area.

I think the next -- we're still waiting for the City's flow acceptance letter. Hopefully that will be coming in soon and we can schedule something for the next Planning Board hearing. I think that's about it.

I can quickly review the phasing. The initial phase -- I mean ideally we'd like to

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build it out at once. It depends upon who is ready first. I know Mavis will be ready first. We've grabbed the whole front so this will all be improved. The red line shows what will be paved. We're going to do mass grading to within several inches so the whole site looks like it's ready.

This was the original site plan showing the retail. It was a fifty-foot setback line. The other key benefit, the reason for moving that back, was that it opens up a better view corridor for the Buffalo Wild Wings, which is kind of key to negotiations with them. So it worked out well for us and for them.

That's about it.

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

MR. GALLI: Did we do the ARB on Buffalo?

MR. DONNELLY: My notes say both the restaurant and the Mavis building.

MR. MANES: We'll probably go for the ARB, hopefully by the next meeting we'll have a lock on it.

MR. GALLI: On the dental?

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MAVIS/MIXED USE

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MR. MANES: Yeah.

MR. GALLI: That's the only question I have.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On that diagram there, is that the location of the third building?

MR. MANES: No.

MR. MENNERICH: It's going to be moved back?

MR. MANES: Yes.

MR. MENNERICH: Thank you.

MR. MANES: It will be back. That same phasing will apply.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Michael, when you talk about the tenant in the medical building, you say dentist, but he required more parking. Is that like an individual practitioner or is that a chain store, like Aspen Dental?

MR. MANES: It will be a chain store similar to Aspen Dental.

MR. DOMINICK: That would have more patients, more volume, more parking in a very tight spot.

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MR. MANES: We do have a surplus of approximately 55 spaces.

MR. DOMINICK: Okay.

MR. MANES: And the uses -- the peaks will be at different hours. I think -- you know, to be fair I think Saturday afternoons will be difficult, but --

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I think the building looks a lot better. You have, between coming in and the retail --

MR. MANES: It's a little more open, a little less clustered.

MR. WARD: It was too tight with the flow coming in.

MR. MANES: Yes.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, do you want to give a summary?

MR. EDSALL: Pat Hines submitted a memorandum to the Board regarding the technical meeting that was held on July 28th. It mirrors, in most forms, what Mike indicated as far as the topics. Most of the issues are ongoing relative

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to the flow allocation letter, waiting for a response.

Sewer is obviously still being looked at based on the needs.

Water service, I know that Jim Osborne is looking to minimize impact out into the State highway, so that's being looked at.

As far as available pressures and fire flows, service to the building, that's ongoing.

Pat indicates that the stormwater, he concurs with the direction the project is moving as far as the modifications to the plans, so he'll look at the final plan once it's resubmitted.

The phasing as has been discussed, it's going to be phased from a construction standpoint but it will be a single approval. So that does make more sense. It's good that you're looking to do the rough grading all at once and deal with the stormwater all as part of one action and then finish off each area as the pads are developed. That makes absolute sense.

The traffic issues, Ken Wersted is still reviewing those. I'm sure he'll get a

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MAVIS/MIXED USE

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final memo in once he's reviewed all the information.

CHAIRMAN EWASUTYN: Mike Donnelly, would you like to add anything at this time?

MR. DONNELLY: No, I don't need to add anything.

CHAIRMAN EWASUTYN: Thank you for giving us an update.

MR. MANES: Thank you.

CHAIRMAN EWASUTYN: Hopefully between now and the 20th you'll get a response back from Jim Osborne from the City of Newburgh for the City flow acceptance letter and that will give us the opportunity to consider final site plan approval.

MR. MANES: Great.

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

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

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

DATED: August 28, 2015

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

----- X
In the Matter of

DLE HOLDINGS, LLC
(2015-13)

5310 Route 9W
Section 23; Block 1; Lot 1
B Zone

----- X

SITE PLAN

Date: August 6, 2015
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

APPLICANT'S REPRESENTATIVE: JOHN FULLER

----- X

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CHAIRMAN EWASUTYN: The following item this evening is DLE Holdings, LLC, a site plan located on Route 9W in a B Zone. It's being represented by John Fuller.

MR. FULLER: Good evening to the Board. Again my name is John Fuller, I'm the civil engineer that's been representing this application.

We were here a few weeks ago where we had identified a few changes that had been made to address the previous Board's comments. I wanted to take the opportunity tonight to just talk about the few additional changes that we made, partly requested by the Board and partly due to some fence changes that we were required to do as part of a review by the gas company.

Specifically one of the items that was discussed at our last meeting was we had shown the site as being entirely paved. I think it was the consideration of the Board that it would be acceptable for the area where predominantly the buses would be parked, that that can remain gravel and the rest of the area, mainly where employee parking and service parking is located,

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would be paved. That change has been reflected in the plans.

As I indicated, upon review with the gas company, because there is a main that runs along the right-of-way basically just a few feet from the property line, it was requested of the gas company to move the applicant's fence line in ten feet off the property line, away from the high pressure gas main. As a result of that and as we indicated to the Board at the last meeting, that opened the opportunity for us to provide on-site landscaping, which was a big concern at our initial meeting last month. So we've now revised the plans to reflect landscaping entirely along the fence line to screen the bus parking at the facility. Those were the two major changes.

I know all the technical comments that had been in previous letters from Pat Hines had been addressed.

We did get a response from County Planning that said it's a local determination.

At that point that brings us to the status that we're at this evening for any follow up with you and any questions that may remain.

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CHAIRMAN EWASUTYN: Thank you, John.
Questions from Board Members?

MR. GALLI: No additional.

MR. MENNERICH: No questions.

MR. DOMINICK: No additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I drove by and the fence
looks good. I noticed you have barbed wire.

MR. FULLER: I have not seen that. If
it is on there, I'm not sure of the reason for
that other than for security.

MR. WARD: That's why I was asking you.

MR. FULLER: Is there a concern about
that or --

MR. WARD: No. I just wanted to note
it. It was surprising. That's all.

MR. FULLER: I'm sure that there's a
reason. Mainly for security purposes. That
would be the only reason.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, would
you give us a summary at this point?

MR. EDSALL: Pat does acknowledge that
the prior comments had been addressed, and he

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also indicated, as Mr. Fuller did, that there is now gravel parking for those areas where paved is not necessary, and as well it does decrease the stormwater impact. Pat has no real concerns relative to stormwater since that gravel area has been maintained.

He does acknowledge the movement of the fence and the increased landscaping.

He feels comfortable with the Board pursuing action on this at this point.

CHAIRMAN EWASUTYN: Okay. Mike Donnelly, can you present to the Board a resolution for granting final approval?

MR. DONNELLY: Sure. This is a Type 2 action under SEQRA, so there's no further compliance required. We did receive the local determination from the Orange County Planning Department. We granted ARB approval in July of this year, so the resolution now would be for site plan approval.

I think perhaps before you do so you should vote to waive the public hearing. I don't know if that was done before.

In terms of conditions, there really

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DLE HOLDINGS, LLC

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are only two, your standard Architectural Review Board condition which requires that you submit architectural renderings that match the renderings you showed this Board to the building department when you apply for a building permit to make sure that there has been no change, and then the Board's standard condition that says that no outdoor fixtures or amenities can be built on the site that are not shown on the approved site plan.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Do they want to have a public hearing on the site plan?

MR. GALLI: No. It's not really a change in the use. It's the same thing it was before, just cleaned up.

MR. MENNERICH: I agree.

MR. DOMINICK: I don't think it's necessary.

MR. WARD: No.

CHAIRMAN EWASUTYN: Let the record show the Planning Board waived the public hearing on DLE Holdings.

Having heard the conditions for final

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DLE HOLDINGS, LLC

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approval for DLE Holdings presented by the
Planning Board Attorney, Mike Donnelly, I'll move
for that motion.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you.

MR. FULLER: Very good. Thank you.
It's been a pleasure.

(Time noted: 7:16 p.m.)

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

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

DATED: August 28, 2015

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

----- X

In the Matter of

ONE POWELTON AVENUE
(2015-19)

Powelton Avenue
Section 80; Block 6; Lot 7
B Zone

----- X

SITE PLAN

Date: August 6, 2015
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

APPLICANT'S REPRESENTATIVE: STEPHEN WHALEN

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is One Powelton Avenue. It's a site plan in a B Zone. It's being represented by Highlands Architecture. Stephen Whalen I believe is the architect.

MR. WHALEN: All set?

CHAIRMAN EWASUTYN: Yes.

MR. WHALEN: Good evening. Again my name is Steve Whalen, I'm a partner with Highlands Architecture.

Our proposal is for One Powelton Road. The existing building that's there now is approximately 1,500 square feet. On the lower level there's an existing tenant about 400 square feet, the remainder on the lower level is basement. The existing second floor is a former dentist office.

Per the site plan you can see there's approximately 20 parking spaces. You can see that some of these parking spaces are actually over the property line. The handicap accessibility, which is not accessible because the sidewalks are so steep, is around the building, and there's a wood framed ramp on the

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backside of the building.

Our proposal is for a few additions. Taking off the entire roof to construct a second floor -- a second story, third story addition along the entire footprint. On the east side of the building we're going to be constructing an elevator, a stair and lobby addition. On the west side of the building is just a stair tower for a second means of egress.

On the site we're going to bring all the parking spaces into the property line. The handicap parking space will be generally in the same area but again it will be all beyond the property line. We'll have sixteen parking spaces down below and the handicap parking space, that makes it a total of seventeen. We have about just under 3,400 square feet of office space. So we have seventeen parking spaces, which is what's required.

CHAIRMAN EWASUTYN: There was a question about that during the work session, so thank you for coming up with those numbers.

MR. WHALEN: Okay.

CHAIRMAN EWASUTYN: Anything else you'd

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like to say?

MR. WHALEN: We're still developing the elevations and the interior floor plan. Our thoughts so far were to try to keep in keeping with some of the buildings in the surrounding area. We're talking about going with a hardy board siding with some cultured stone and maybe some CMU along the bottom. We'll have like a towered feature, Powelton Road and North Plank Road on the corner. We're trying to keep a residential feel to the building, like a standing seam roof. We're still developing that, though.

CHAIRMAN EWASUTYN: Did you receive Pat Hines' review comments?

MR. WHALEN: No. Did that go out via e-mail?

MR. EDSALL: I'm not sure if he sent those out. We can have them sent over.

MR. GALLI: Here's a copy.

CHAIRMAN EWASUTYN: I'll have Mark Edsall from McGoey, Hauser & Edsall review some of those comments with you now.

MR. EDSALL: Pat reviewed it on a concept basis. There are a number of issues that

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are going to clearly be added to the plan as it's further developed.

Knowing that this needs to go to the Zoning Board of Appeals first for, as Pat indicates, a minimum of four variances, lot area, lot width, front yard relative to both sides being that it's a corner lot, and then a side yard variance. So that action is required for the Board to continue to review it for approval.

Separate from the Zoning Board action relative to the site plan itself, they are proposing curbing. The potential impacts of the curbing relative to drainage and the grading all need to be addressed. Collection and disposal of stormwater.

Pat also is noting that some additional comments from the highway superintendent and code enforcement officer should be taken into consideration relative to building height and improvements in the public right-of-way. So those are issues that he lists as concerns.

You had some information brought forth as part of the presentation relative to square footage. That should all be put onto the plan

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and should be part of the parking computation to show where you stand from a parking standpoint for the proposed areas and uses for the building.

Being that you're going to the Zoning Board, if you have difficulty complying with the parking requirements, this would be a good time to find that out because you don't want to have to go back to the Zoning Board twice. So that should be resolved. Perhaps you can share any additional knowledge with the Board on that.

The utilities need to be depicted and defined on the plan.

A detail sheet needs to have landscaping and site development details added.

Again, it's a concept plan. Being that it's going to the Zoning Board, I think the most critical point that the applicant should be aware of is going and getting all the variances that they need so they don't have to go twice.

CHAIRMAN EWASUTYN: Jerry Canfield with code compliance will be assisting us -- he's not here this evening -- as far as your interpretation of parking and use.

MR. WHALEN: Okay.

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CHAIRMAN EWASUTYN: Jerry will be back in the office the early part of next week.

Mike Donnelly will talk to you now as to what he's going to present to the ZBA and if there's a need to add a note to that.

Mike.

MR. DONNELLY: With the Board's permission or direction, I will send a letter to the Zoning Board referring your application to the Zoning Board for consideration of a lot area, lot width, two front yards because you're a corner lot, and a side yard area variance. You will, nevertheless, need to apply to the Zoning Board on their forms for those variances. I can add, if the Board would like, the possibility for a parking variance to be developed by the applicant, that way if you felt you needed it you could include that in your application.

CHAIRMAN EWASUTYN: Stephen?

MR. WHALEN: Yeah. May as well, as long as we're going before the ZBA, include that one. I think we'll comply but just in case.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: I will include that in

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the letter than.

CHAIRMAN EWASUTYN: Any additional
comments from Board Members? John Ward?

MR. WARD: What's the total height of
the building after you build it?

MR. WHALEN: I looked in the ordinance
and it was saying from an average grade of the --
I think it was like the dominant street, which
ever it had more frontage on what street. We
have more frontage on Powelton. So taking the
average grade, we're right at 35 to the top part
of the tower, which is the highest part of the
building.

MR. WARD: And structurally building
up, is the building able to do that?

MR. WHALEN: Structurally, yes.

MR. WARD: It's an old building.

MR. WHALEN: Yeah. It's structurally
sound. We're going to do a lot of demolition to
the building.

MR. WARD: Are you taking the first
floor out?

MR. WHALEN: We're going to leave this
level down here, which is primarily the basement

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and the one tenant space. This we're pretty much going to gut the interior. We're going with a new flooring system for above, obviously a new roof.

MR. WARD: I'm more concerned about the height and the location. You've got residents and other businesses next to it. You don't need an eyesore.

MR. WHALEN: Okay.

MR. WARD: It had a height -- it's two stories as is with the flat type roof. You're making it a peak where it's dominant.

MR. WHALEN: We could lower the pitch on the roof.

MR. WARD: Yeah. That's what I'm saying.

MR. WHALEN: The owners want a pitched roof on there. We're going in with like a 6-12 right now. We could lower that.

MR. WARD: If you could, because you're reaching the high --

MR. WHALEN: Okay.

CHAIRMAN EWASUTYN: Mark, I think your office has an additional copy of the plans that

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ONE POWELTON AVENUE

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you could circulate to the Orange County Planning Department.

MR. EDSALL: I'll check with Pat.

CHAIRMAN EWASUTYN: They delivered two sets.

MR. EDSALL: Okay.

CHAIRMAN EWASUTYN: Then I'll move for a motion to have Mike Donnelly prepare a referral letter to the Zoning Board of Appeals and to circulate to the Orange County Planning Department under 239-M of the Municipal Law.

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Thank you.

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MR. WHALEN: Thank you.

(Time noted: 7:25 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: August 28, 2015

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

----- X
In the Matter of

CRONK ESTATES II
(2015-14)

Peaceful Court
Section 1; Block 2; Lot 17.24
AR Zone

----- X

PUBLIC HEARING
TWO LOT SUBDIVISION

Date: August 6, 2015
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The fourth item on this evening's agenda is Cronk Estates. It's a two-lot subdivision for a public hearing. It's located on Peaceful Court in an AR Zone. It's being represented by Charles Brown of Talcot Engineering.

Ken Mennerich will 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 Cronk Estates, two-lot subdivision, project 2015-14, for a two-lot subdivision on premises Peaceful Court in the Town of Newburgh, designated on Town's tax maps as Section 1, Block 2, Lot 17.24. Said hearing will be held on the 6th day of August 2015 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, Town of Newburgh

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Planning Board. Dated July 6, 2015."

CHAIRMAN EWASUTYN: Thank you.

Mike Donnelly, would you speak to the public, please?

MR. DONNELLY: The application before the Board on this project is a subdivision application. Before the Board takes action on subdivision applications it holds a public hearing to make sure that you, the members of the public, have an opportunity to bring your concerns to the attention of the Planning Board. After Mr. Brown gives a presentation describing the project, the Chairman will ask those of you in the public that wish to address the Board to raise your hand. When you do, if you could please step forward so we can hear you better. Give us your name, and if you would spell it for the Stenographer so we get it correctly in the transcript. We would ask you to direct your comments to the Members of the Planning Board. If you have questions that can be easily answered, the Chairman may ask either Mr. Brown or Mark Edsall, the Planning Board's Engineer, to answer your questions. The discussion should be

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with the Board, not with the applicant. It shouldn't be difficult to follow those directions.

CHAIRMAN EWASUTYN: Thank you.

Mr. Brown.

MR. BROWN: Thank you. Again, my name is Charles Brown, I'm the engineer for the owner of the property.

The existing five-acre lot, a little bit over five acres at the end of Peaceful Court is an existing private road. The proposal is to cut that lot pretty much in half, both for single-family houses. Both houses would be accessed off of Peaceful Court. They'll be joining into the maintenance agreement for that road.

They are shown to be served with individual wells and septic for each lot.

We're here to hear from the public.

CHAIRMAN EWASUTYN: If anyone here has any questions or comments, would you please raise your hand and give your name and address?

MR. GOLONKA: My name is Dennis Golonka, I'm on 6 Peaceful Court. That's

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CRONK ESTATES II
G-O-L-O-N-K-A.

We as a group living in the community have four or five concerns. I would like to tell you what the concerns are and then there's people here that will elaborate on some of the concerns, because it affects them more than others.

The first one is water. Two wells have had to be fracked since we've been there for four years. I don't know if that goes on the record or if anybody even keeps track of that. My well, I had to have two pumps put in because it froze. Now, if I'm not mistaken, and there's two gentlemen here that will answer that, I think our wells are below 300 feet. So that's a concern to all of us that live in the community, what's going to happen with the water.

The second concern is the septic system, the drain off. We're on a shale mountain. I mean there's maybe this much dirt and the rest is shale. So far we haven't had any problem but the community is new. By adding another house, I don't know. I want to bring it to your attention because I think everybody should be aware that that could be a problem.

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The third concern is the trees. We would like to keep it as a residential area, not have somebody come in and just manicure it where there's just grass. That's happened with a couple of the homes that already have been built by this builder.

The other thing -- I have to look at my cheat list -- is the perc test. I understand there was a perc test. Now I know a perc test is you dig a hole in the ground, you put water and then if it goes down so fast you pass. Well, I put a lot of trees up on my property, and you gentlemen and ladies are welcome to come, sometimes I hit dirt and sometimes I hit rock. When you put water in there, the water doesn't go down because it's that slate foundation. I would like that to be taken into consideration before we even start doing something like this.

The last thing, and one of the most important things to all of us -- I'm sorry I keep trying to bring them in. They're going to come in any minute -- is the road. You know, it's a private road. Already the road has been torn up in a couple places. At one point when the

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electric was being put in they dug right in the middle of the road, they made holes, patches.

Mr. Brown, I don't know if you saw that or if you had the opportunity to drive up the road. I mean one winter went by and we're already starting to deteriorate. Who do we go to? Now we're talking about building two more homes and having heavy equipment come in again. So this is just some of the concerns.

I have to say this before I sit down. About four years ago I came to this committee with some of the other people here and we asked about a three-way stop sign. You listened to us and we thank you. You put the stop sign up. So the system does work, and I realize that. Everything that we're going to ask for or complain about is not going to be granted and there's going to be a little give and take. We're willing to talk but we'd like to voice our opinions on it.

Thank you for listening.

CHAIRMAN EWASUTYN: And we will turn it over to others to elaborate on what is being said. Sometimes it's good to stop for a moment,

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get a response to your questions, because to talk about the same thing without getting a response, we can lose focus.

Let's start with the last item, Dennis, that you raised, and that's the private road. We'll turn to Mike Donnelly, the Planning Board Attorney, to advise us on a private road.

MR. DONNELLY: I had not yet seen the private roadway easement and maintenance agreement but I understand that there is one and this property is covered by it. That would mean that these two new homeowners would have to share in the cost of maintaining the roadway. Of course each would have the right to use that roadway.

Your question regarding construction phase damage is a different question because that agreement calls for equal sharing.

I turn to you, Charlie, and ask whether your client might be willing, as have other of your clients, to agree in writing that if any roadway damage is done during the course of construction, that that roadway damage would be repaired at the builder's cost.

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MR. BROWN: I will go out there and take a look. I would certainly be willing to talk to him about it.

For the record, it was my client that actually paid to modify that intersection and put the stop signs in. So he is willing to do things to improve the neighborhood, especially since he's going to be looking to put houses on the lots and it's going to detract. I will have to get that okay from him. He's not here tonight.

If you want I can go right back up the list --

CHAIRMAN EWASUTYN: Please.

MR. BROWN: -- in reverse order. As far as the perc tests, they were done at twelve inches for this lot -- for both of these lots, which is what is required for shallow absorption trench systems. They did pass. We did deep tests also, as you mentioned, and the deep tests ranged from 36 inches down to rock all the way up to 60 inches, which is 5 feet. Back where these lots are we do have enough coverage to get septic systems in there.

With respect to the trees, with the

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previous subdivision we had a 100 foot buffer in the back of these -- 150 foot buffer in the back of these lots which was going to be preserved as forever green. That is maintained with this subdivision. Again, that's behind these houses but it will screen your subdivision from anything that's beyond the end of the road.

As far as the wells, the requirement is that a well has to meet 5 gallons a minute. That's on the plans. With wells, again, you don't know until you drill them. People do have to sometimes frack them to get the water pressure up rather than go down another 200 feet or whatever.

I hope that answers the questions as presented.

MR. GOLONKA: Can I respond or no?

CHAIRMAN EWASUTYN: I think rather than dominating the meeting, you said there were others who wanted to speak.

MR. GOLONKA: Yes.

CHAIRMAN EWASUTYN: That is the way we normally have the meeting, we give someone an opportunity to speak and then we allow others to

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 speak. If there's a need, we'll go to a second round.

 MR. GOLONKA: Thank you.

 CHAIRMAN EWASUTYN: Thank you.

 MS. HARRIS: My name is Debra Harris, D-E-B-R-A, Harris, I live at 3 Peaceful Court.

 One of my concerns also is the wells and the road maintenance. The way the road maintenance is set up now, I believe that everybody will pay an equal share. We are pre-existing. Our house has been there fifteen years. We were the first subdivision that was approved back in 1988. We built the road, we maintained it for twelve years before the subdivision went in. So I feel that possibly the road maintenance agreement might be modified to reflect either our proportionate share or that we're grandfathered in with regard to that since we were pre-existing at the time.

 Also the well issue and the water and the drainage. We're right at the bottom there, and it does drain down the side of our driveway quite a bit when we have heavy rains.

 MR. DONNELLY: It's in the Board's

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interest to make sure there is one in place so there's some formula and method. However, what method and what formula there is is a private issue that exists between you as a group. I've seen various flavors of private roadway easement and maintenance agreements, and some of them do indeed have differing shares based upon the length of roadway that serves the home. This Board can not dictate how that would be crafted. If that's something that can be discussed privately with the applicant, to have a more equitable share, that's something that can be discussed. There's no binding way the Planning Board can do that.

If I could as well; on the wells, this is a residential development. In New York every property owner has the right to drill a well to serve his own reasonable domestic needs. I'm not talking about 100-lot subdivision or a bottling plant. We're talking about individual homes. It is not uncommon, particularly in certain areas of this county, that the drilling of even a few new wells may cause other wells to have problems. The hydrogeologists tell me that's more an issue

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of the wells that have had the impact not having been drilled deep enough in the first place rather than an issue of the new well actually creating the problem. If this were a business that was going to be drawing large amounts of water, then the Planning Board would require that well testing be done and drawdown monitoring be placed on a sample of the wells in the neighborhood. Given New York law, an owner of property has the right to drill a well for his own domestic needs. The Planning Board doesn't have authority to interfere with that.

MS. HARRIS: Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, can you comment on drainage? Did you look at the plans?

MR. EDSALL: I'm not familiar with the problems out there but I will bring it to Pat's attention. Obviously if there's an existing condition that could possibly be mitigated, we'll speak to Charlie.

MR. BROWN: I believe the SPDES permit is still open on this one from the previous subdivision. I don't believe we've closed that

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out yet because he hasn't finished building.

Regarding the road, if you're the lot on the left going in, I think you're already exempt. In other words, your house was there before the subdivision I did in '05, the first four lots. At that time that road was just a gravel path --

MS. HARRIS: Correct.

MR. BROWN: -- it wasn't a road.

MS. HARRIS: No, but it was granted by the Town for us to just --

MR. BROWN: If I remember right, when we did that original maintenance agreement you were already exempt.

MS. HARRIS: I'm listed. Actually, the newest maintenance agreement was misfiled, it's not under my section, block and lot.

MR. BROWN: I'll check that.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. PRESUTTI: Thank you. My name is Mike Presutti, P-R-E-S-U-T-T-I, I live at 11 Peaceful Court, which is right next to the two-lot subdivision that's being proposed.

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The water issue is a little bit bigger than what I think you've heard so far. My well has gone dry twice. I had Tompkins Well Drillers come in. It was testing at 4.9 gallons per minute when I signed my contract, and I have copies of that paperwork if you need it. I had to have my well fracked also, and I'm down over 400 feet. Todd, who lives behind me, behind my lot, had his well drilled, a new well drilled, and also had to have his well fracked. So we're seeing a pattern here of problems with wells and water. By adding an additional house, obviously more drain on the system, I'm concerned about what might happen.

The other concern I have is will the drainage that has been put in, the retention ponds, hold up to an additional house? I don't know if the size will warrant a larger retention pond or maybe other work that needs to be done. I'm not familiar with the layout or where the driveways and things are going to go but it's a concern that I think should be looked into. Thank you very much.

CHAIRMAN EWASUTYN: Any additional

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questions or comments?

MR. RODRIGUEZ: My name is Joseph Rodriguez, R-O-D-R-I-G-U-E-Z, I live at 10 Peaceful Court. My concern is also the retention ponds. I have the biggest retention pond in the front of my home and I'm not sure if two additional -- one additional house would meet that requirement, as well as the maintenance of that retention pond. There is a separate maintenance agreement with respect to the retention pond. I'm just unclear as to whether or not the additional homes that were built prior -- were built after the retention pond maintenance agreement was put into play is going to also be effective.

CHAIRMAN EWASUTYN: Charlie, do you want to respond to that?

MR. BROWN: Yes. The new lots would definitely be included in the maintenance agreement of the road and definitely be included in the maintenance of the pond.

MR. RODRIGUEZ: So then that would be divided evenly?

MR. BROWN: Correct. The road actually

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I think includes three lots on the -- four lots done back in `05.

The drainage. Those three lots are not included in that because the drainage was just for the subdivision that was done three or four years ago.

MR. RODRIGUEZ: Will the retention ponds be an additional --

MR. BROWN: It should be. I mean I can certainly verify that. Usually when I design them I include a good fifteen, twenty percent extra in there, just because drainage is kind of an iffy thing to begin with. I'll verify that.

MR. RODRIGUEZ: Thank you.

CHAIRMAN EWASUTYN: Mark Edsall, do you want to comment or add to that?

MR. EDSALL: Whatever analysis you do Charlie, submit a copy over to Pat so it can be looked at so he can advise the Board that the sizing is adequate.

CHAIRMAN EWASUTYN: Dennis?

MR. GOLONKA: Just out of curiosity, is this going to be a community driveway, these two houses?

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MR. BROWN: No. They're individual driveways.

MR. GOLONKA: There's going to be two individual driveways?

MR. BROWN: Correct.

MR. GOLONKA: That's a lot of trees going to come down.

CHAIRMAN EWASUTYN: I don't think we can restrict trees as far as what's cut and what isn't cut.

Michael?

MR. DONNELLY: In some circumstances when a development is alongside another development, particularly commercial developments that border on residential, the Board has some authority under the State Environmental Quality Review Act to limit clearing. However, in this context, even if the Board were to have the authority to limit tree clearing here, as soon as the lot owner bought the house, that lot owner, if they don't like trees, is permitted to cut down all the trees. This is not a proposal where the developer from the start wanted to make the development have a certain feel of forestry and

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imposed a restrictive covenant preventing anyone who bought a home from cutting down trees in certain areas. Mr. Brown has told you that there is an area that is to remain forested as a buffer. Beyond that the Board doesn't really have the authority in this particular case to limit that tree cutting. Certainly from a marketing point of view, if the developer thinks the lots are more valuable with trees on them, they'll try to preserve the trees.

MR. GOLONKA: I know everybody wants to get to the debate that's taking place with Donald Trump.

I have also one more question. None of us have ever seen the plans yet that we're seeing now. I was wondering if we can get like copies so we can digest it?

Also, Mr. Brown, you seem to be a pretty nice gentleman, --

MR. BROWN: Thank you.

MR. GOLONKA: -- I was wondering if somehow we can get together and have discussions and not tie everybody up. If you want to do it that way rather than bring everybody in.

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CHAIRMAN EWASUTYN: Well, the motion before us this evening is two parts -- it could be two parts. One would be to close the public hearing, have Pat Hines have a chance to review the drainage study that was done by Charles Brown to see if the detention ponds were designed to take on the additional water from the lot. The other thing is to move the public hearing to a second meeting to finalize the action before us.

In all fairness, Dennis, the public hearings, I think as Mike said, really aren't set up to debate or to have a forum. They're really to flush out what the issues would be. I don't think we have a good standing, I'll let Mike Donnelly speak again, on the matter of wells because of the way New York State law is.

One more time.

MR. DONNELLY: I think I gave my opinion on the wells.

On the maps, I think they must have been available or should still be available on the Town's website.

CHAIRMAN EWASUTYN: You could have this one here.

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MR. BROWN: They are on the Town website.

CHAIRMAN EWASUTYN: Here's a hard copy, so to speak, that you could have.

MR. BROWN: I have a half size set too if you want.

CHAIRMAN EWASUTYN: I'll poll the Board Members for any comments first. Frank Galli?

MR. GALLI: I think the wells --

MR. GOLONKA: There's one other gentleman that would like to speak.

MR. SCHRECKER: My name is Todd Schrecker and I live on the backside of this development. I live on 5 Dear Meadow Drive in High Forest which is off of Forest Road.

I recently had to drill a new well. I'm currently at 525 and barely meeting the necessary requirements for the State. It is a concern of water. I now have two wells on my property and I fight for every gallon I can get in my area. My next door neighbor is also around 550 feet. It's well known in the area which we live the depths of the wells that are there. So I reiterate the concern of the water.

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The other thing is the common roadway. Depending on what the common roadway is and what these people's rights are, to have another lot produced in their development, and I've gone through the same thing in mine with High Forest, is a concern to these people, which I think the Board should address and make sure that there aren't additional traffic, traffic patterns and wear and tear on an existing private road.

The third thing that I'll say, and that everybody else also said, is the retentionability of the water from the other development.

Last but not least, why all of a sudden are they requiring or requesting for you to change this development? You already had approved it with five acres, four acres, three acres and various lots. Why all of a sudden is there a need to subdivide this lot and put a burden -- more of a burden on an existing highway and existing water system?

Those are basically my questions.

CHAIRMAN EWASUTYN: Mike, do you want to talk about the subdividing?

MR. DONNELLY: The Town sets forth the

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minimum lot size. While a developer can, if he wishes, subdivide his land into that number of lots from day one or he can do it over time as his marketing plan dictates to him. As long as the lots meet the minimum lot size, a developer is permitted to further subdivide. Again, sometimes developers place voluntary restrictions on subdivisions, such that no further subdivision of any lots can occur, to maximize the marketability and price he can get for those lots. That's a private issue. This is permissible under the code.

CHAIRMAN EWASUTYN: Mike.

MR. PRESUTTI: If I may, a possible solution to the road problem would be dedicating the road to the Town. Could you direct us to the proper person so that we could follow the proper procedures to maybe dedicate that road to the Town somewhere along this new proposal, either by the owner of the existing lots or by the people who live there right now, which would eliminate the maintenance agreement and maybe a lot of the other problems?

MR. DONNELLY: There is a procedure

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under State law to petition the Town Board for the creation of a roadway district.

Several things. One is the Town is not likely to accept it unless it is improved to a Town road specification, and I doubt that this is that. The cost of that would be, I suspect, rather high. The cost of it then gets charged back to all of the individual property owners. So instead of paying fees for your private roadway easement and maintenance agreement, you pay district charges on your tax bills. Whether it works in your case I don't know but there is a procedure for it. The correct board is the Town Board.

MR. PRESUTTI: So who would we go to to find out what the regulations are, how thick the blacktop has to be, what the drainage is and so on?

MR. DONNELLY: Probably the highway superintendent might be the place to start. It is in the code. The specifications are set forth. You may want to try to have a meeting with the town supervisor or the Town Board itself and speak about the possibility.

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MR. PRESUTTI: Thank you very much.

MS. HARRIS: I have one more question.

CHAIRMAN EWASUTYN: Debra, go ahead.

MS. HARRIS: It's a private road and there's -- we have the three-way stop. There seems to be a lot of people turning in because they don't realize that Cronk goes down to the left, even though there's specific signs now. Is there any way -- where do we go to put a dead end, no outlet sign to avoid the wear and tear on our road unnecessarily?

MR. DONNELLY: All those things would be the highway superintendent or the Town Board.

MS. HARRIS: Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. SCHRECKER: I just have one question. Is there a difference between County roads, State roads, township roads, private roads?

MR. DONNELLY: All of those things.

MR. SCHRECKER: Okay. In other words, I can say I want to build a road on my property and as long as I designate it a private road I

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can basically do anything I want?

MR. GALLI: No.

MR. DONNELLY: I don't know what you mean. The Town has --

MR. SCHRECKER: So I have to meet certain Town requirements, so for the Town to come out and not approve it --

MR. DONNELLY: If you wanted to offer your roadway for dedication to the Town so it would become a Town public road, you would have to build it to the specification that the Town required. If after inspecting it and finding that it met that specification, the Town Board could agree to accept it. They're not bound to.

MR. BROWN: I can elaborate on that if you want. In the Town of Newburgh for a private road the minimum paving width is twenty foot, the maximum grade can be up to fifteen percent. The Town road is twenty-four foot of pavement and it can be a maximum grade of ten percent. I don't think you guys are over the ten percent. Your road is relatively flat. You don't have the pavement width. In addition to that, the Town has additional pavement thicknesses and

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supplemental drainage. It's in the Town code which you can get online with E codes. You can see it there. Then it goes up from there, the Town road to the County road it gets thicker, and obviously the State which would be the interstate.

MR. SPANOS: George Spanos, S-P-A-N-O-S, 4 Peaceful Court. I share the same concerns about the road and the stop signs. We do get a lot of people driving very fast up that road. We had my daughter walking up and down the road with me and now we're going to have more construction vehicles. Would it be possible to put a children at play sign or something along that nature for safety reasons?

MR. GALLI: The highway department or the Town Board again.

MR. SPANOS: All right.

CHAIRMAN EWASUTYN: I'll poll the Board Members for any questions or comments.

MR. GALLI: I do have a concern on the wells that everybody is talking about. Is there any stipulation -- I know -- is it five gallons per --

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MR. BROWN: Minute.

MR. GALLI: -- minute for a well? When the developer builds his house he drills a well, Charlie, and once he gets to five gallons he has to stop?

MR. BROWN: Yes.

MR. GALLI: And there's no stipulation that we can put in to the plan or on the map or something that they have to go deeper the initial first time, or New York State says once they get five gallons you're done?

MR. DONNELLY: There are areas of the Town of Monroe that are very much like, what you're speaking about, that are simply water poor for want of a better term. There the town has a hydrogeologist. They have a requirement that you must drill 100 feet obtaining five gallons per minute, because if you don't you're going to face these problems. I think in order for us to impose that as a requirement we have to have some kind of expert report that would show that that would solve the problem, not that we're just inventing it ourselves. That may be uniquely a condition of hydrogeology in Monroe. I can't

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tell you that it is here.

MR. GALLI: That would have to go through the Town Board. We couldn't say --

MR. DONNELLY: Under SEQRA you could. If you thought that was an environmental issue that needed examination, the Town could have retained a hydrogeologist and come up with some kind of testing protocol. You could never deny the lot owner the right to drill a well. Under New York law you're entitled to drill a well for domestic purposes. If the applicant is willing to volunteer to do that, if that makes sense, he can do it. Otherwise you need a basis to impose the requirement.

MR. BROWN: I'll talk to my client. That's not going to solve the problem for the other people. In addition to a general definite increase in the flow, it also gives you that 100 of storage, too. Five gallons a minute over a twenty-four hour period is a lot of water. Nobody uses that much. The problem is generally the peak. The well has a chance to recover. With an extra 100 foot of depth you have all that water sitting in there. It's kind of a buffering

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the peaks and the draws and demand. I'll talk with my client.

MR. GALLI: That's all I had.

MR. MENNERICH: No questions.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Charlie, with previous experience I'm asking, they mentioned trees. We asked you one time when they clear, possibly your client would be willing to leave some trees on the property and work with them because the last time with the clearing, they just cleared it and they didn't understand it.

MR. BROWN: Yeah. We can put some limits of disturbance on there. Now that I've worked with him longer, I'm familiar with how he likes to sometimes adjust the footprints. I can leave a little bit of buffer. Again, these are two-and-a-half acre lots. There's no reason to clearcut.

MR. WARD: That's why I'm asking.

MR. BROWN: I'll put limits of disturbance on the plan.

MR. WARD: Another thing I'm

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emphasizing is work hours, to keep with the Town regulations for when the construction and everything is going on. Not after hours. All right?

MR. BROWN: Okay.

MR. WARD: Thank you.

MS. HARRIS: I have one more concern. The contractors that drive up and down that road go extremely fast. I mean they fly. So if they could be told to just slow down. People are pulling out of driveways and they just come out of nowhere. Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing but hold decision making until we hear back from Pat Hines on the matter of drainage.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

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MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. BROWN: Do you want me to waive the
sixty-two days?

CHAIRMAN EWASUTYN: Yes.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: I'll ask for a
motion from Charles Brown to waive the decision
period.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: A motion by Frank
Galli, a second by Dave Dominick. I'll ask for a
roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike Donnelly, would you summarize for

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the public what we just did?

MR. DONNELLY: The issues you raised, we're going to hear back from the applicant on several, including whether the applicant is agreeable to represent he'll repair any roadway damage during construction of these two homes. You're going to look into some of the other issues that were raised. You're going to provide a new stormwater calculation report to Pat Hines' office so that the Town can examine that. We'll look at the minutes and get the other issues. We'll follow up on those issues.

MR. BROWN: My client is going over 100 foot on the wells and limits of clearing and grading.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: Thank you.

(Time noted: 8:01 p.m.)

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

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

DATED: August 28, 2015

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

----- X
In the Matter of

ALL GRANITE & MARBLE CORP.
(2011-14)

Request for a One-Year Extension of Site Plan Approval
August 6, 2015 until August 6, 2016

----- X

BOARD BUSINESS

Date: August 6, 2015
Time: 8:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

APPLICANT'S REPRESENTATIVE: TAYLOR PALMER

----- X

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

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ALL GRANITE & MARBLE CORP.

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CHAIRMAN EWASUTYN: We have a few items of Board Business this evening.

The first item of Board Business is All Granite & Marble Corp. The applicant is requesting a one-year extension of site plan approval which will run from August 6th through August 6th, 2016. I think he's being represented tonight.

MR. PALMER: Good evening, Mr. Chairman. My name is Taylor Palmer with the law firm of Cuddy & Feder on behalf of the applicant.

As the Chairman indicated, we respectfully request a one-year extension. The applicant is diligently working with the adjacent property owner to access water. Although the property is within the Town's water district, it is primarily prohibitive to reach an appropriate extension out to the appropriate roadways where public water could be accessed. The applicant has been working and continues to be in the progress of satisfying the Board's site plan approval conditions, which included working with the adjacent property owner to access that water. The adjacent property owner has required

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ALL GRANITE & MARBLE CORP.

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covenants and conditions and restrictions be imposed which we're still in the process of working through, and we're also continuing to work with the adjacent property owner towards effectuating the private water agreement.

CHAIRMAN EWASUTYN: Okay. I would move for that motion, to grant an extension.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by John Ewasutyn, a second by Ken Mennerich. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye myself. So carried.

(Time noted: 8:03 p.m.)

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

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

DATED: August 28, 2015

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

----- X
In the Matter of

TRINITY SQUARE SITE PLAN
(2006-53)

Request for a Six-Month Extension of Conditional
Final Site Plan Approval
August 21, 2015 until February 21, 2016

----- X

BOARD BUSINESS

Date: August 6, 2015
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
MARK J. EDSALL

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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CHAIRMAN EWASUTYN: The second item of business is Trinity Square Site Plan.

The applicant is requesting a six-month extension of the conditional final site plan approval which would run from August 21, 2015 to February 21, 2016.

Does anyone want to move for that motion?

MR. MENNERICH: I'll move for that.

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

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

All right. I'll ask for a motion to close the Planning Board meeting of the 6th of August.

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TRINITY SQUARE SITE PLAN

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by Frank
Galli. A second by Ken Mennerich. Roll call
vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:04 p.m.)

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

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

DATED: August 28, 2015