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

----- X

In the Matter of

DAWES
(2018-08)

400 East Road
Section 6; Block 1; Lot 4
AR Zone

----- X

LOT LINE REVISION

Date: August 16, 2018
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
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

MICHELLE L. CONERO
PMB #276
56 North Plank Road, Suite 1
Newburgh, New York 12550
(845)541-4163

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DAWES

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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 the 16th of August. We have three
items on this evening's agenda.

We'll call the meeting to order with
a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney, present.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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

CHAIRMAN EWASUTYN: At this point in
the meeting we'll turn it over to Stephanie
DeLuca.

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DAWES

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MS. DeLUCA: Please rise for the
Pledge.

(Pledge of Allegiance.)

MS. DeLUCA: I'd like to ask you if you
have a cell phone, to please silence it. Thank
you.

CHAIRMAN EWASUTYN: Our first item on
the agenda this evening is Dawes. It's a lot
line revision. The property is located on East
Road in an AR Zone. It's being represented by
Brooks & Brooks, Patti Brooks.

MS. BROOKS: Good evening. Here's a
map of the property. This is an open development
application before the Town Board.

We have applied to the Planning Board
for a lot line revision to add an easement, which
is located in Ulster County, to the existing 21.8
acre parcel that is located in the Town of
Newburgh.

We circulated -- the Board circulated
notice of intent to be lead agent. We've heard
back I believe from all the involved agencies.

We are here again this evening to
present the application.

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DAWES

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CHAIRMAN EWASUTYN: We'll start with Pat Hines.

MR. HINES: This is -- we called it a lot line change. It's really not a lot line change. We needed something to call it to fit into our fee schedule I guess. It is just an open development area application. The Town Board referred it to you for any comments or conditions that you may want to put in place.

We did circulate to the numerous interested and involved agencies. In addition, it was also sent to the Ulster County Planning Department as well as the Orange County Planning Department and the Ulster County Department of Public Works because East Road becomes a county road at the county line. So we've heard back from all of those agencies with no unfavorable comments.

It was also submitted to the jurisdictional fire department, the Town of Newburgh as well as the Plattekill Fire Department. They both wrote back with taking no exception to the plan.

There is an access and maintenance

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DAWES

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agreement Mike Donnelly's office has reviewed. I think the applicant has stipulated that it will be one residential structure built on the 24 acres. That I believe will be a condition of the Board referring it back to the Town Board.

The only outstanding issue is I don't believe we've heard back from Central Hudson yet, but that can be deferred until the Town Board --

MS. BROOKS: We do have the signed easement from Central Hudson. That was just signed, and they are filing it themselves. We gave them the TP-584 and they are going to be filing that in Ulster County. If I have not already provided you a copy of that, I will make sure that I copy and send it.

CHAIRMAN EWASUTYN: I think that you did.

Mike Donnelly, do you want to add to Pat Hines' comments?

MR. DONNELLY: Sure. Just to put it in context, we discussed at the work session that where a property owner seeks to have access to a residential structure by way of easement rather than fee interest to a qualifying roadway, the

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DAWES

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Town Board can afford relief by granting what's called creation of an open development area. It's a Town Board issue. The statute does require, before the Town Board acts, that it seek the advice and report of the Planning Board. This is on your agenda for that purpose this evening.

You did issue a notice of intent to be lead agency. You will need to finalize that because the thirty days has passed. The Town Board won't act until you have closed out SEQRA. As we discussed, you should be in a position to issue a negative declaration. I will author the report if you want and you can make whatever recommendations you think are appropriate. The one we discussed at the work session was a limitation to a single residential dwelling on the lot.

There is an easement and maintenance agreement that needs to be shown so that there is authority to cross the other property. It's terms are essentially private in nature. I have reviewed it and it is satisfactory to me.

CHAIRMAN EWASUTYN: Would the Board

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DAWES

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Members like to add anything to the letter going to the Town Board? As Mike said, right now we're suggesting that there be only one lot -- one home built on the lot. Are there any other conditions?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Then the motion before us this evening is to declare a negative declaration and for Mike Donnelly to report to the Town Board on our decision. I'll move for that motion.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick, seconded by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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DAWES

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Thank you. You do great work.

MS. BROOKS: Thank you very much.

CHAIRMAN EWASUTYN: Very thorough.

(Time noted: 7:05 p.m.)

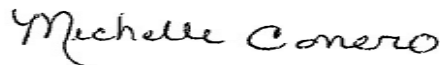
C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of August 2018.



MICHELLE CONERO

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NPA SITE PLAN

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

----- X
In the Matter of

NPA SITE PLAN
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.2 & 80.1
IB Zone

----- X

SITE PLAN

Date: August 16, 2018
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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CHAIRMAN EWASUTYN: The next item this evening is NPA Site Plan. It's a site plan located on New York State Route 747 Boulevard in an IB Zone. It's being represented by Ken Lytle of Zen Design Consultants.

MR. LYTLE: Good evening. Since our last presentation in front of you we've been to the ZBA, received the variances that we believe we need at this point.

We received actually Pat's comments which are a good amount regarding the grading, the site, the drainage.

One of our biggest concerns is the septic area. We're trying to proceed to the Board of Health. When they used the property to build and construct the intersection there, they stockpiled and stored all their equipment, all their machinery, materials, everything on the site. It's very, very densely packed soil. We have a small area limited on the site to do that, to work with that. We're trying to get it okayed with the Board of Health. That's going to limit or adjust what size we'll be building on the site.

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CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: So you really can't design the site until you hear from the Board of Health?

MR. LYTLE: Right. That's going to adjust the size of the septic. Again, based on the flows into the building, everything is going to be adjusted based on that. We only have a small area that is still virgin and has not been touched.

MR. GALLI: What if they turn you down?

MR. LYTLE: Sewer is not available out there. Very costly.

MR. GALLI: How big of a septic system are you going for?

MR. LYTLE: Right now we're going to actually limit it based on what we can get into the building. We have it set up for one bathroom right now. Being actually hopefully an important and a popular gas station, we're going to need more space for that, low flow toilets. Again, we're actually limited on space for that.

MR. GALLI: Okay. That's all for now.

CHAIRMAN EWASUTYN: Anyone else?

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MR. MENNERICH: Pat had the comment about the twenty percent grade. Is that something that you're going to be able to change somehow?

MR. LYTLE: Yeah. The area where the septic is, we're trying to hold those grades at surface. We can't touch those. We're going to develop possibly retaining walls. Whatever we can do to flatten that site out to make that work. We really can't touch the area on the northeast corner. That's virgin area. We're trying to adjust that and see what we have and work our way backwards in this case.

MR. MENNERICH: Thanks.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything at this point?

MR. CANFIELD: Ken, some of the adjustments with the footprint, will the building be moved?

MR. LYTLE: We don't anticipate that. We actually have -- if anything it might shrink in size a little bit. Again, the parking would shrink and give us more space for a septic if that is going to be required. Or if we're not

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able to get a big enough septic we may have to shrink the building because we don't have the capacity for it.

MR. CANFIELD: The reason I ask that question is the two previous area variances that were granted were predicated on that plan. They did specifically make a condition of approval that if there are any changes and the building was relocated, that you may have to go back before them.

MR. LYTLE: Our variances when we went for those, we don't anticipate moving them. If anything we would shrink them, holding those two front variances we did receive.

MR. CANFIELD: Just so you're aware of that.

MR. LYTLE: Thank you.

CHAIRMAN EWASUTYN: Thank you, Jerry.

Pat Hines?

MR. HINES: The access is onto a DOT highway, so we'll need a DOT approval moving forward.

DOT standard highway access details will need to be added to the plans. I don't

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believe it's curbed currently but they most likely will require that as part of their commercial driveway access.

We discussed the septic system. We take no exception to you going to the Health Department.

We have the comment it is on an interstate highway and may have a higher water demand than the one restroom facility you're proposing for the employees.

Sprinklering is also an issue. The building needs to comply with the Town's sprinkler code. As you said, there is no municipal water out there. That can become costly for your client.

Truck turning radius. We're going to want to see the path of the delivery trucks in and out of the site. I'm assuming you're not encouraging tractor trailers to fuel up there, although there most likely will be diesel since there are a lot of diesel cars. We are going to want to see the turning radiuses there.

Stormwater management will need to be done. You may want to get your septic done

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first. I realize why you're doing that.

Clearly define where the curbing is.
Site lighting and landscaping plans
will need to be shown.

There was an issue with the scale on
sheet 3. Just check that.

There will be a stormwater hotspot when
you do the stormwater design because of the
potential for petroleum spills. That will have
to be done in accordance with DEC's design
manual.

A note on the plan regarding the
removal of the existing garages, that they need a
permit from the Town.

I did mention the design flow rate of
400 gallons. Actually there may be a
mathematical error there because you have some
for the employees.

The twenty percent grade on the access
drive will need to be graded out.

Accessible parking spaces need to be
shown with an accessible route to the building.

There's no signage on the plans. As
you develop it further we'll need to see the

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signage and how that complies with the Town's sign ordinance.

CHAIRMAN EWASUTYN: A minor comment. The chain link fence in front of the dumpster enclosure, the dumpster has cedar on all three sides. Will there be slats on the chain link fence?

MR. LYTTLE: I believe so. We'll note that on the plan.

CHAIRMAN EWASUTYN: Michael, I think you suggested to the Board that at this point we declare our intent for lead agency?

MR. DONNELLY: Yes.

MR. HINES: You can do that.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare our intent for lead agency.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Pat, they'll give plans to you and you'll circulate them.

MR. HINES: I'm going to need five sets of plans for circulation.

MR. LYTLE: Okay. Do I need a letter from you to go to the Board of Health?

MR. HINES: I'll do a letter for you as well.

MR. LYTLE: Good.

MR. DOMINICK: One question. Excuse me. In workshop Ken Mennerich wanted to know about the right-of-way. You said see note 3, page 2 of 2 in your comments.

MR. HINES: Note 2.

MR. DOMINICK: We couldn't find that.

MR. LYTLE: Actually it's a note regarding the easement that the DEP gave us across that. I'll make sure it's clarified for you and exactly what it is. Also the Zoning Board put that back on.

MR. WARD: Does that go out to the

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private road?

MR. LYTTLE: It goes right through to the entrance for the existing garages. My client, I guess when he gave them access to use this and to get access to go through for 747 Boulevard, his understanding was they were supposed to build a DOT entrance but by standards it's really not. He has to fight with that. We have 747 Boulevard --

MR. WARD: Further down. It's further down.

MR. LYTTLE: To the north. No, no. Not at all. No. This is actually cut off -- the back is actually cut off by the aqueduct. There's no access to that.

MR. WARD: Thank you.

MR. LYTTLE: Thank you.

(Time noted: 7:13 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of August 2018.

Michelle Conero

MICHELLE CONERO

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ROCKWOOD DRIVE SUBDIVISION

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

----- X
In the Matter of

ROCKWOOD DRIVE SUBDIVISION
(2011-19)

Rockwood Drive, North Plank Road & Chestnut Lane
Section 75; Block 1; Lot 36.2
R-3 Zone

----- X

PUBLIC HEARING

Date: August 16, 2018
Time: 7:14 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DANIEL KOEHLER

----- X

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CHAIRMAN EWASUTYN: The third and last item this evening is the Rockwood Drive Subdivision. It's located on Rockwood Drive and North Plank Road and Chestnut Lane. It's in an R-3 Zone. It's being represented by Hudson Land Design.

I'll ask Mr. Mennerich to 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 the Municipal Code of the Town of Newburgh, Section 276, on the application of JPJR Holdings, LLC Subdivision, project 2011-19, for a re-approval of an eleven-lot subdivision on Rockwood Drive, Chestnut Lane and North Plank Road in the Town of Newburgh, designated on Town tax maps as Section 75, Block 1, Lot 36.2. The applicant is requesting re-approval of a previously approved eleven-lot, single-family residential subdivision on an 8.8 acre parcel with frontage on Rockwood Drive, New York

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State Route 32 (North Plank Road) and Chestnut Lane. The parcel is located in the R-3 Zoning District. All lots will be accessed from driveways onto Rockwood Drive. Municipal water and sewer will be provided for all lots. All lots meet zoning and subdivision laws including setbacks. No variances will be required for the project. The project previously received approval from the Town of Newburgh Planning Board on 5 December 2013. The project is requesting re-approval for the same lot layout. A public hearing will be held on the 16th day of August 2018 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 26 July 2018."

CHAIRMAN EWASUTYN: Michael, would you speak to the public on the purpose of the public hearing?

MR. DONNELLY: Although this is a

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re-approval of an existing earlier approved subdivision, the Planning Board wishes to hear from the public before it takes action. The reason is to make sure those that live in the vicinity or residents of the area can bring matters to the attention of the Planning Board about which it might not be aware or it's consultants have not recognized. After the presentation is made, the Chairman will ask those that wish to speak to please raise your hand. We'd ask you to step forward when you're recognized, tell us your name, spell it for our Stenographer if you would so we get it down correctly. Please address your comments to the Board. If you have questions that can be easily answered, the Chairman will ask either the applicant's representative or one of the Town's consultants to answer those questions.

CHAIRMAN EWASUTYN: For the record, your name please?

MR. KOEHLER: Good evening. Dan Koehler with Hudson Land Design, engineer for the applicant.

The notice really sums up everything

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that anybody needs to know. All I can add to that really is since the conditional approval was granted in 2013, the applicant, rather slowly, worked on a drainage district that was being formed for the stormwater management for the site, and as such the approvals lapsed and therefore we're asking for that re-approval of the same plan.

In essence nothing has changed. It's a matter of getting that paperwork together that was -- that has been advanced now to a point where we feel we're going to be able to address all the conditions of the resolution of approval quickly once we go through this process again, if this Board so chooses to grant re-approval for the project.

CHAIRMAN EWASUTYN: Thank you, Dan.

At this point we'll open up the meeting to the public. Is there anyone here this evening that has any questions or comments, please raise your hand and give your name and your address.

MR. FETTER: Bill Fetter, F-E-T-T-E-R,
29 Rockwood Drive.

The property has not really been

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maintained very nicely. My neighbor and I spent time cleaning up the right-of-way on Rockwood Drive, which is two blocks away, earlier this year.

They came through and selectively harvested timber, which I'm not sure if that's a permitted action or not, and left all of the tailings and limbs lying strewn about the property. Admittedly prior to that he had gone through and cleaned out a lot of the underbrush and reduced the dumping that had taken place there and whatever else we don't know of.

I'm just asking that the property could be maintained a little better, otherwise I think it's one of the better options we have for that piece of property. I realize it's constricted by a number of things. This far outweighs the storage units that were originally planned there.

I guess that's all I have to say.

Thanks.

CHAIRMAN EWASUTYN: Jerry, I know you did respond to an investigation of the site as far as some premature cutting.

MR. CANFIELD: That was I think like

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about a year ago. There were contractors on site and we advised them that they didn't have the necessary approvals, and they complied and withdrew their equipment.

Also Bill, any other maintenance issues with the property, our office can enforce some of the ordinances, please give us a call. So between now and if this should get approved and move forward. That site has historically seemed to be a target for dumping. We've got a lot of history there. Just let me know.

MR. FETTER: Thank you.

MR. GAMMA: Ron Gamma, G-A-M-M-A, 18 Ashwood Terrace. In fact, this October we'll be celebrating our fortieth year living at the bottom of Ashwood, literally on the diagonal from this particular property.

We've certainly seen that area change. We were the last house, the last street. If you go there now there's something like another seventy-five homes. We've seen a lot of change, a lot of progress. It's a great neighborhood. It's an awesome place for families to walk and so on.

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My concern is I'm just not sure about a few things. I'm skeptical all the time. I know that I found on loop.net that the property was for sale for the past four or five months. I went back on and checked the other day and I see it's no longer there.

I wonder, A, is this property still being represented by the original owners? There was a conversation that we had here with them when that property was originally okayed by the Planning Board, and part of that conversation we had with those folks at that time was that there's a major concern, especially this summer it's changed dramatically. A tree lined buffer was agreed to be planted on the back part of that property, backing up to Hy Vue and those apartments. The motorcycles, and the bands, and the games, and the noise, and the fighting at night was really penetrating through those woods. It has continued. At that time, five years ago, it was agreed yes, that would be something they would do. I hope that's still true.

Also it was mentioned that the homes were going to be four-bedroom colonials, square

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footage of around 2,300 to 2,500 square feet, and that they would be in the price range -- at that time \$250,000 was the approximation that they said here at that time. I'm just wondering if there's any change in those original plans regarding the size and scope of the homes, the type of homes, the price range, taking care of that noise, that buffer zone, the implantation of trees. Once that area gets to a degree stripped of trees, there's nothing left. You're looking straight into Hy Vue. You turn an absolutely spectacular neighborhood into truly an eyesore. It's a zoo there at times, which blows my mind because there's over a thousand homes for sale between the Town of Newburgh, Town of New Windsor, City of Newburgh. You know, eleven homes there. I can't see the logic of it, to be honest with you, and the terrain of it, et cetera.

I'm concerned too. We have our grandchildren. There will be five roads entering on probably a strip of not more than 300 feet, some of them shared, which I imagine is always an interesting event at

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times about who plows and who doesn't. I still have concerns about that whole layout and actually the logic of it.

I'm curious to know, is it the same group -- is it the same company that owns that property that originally was here in 2013?

MR. KOEHLER: It is. I can answer?

CHAIRMAN EWASUTYN: For the record, who is the current owner, who was the current owner then and are they the same individual?

MR. KOEHLER: The owner is and was JPJR Holdings, LLC.

MR. GAMMA: There's no plans to sell it after this gets reapproved?

MR. KOEHLER: Well, his intention I believe, and I can't exactly speak for how he's going to roll with this, but basically there's a certain amount of infrastructure that's going to have to be put in before there's any permits for any buildings or driveways. All that work is going to be done and then it's going to be based on the market for him. If he wants to give it up to somebody who builds houses who wants to buy

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five lots, I don't know. That's up to him for how he wants to go about his business after that.

CHAIRMAN EWASUTYN: The original buffer that was agreed to and proposed, does that remain the same?

MR. KOEHLER: You're talking about this buffer here with the Central Hudson line?

MR. HINES: Yes.

MR. GAMMA: It backs up to Hy Vue, the apartment complex.

MR. KOEHLER: It is still there.

MR. HINES: Just to clarify that. There was discussions back then. There is an indication on the plans that the trees will not be removed from that "buffer area." That buffer area is a Central Hudson easement, so at any time Central Hudson could come in there and remove that. I don't know what their history has been there or maintenance of that right-of-way. There's no proposed planting. There is a note on the plans preventing this developer from cutting anything there. I'm not telling you the next day after that house is built Central Hudson comes through and does their thing. Right now the

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plans do indicate that this developer will not impact that.

MR. GAMMA: This can't be changed from an R-3 Zone? Condos seem to be the thing everywhere we turn. That can't be converted or changed?

MR. HINES: It's a single-family --

MR. GAMMA: You understand my concern. Forty years there, major investment in time and money.

MR. HINES: In the R-3 Zone that would be an allowable use.

MR. GAMMA: What's that?

MR. HINES: Multi-family. They're proposing not. They're proposing eleven single-family houses.

MR. GAMMA: I thought I remembered reading in my deed forty years ago something along the lines of mother/daughter, or is that part of the change?

MR. HINES: These lots are not big enough to have two-family.

MR. CANFIELD: Mother/daughter is a real estate term. Per zoning it would be either

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a single-family with an accessory apartment or a two-family. Like Pat is stating, these lots will not facilitate the requirements for a two-family. That's not to say an owner of one of those houses can not come to the building department and request a building permit for an accessory apartment, usually to facilitate family members. But there's criteria for apartments. They are single-family as proposed.

MR. GAMMA: And you still see -- as you said, you can't speculate. You explained the fact that you mentioned who knows what happens next. The fact it was to be sold, now it's off. You're here now to clarify this as you get it re-approved. It makes me a bit worried. Right now it does.

MR. KOEHLER: Well I can only speak for what I know. His intention right now is to build the initial infrastructure that's required and then he's going to see where that goes from there. I'm sure that's going to garner an interest from hungry home builders. It could interest folks who want to move here and buy a single lot. I'm not exactly sure how that's

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going to go down.

MR. GAMMA: I've seen the hungry home builders at 63 Rockwood. They pumped water out of that pond my kids ice skated on. They built a house on that property and pumped water twenty-four/seven. The whole yard in the back flooded two, three feet high only a couple weeks ago.

MR. FETTER: This is the adjacent property he's eluding to.

MR. GAMMA: That was supposed to be a wetland area between that house and the actual beginning of that property if I recall. I can't read those things so I have no idea, but does it show a wetland section that borders 63 Rockwood on the extreme right?

MR. HINES: It shows a stream.

MR. KOEHLER: This is the stream that runs along here.

MR. GAMMA: Alongside of the property, between the first house that you see and then to the left.

MR. HINES: It absolutely shows an area under water there on the adjoining lot.

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MR. GAMMA: The lot is under water.
It's crazy. People live there.

MR. HINES: The topography depicts
that.

MR. FETTER: They just fill it with
stone. The subsurface drainage -- the drainage
is subsurface or --

MR. KOEHLER: No. There's a surface --
there's going to be a parcel that's going to be
dedicated for stormwater over here. We're
conveying the maximum that we can based on
topography and getting it over here to this
corner.

MR. HINES: There's a twelfth lot
proposed as a drainage district lot that will be
owned by the drainage district. These eleven
lots are required to form a drainage district to
manage the stormwater there. They'll be assessed
the operation and maintenance of that detention
pond that will be put in at the corner of
Chestnut and Rockwood Drive.

MR. FETTER: They'll need somebody
there full time. Ask the Town now, that corner
really floods bad.

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MR. HINES: There's going to be a pond installed on that lot. Split rail fence, rather attractive split rail fence with black vinyl coating. The Town will have the ability to maintain that, and the cost of that will be attributed to these individual lots, not the Town itself.

MR. FETTER: The frontage along Rockwood, is that by swale or by --

MR. HINES: It's by swales. There is a requirement in the approval that that be constructed first because it depends -- as you said if these lots are individually sold, one depends on the other. You can't build house number 6 before you build the house number 2 swale. That swale is a requirement. The resolution is that swale be installed prior to a building permit.

MR. FETTER: Is it easy enough to scale how deep that swale is?

MR. HINES: It's going to be two feet. There's a twenty-four inch diameter culvert pipe, so two or three feet. Each driveway has a twenty-four inch diameter culvert pipe.

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MR. FETTER: Is there that much there?

MR. HINES: There is probably ten or twelve feet closest to where the swale is in the road.

MR. FETTER: From the edge of pavement?

MR. HINES: Actually the entire swales are on the lots, not the right-of-way. Just to clarify, there's actually seven driveways. You had mentioned five. There's seven.

MR. GAMMA: That's even worse. Okay. I appreciate your candor. I represent about fifty homes up there right now. As I said on my email, they're not going to be pleased.

MR. KOEHLER: I don't know what the difference is if my client says he's going to build all eleven houses or sell them to somebody who is going to build them. I'm not sure what the disconnect is there.

MR. GAMMA: We've seen the quality of the building of those eight homes right there.

MR. HINES: Those weren't part of this parcel, though.

MR. GAMMA: I'm just telling you. The quality of the homes, we've seen who came in and

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did it. I'm sure you know who they are.

CHAIRMAN EWASUTYN: Any additional
comments from the public?

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Dave, you have a
question?

MR. DOMINICK: For Pat. Addressing Mr.
Gamma's question about the buffer zone, if that
is Central Hudson's right-of-way and they can do
whatever they want, and they may not do anything,
can the developer put in a second layer of the
buffer zone, like further in?

MR. HINES: There's not room for that
right now because of the lot geometry. That's a
rather wide -- I think it's a hundred feet. It's
a hundred foot wide easement Central Hudson has
there. It goes over onto the adjoining complex
as well behind there. There's a stream running
right down the center of it. I don't know if
they are going to do much maintenance.

MR. DOMINICK: Thank you.

MR. HINES: It is shown as a buffer and
no cut area for this project. I can't tell you
what Central Hudson is going to do. They may

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never do anything. I don't know the history there.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Additional comments from the Board? John Ward.

MR. WARD: The homes, do you know the square footage, what they're planning on building for the homes?

MR. KOEHLER: It's going to be market driven. I mean each lot is different in geometry based on setbacks and the size of each parcel. The market back in 2012 was different than it is now.

MR. WARD: When you were here in 2012 we emphasized to keep the homes in character with the neighborhood homes. That's like 1,800 square feet. That's why I'm saying that.

MR. KOEHLER: I can talk to my client about that. I can ask him if he would allow for some sort of restriction on the size if that would help.

MR. WARD: When you came in, that's the whole character.

MR. KOEHLER: Unfortunately I wasn't

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the representative here.

MR. WARD: It's supposed to be the same project. If it changes it's a difference in what you're saying to the public.

MR. DONNELLY: That was really a informational representation. We don't have a restriction on house size.

MR. WARD: Okay. As long as it fits in there.

MR. HINES: The lot geometry is going to control the house sizes. These aren't going to be 3,000 square foot houses on these lots.

MR. CANFIELD: It won't meet the zoning requirements.

MR. HINES: You'll run out of side yard and front yard.

MR. WARD: You're committed to it.

CHAIRMAN EWASUTYN: Frank, do you have any comments?

MR. GALLI: No additional. I think the housing market in that area is probably around 299 to 325. You're not going to get a huge house. I think you're going to be in the 1,800 to 2,000 square feet anyway.

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MR. GAMMA: Most of the homes on Ashwood are small colonials from the `60s. Mine is 2,200 square feet. 18 gets into small ranch, I'm sure a different price range, different clientele.

MR. GALLI: They're not going to be McMansions like they were in 2012.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I'm just glad that Dave had commented about the buffer. That was also a concern I had, too, because of the projects that are behind there, how close they are in proximity. I agree with some sort of buffer if it's possible.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have any comment?

MR. CANFIELD: Nothing. Nothing to add.

MR. HINES: The only thing, the original resolution had twelve specific comments in it. We would recommend that those comments be carried over. Some of them may or may not have

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been completed at this point. Just as a checks and balances when this comes in for final, that that -- I checked them and the resolution should read the same.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public before we close the public hearing?

MR. GAMMA: No, thank you.

MR. FETTER: No thanks.

CHAIRMAN EWASUTYN: Thank you for coming.

I'll move for a motion to close the public hearing on the eleven-lot subdivision for Rockwood Drive.

MS. DeLUCA: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

Michael, would you give us conditions for approval?

MR. DONNELLY: Yes. The resolution will be the same as the one from 2013. I will recite the change in the history lapsing and the new public hearing. As Pat said, there were twelve conditions. I will summarize them quickly. First, we need a sign-off letter from Pat's office that certain plan changes that needed to be made had been made, and that memo was dated December 3, 2013. Next, it is conditioned upon creation of a drainage district as mentioned earlier. The driveway locations must be approved by the Town of Newburgh highway superintendent. There are certain easements for drainage purposes that are required. All stormwater improvements must be completed before any driveways are built, as Pat mentioned earlier, or building permits issued for habitable structure. Clearing limits should be clearly marked in the field. Those areas marked should provide sufficient area to protect root systems. If the limits are violated the developer or lot

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owner should be required to provide additional or replacement landscaping of equivalent basal area. We will need common driveway easement and maintenance agreements. Certain of the houses are depicted as being constructed very near the edge of the allowable building envelope, therefore staking in the field will be required for those lots. ARB approval, the standard condition. We need a stormwater improvement security and inspection fee. In view of the drainage district we don't need a stormwater maintenance agreement I take it.

MR. HINES: Correct.

MR. DONNELLY: There are offers of dedication that will be required. They'll have to be satisfactory to the town attorney and the Town Board. Finally, the standard condition requiring the payment of fees in lieu of parkland for each new lot created.

CHAIRMAN EWASUTYN: Any additional questions or comments for Mike Donnelly in reference to the resolution that was just presented?

(No response.)

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CHAIRMAN EWASUTYN: Okay. Then I'll move for a motion to re-approve the eleven-lot subdivision granting a final approval for the Rockwood Drive subdivision subject to the conditions presented by Mike Donnelly, Planning Board Attorney.

MR. MENNERICH: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Motion carried. Thank you both for coming.

There is no further business this evening. We'll move for a motion to close the August 16th Planning Board meeting.

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:36 p.m.)

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

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of August 2018.

Michelle Conero

MICHELLE CONERO