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

----- X

In the Matter of

261 NORTH PLANK ROAD
(2014-18)

Referral to Orange County Planning Department and
New York State Department of Transportation

----- X

BOARD BUSINESS

Date: September 18, 2014
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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261 NORTH PLANK ROAD

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of September 18, 2014.

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

MR. GALLI: Present.

MR. BROWNE: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. WARD: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input for us on the business before us, as well as SEQRA determinations and code and planning details. At this time I would ask them to introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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261 NORTH PLANK ROAD

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

MR. RUGGIERO: Paul Ruggiero, Town of
Newburgh Town Council.

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

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

MR. BROWNE: Thank you. This evening
we're going to depart from our standard procedure
and start with our work session discussions, the
first item being 261 North Plank Road, project
number 2014-18, referral of Orange County
Planning Department and New York State Department
of Transportation.

CHAIRMAN EWASUTYN: Okay. I'll move
for a motion to refer 261 North Plank Road to the
Orange County Planning Department and New York
State Department of Transportation.

MR. WARD: So moved.

MR. PROFACI: Second.

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261 NORTH PLANK ROAD

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CHAIRMAN EWASUTYN: I have a motion by John Ward and a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. Motion carried.

(Time noted: 7:05 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: October 9, 2014

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

----- X

In the Matter of

HAMPTON INN SUITES & RESTAURANT
(2014-16)

Referral to the Zoning Board of Appeals

----- X

BOARD BUSINESS

Date: September 18, 2014
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
CLIFFORD C. BROWNE
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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MR. BROWNE: The next item is the Hampton Inn Suites & Restaurant, project 2014-16. This is a ZBA referral.

CHAIRMAN EWASUTYN: Justin Dates, would you present that for us, please?

MR. DATES: Thank you. Good evening. My name is Justin Dates with Maser Consulting.

We're back before the Board. Since our last meeting there were a couple variances that we were looking to seek from the initial presentation, so I'd like to point out what those are, and that's what we're looking to have referred to the Zoning Board of Appeals.

What we did as per a comment from Pat Hines' office, there was a question on the coverage of the lot. The anomaly of the site is that Crossroads Court is not a Town road, it is a private road, and the other businesses on this commercial development here use that road. This lot therefore needs to bear all that impervious coverage within the IB District. 60 percent is the maximum and we are at 63 percent. So we got pushed over really from impervious coverage of Crossroads Court.

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2 The second piece was we were originally
3 planning on the building signage for the Hampton
4 Inn Suites, one on the western side or just over
5 the front entrance and then one on the rear that
6 would kind of face southeast towards the Thruway.
7 In talking with the brand and the applicant, he
8 also would like to get a pylon sign similar to
9 the Hilton Garden Inn sign that's right along the
10 Thruway there, similar to that, obviously with a
11 different head on top for the Hampton Inn &
12 Suites. The combination of all that signage puts
13 us over the permitted square footage. So we
14 would look to gain a variance for that overage as
15 well. Those are the two changes from our last
16 presentation.

17 The other variances that we were
18 seeking at that point were the height variance
19 for the building and also the buffer -- the 35
20 foot buffer along 17K into our site.

21 That would bring us to a total of four
22 variances we're seeking.

23 CHAIRMAN EWASUTYN: Questions from
24 Board Members. Frank Galli?

25 MR. GALLI: No.

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HAMPTON INN SUITES & RESTAURANT

MR. BROWNE: No questions.

MR. PROFACI: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Jerry Canfield, any questions or comments?

MR. CANFIELD: Justin, we're looking for four variances; is that correct?

MR. DATES: Yes.

MR. CANFIELD: That would be lot coverage; --

MR. DATES: Yes.

MR. CANFIELD: -- right?

MR. DATES: Yup.

MR. CANFIELD: 3 percent over. Signage. Do you have square footages?

MR. DATES: Yes. Do you want me to read them to you?

MR. CANFIELD: If you would, please.

MR. DATES: The total permitted is 449.5 square feet. We're seeking a total of 795.58 square feet. That is a difference of 346.08 square feet in signage.

MR. CANFIELD: The other two were the existing from the previous meeting with the

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Board, right, 35 foot buffer on 17K and then --

MR. DATES: And then the building height.

MR. CANFIELD: -- the building height? Okay.

And the second pylon, what's the height on that?

MR. DATES: 40 feet for the pylons.

MR. CANFIELD: 40?

MR. DATES: Yup.

MR. HINES: That meets the code there.

MR. DATES: That matches the Hilton Garden.

MR. CANFIELD: The height, yes. It's just the fact of the second pylon; correct?

MR. DATES: No. It's only one pylon.

MR. HINES: It's on a separate lot.

MR. DATES: There's two building signs and then the pylon sign.

MR. CANFIELD: Okay.

MR. WARD: There will be signage when you come in?

MR. DATES: Just directional for the entrance and what not.

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CHAIRMAN EWASUTYN: Pat Hines, do you have anything to add?

MR. HINES: No.

CHAIRMAN EWASUTYN: I'll move for a motion that Mike Donnelly prepare a referral letter to the Zoning Board of Appeals.

Mike, would you present that one more time?

MR. DONNELLY: Sure. I had actually written the letter but somehow it didn't get sent. I will follow up the letter that I wrote on August 7th by updating all of the variances and I will list all four. First, a height variance allowing the maximum building height of 62 feet 9 inches where 50 feet is the maximum allowed. Second, a lot surface coverage of 63 percent where 60 percent is the maximum allowed. Third, a variance permitting a total sign area of 795.58 square feet where 449.5 feet is the maximum allowed. And fourth, a variance from the required 35 foot setback requirement of Section 185-18 C(4)(c). We note while the Planning Board has issued a lead agency notice of intent, you may wish to proceed -- to process this matter,

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I'm sorry, on an uncoordinated review basis.

CHAIRMAN EWASUTYN: Thank you, Michael.

Having heard the outline for the variances prepared by our Planning Board Attorney, Mike Donnelly, for referral to the Zoning Board of Appeals, I'll move for a motion from the Board to grant that letter be circulated.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Justin, I would like to apologize for losing this referral to the ZBA and then some how, some way --

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MR. DONNELLY: It's my fault. You got me the information, I wrote the letter, it was in the file, it didn't get sent. I don't quite understand it.

CHAIRMAN EWASUTYN: Justin and I had a conversation about bringing everything in and I misinterpreted the conversation as far as the meeting that he was looking to be on. I just thought we were moving on this but in fact it was the 4th that you were looking to accomplish this task I think. Correct?

MR. DATES: Yes.

CHAIRMAN EWASUTYN: My apologies.

MR. DATES: No problem. Thank you, John. Thank you.

(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: October 9, 2014

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

----- X
In the Matter of

MAGYAR BUDGET TRUCK RENTAL
(2011-04)

5465 Route 9W
Section 9; Block 1; Lots 3 & 6
B Zone

----- X

SITE PLAN AMENDMENT

Date: September 18, 2014
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
CLIFFORD C. BROWNE
JOSEPH E. PROFACI
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVES: TODD KELSON and
FRANK VALDINA

----- X

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MR. BROWNE: Our first item of regular business is Magyar Budget Truck Rental, project number 2011-04. This is a site plan amendment for rental cars being presented by Frank Valdina.

MR. KELSON: Good evening. My name is Todd Kelson, I'm an attorney in New Windsor, New York. I will be speaking on behalf of the applicant, the Magyars.

My understanding is at the prior meeting there was discussion regarding the surface to be laid down for the automobiles and also the lines.

Is that correct, Frank?

MR. VALDINA: Yes.

MR. KELSON: Okay. Plans have been circulated and I think you've had a chance to review them.

Is that right?

MR. VALDINA: Yes.

MR. KELSON: Really the only question I guess remaining is what areas should be surfaced and what areas should be lined. I understand the position has been taken that the entire area should be surfaced and the entire area should be

1 lined. We're only here -- just to clarify, we're
2 only here this evening with respect to the
3 amendment for the inclusion of the -- for the
4 inclusion of automobiles as a use on the site.
5

6 Mr. Valdina, I think on the plan we're
7 showing the area where the automobiles are to be
8 shown?

9 MR. VALDINA: Yes.

10 MR. KELSON: And it's my understanding
11 that the rest of the plan had already previously
12 been approved. I think what we're seeking is not
13 to pave that area and line that area. I'm not
14 really sure why we should be asked to undertake a
15 review of the rest of the site. We're not asking
16 for any amendment for the rest of the site.

17 CHAIRMAN EWASUTYN: Okay. I think in
18 trying to understand what was being proposed on a
19 temporary basis, we then begin discussing trucks
20 and vans and the storage of them. Not being
21 clear as to when that was going to occur, how it
22 was going to occur, how permanent it was, how
23 temporary it was, we then began discussing a
24 dustless surface and delineation of this area in
25 order to have it staged, because the activity at

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the current site seems to be rather creative. What I mean by that, Todd, is there's a lot of logs and lumber being stored inside the area, that it seems to be somewhat of a logging business. We're not opposed to what's going on, we just never have a clear understanding of what the use is.

MR. KELSON: Sure. I understand that. That's fair enough. That's a fair enough comment. I understand.

MR. HINES: The changes to the most recent plans have served to clarify the intensity of use on the site. The paving and the striping of the entire site had to do with a previous plan that identified eighty some vehicles being permitted on the site. The new plan that's been submitted for tonight's review identifies the twenty-nine originally approved rental truck/van spaces as well as the ten additional rental cars that are proposed, which is the subject of this application, --

MR. KELSON: Right.

MR. HINES: -- along with the clarification of the overflow parking use and

1
2 some notes on the site. So I think with the
3 revised plan it's gone a long way to have the
4 Board and myself understand the intensity of use
5 proposed on the site. So I think the paving
6 issue, and I'm speaking -- has to do now with the
7 ten auto parking spaces that are depicted on the
8 site, and the originally approved gravel parking
9 area for overflow would remain as that gravel
10 overflow parking.

11 MR. KELSON: Okay, fine. We're only
12 going to pave the parking -- the automobile
13 parking?

14 MR. HINES: The automobile rental
15 storage permanent use.

16 MR. KELSON: And the rest is going to
17 remain gravel?

18 MR. HINES: Yes.

19 MR. KELSON: Yup.

20 MR. HINES: Should I continue?

21 CHAIRMAN EWASUTYN: Please.

22 MR. HINES: We just recommended --
23 there's some notes on the plans about use of that
24 overflow parking area and we're suggesting that
25 the use be narrowed down by dates. It says late

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December, early January. That's very difficult for the code enforcement officer to know when late December starts and when early January ends. So we're suggesting that those dates be specified. If it's December 15th to January 15th or, you know, all of the month of November. Just so we have an enforceable note and we don't get into a November 14th is early November or late November.

The plans have had the detail that's been requested of the van and truck parking depicting compliance with the code and the spacing.

The only outstanding issue we have is we've referred this to Orange County Planning as an amended site plan and those timeframes have not elapsed and we haven't heard from them. That's the only issue we have outstanding right now.

MR. KELSON: That's fine. And I think -- I think it's proper to delineate some dates in there. Based on the discussions that I've had with the Magyars and given the holiday creeping that we've all seen, I think a fair statement

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would be sometime right after Thanksgiving through, I don't know, the first week, second week in January. That's pretty much it.

MR. DONNELLY: Do you want to make it November 20th? That would cover Thanksgiving in any year.

MR. KELSON: I think that's sensible. Thank you, Mike.

MR. DONNELLY: November 20th to January 15th?

MR. KELSON: January 15th.

MR. DONNELLY: Is that acceptable?

CHAIRMAN EWASUTYN: Sounds reasonable. Frank?

MR. GALLI: That's fine.

MR. KELSON: And we know --

MR. BROWNE: That's fine as long as it's enforceable.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: I'm fine.

MR. WARD: I'm fine.

MR. KELSON: As a practical matter it's going to be much narrower but this at least gives the building department some guidelines that they

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can be comfortable with.

MR. DONNELLY: There's also a limitation that will be incorporated into the resolution of no more than three days at a time. So each segment in that is limited to two days of storage.

MR. KELSON: That is typically the way it works, so that's fine.

CHAIRMAN EWASUTYN: The fact is that we can't grant approval until we get something back from the Orange County Planning Department.

MR. KELSON: Understood.

CHAIRMAN EWASUTYN: Understood?

MR. KELSON: That's the way it goes. That's fine.

CHAIRMAN EWASUTYN: Mike, would you talk about the resolution while we have Mr. Kelson here and Frank Valdina, and then we would move for a motion to set this for a Board Business item like we did with Hampton Inn. If you're willing to be present, you won't have to be present, but we'll notify you it's a Board Business item and whether yourself or Frank wants to come, that's fine.

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MR. KELSON: That's fine. Thank you.

MR. DONNELLY: I had a question first. Typically a site plan, even an amended one, has an ARB component. I take it we're not changing the building here so there's no ARB piece?

MR. KELSON: Right.

MR. DONNELLY: So it's amended site plan approval realistically for the addition of an automobile or car rental area of ten spaces to the existing truck rental and landscape business. I don't know that the Board voted to waive a public hearing, so you'll need to attend to that. You have closed out SEQRA. We are waiting for the Orange County Planning Department's report. In terms of conditions, it will be conditioned upon the DOT highway work permit. We will make reference to the Zoning Board of Appeals' decision of July and the conditions contained within it. We will have a condition regarding the overflow parking area limiting its use from November 20th of each year to January 15th of the following year, placing the limitation of three days at a time. We will specify that that area is to hold 36 vehicles and we will specify 29

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full-time spaces for trucks and 10 spaces for cars. We will include the standard outdoor storage condition that comes from the code. There is no ARB.

There's no new landscaping proposed I take it?

MR. HINES: No.

MR. DONNELLY: So there's no need for landscaping security.

Is there any reason for stormwater improvement security?

MR. HINES: Not for this intensity of use, no.

MR. DONNELLY: Okay. The standard condition that says that the site plan allows construction of only that which is shown on the plans, no other outdoor amenities or accessory structures or fixtures may be installed without amended approval from the Planning Board.

CHAIRMAN EWASUTYN: Okay. Just for the record, I, one more time, will poll the Board Members to see if they'd like to have a public hearing. It's discretionary for site plan.

Frank Galli?

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MR. GALLI: No.

MR. BROWNE: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Public hearing?

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

Let the record show that the Planning Board waived the necessity for a public hearing.

At this time I would make a suggestion that Pat Hines reach out to Megan Taylor who replaced Chad Wade as far as the representative for the Planning Board with the Orange County Department of Planning to see if it's possible to move along their sign-off on this referral.

Anything else?

MR. KELSON: I think that's it. Thank you. Thank you, gentlemen. Thank you very much.

And when you get the notice from the County Planning Board --

CHAIRMAN EWASUTYN: I always make it a point -- do you want to leave me something so I can -- more than likely what will happen is whether I scan it in or I'll fax it to you. I always make it a point to circulate.

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MR. KELSON: Thank you, John. I appreciate that.

MR. VALDINA: Have a good evening.

(Time noted: 7:20 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: October 9, 2014

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

----- X
In the Matter of

DiCHIARO SUBDIVISION
(2014-20)

Forest Road
Section 3; Block 1; Lot 35.22
B Zone

----- X

THREE-LOT SUBDIVISION

Date: September 18, 2014
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- X

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MR. BROWNE: The next item of business is the DiChiaro subdivision, project number 2014-20. This is a three-lot subdivision, initial appearance, being presented by Mr. Marshall.

MR. MARSHALL: Yes. Good evening. This is a proposed three-lot subdivision on the easterly side of Forest Road located in the AR Zoning District.

What we had proposed is two single-family homes on the site, and then in the middle lot, lot 2, is a proposed two-family residence.

Lots 1 and 2 are proposed to utilize the existing driveway that currently serves the site. Lot 3 would construct its own driveway separate of lots 1 and 2 but alongside for the purpose of accessing lot 3.

We do have three dwelling units on a private driveway. The DiChiaros did present to the Town Board earlier this year and received approval for allowing that number of dwelling units on a private driveway.

Lots 1 and 3 have been designed for four-bedroom homes, lot 2 is a five-bedroom with

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three bedrooms in one of the dwelling units and then two in the other.

CHAIRMAN EWASUTYN: Okay. Larry, at this time I would like to turn the meeting over to Pat Hines who will speak for the Planning Board on his review.

Pat.

MR. HINES: Our first comment just reiterates what Mr. Marshall said about the private road -- or the shared driveway scheme that's been proposed. County DPW will need to weigh in on the location of the shared driveway access to the County road.

County Planning Board referral is required, which we'll do when the Board authorizes that.

Access and maintenance agreements must be provided for Mike Donnelly's office to review for the shared driveways.

Larry, I couldn't figure out from the topo, although the large topo looks like that pond discharges across -- it does discharge across from the driveways. It doesn't look like there's any provision for that to occur. There

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is an existing pipe and an existing bridge but it looks like the driveway construction is going to require a pipe there for that water to continue.

MR. MARSHALL: For the second driveway?

MR. HINES: For both of the driveways really.

MR. MARSHALL: There are two side by side twelve-inch pipes that are currently for lots 1 and 2.

MR. HINES: They'll need to be extended then or --

MR. MARSHALL: Yeah. The intention is to extend those pipes.

MR. HINES: That's not shown.

MR. MARSHALL: It's not shown. It's an error. If you look at the profiles on lot 2, we've elevated the driveway for lot 3 to facilitate those culverts being installed.

MR. HINES: The culvert should appear in profile 2.

MR. MARSHALL: Yeah. It was an omission.

MR. HINES: Then the grading plan for the shared driveways. There's a common stonewall

1 along the north property line. Yeah, the north
2 property line. It looks like the grading plan
3 may impact that stonewall. We should have some
4 notes if it does it would need to be
5 reconstructed. It looks like it's shared between
6 the properties. A note could be added that the
7 stonewall is to remain or be reconstructed. I
8 think that will go a long way at the public
9 hearing in the future.

11 The project will require a stormwater
12 permit which we'll process. It only needs a soil
13 erosion and sediment control plan. It's a
14 residential project with less than 5 acres
15 disturbance.

16 We recommend a note be added to the
17 plan requiring stake out of the structures. The
18 proposed duplex touches the setback lines in two
19 locations. That's a requirement we have, that
20 that be staked out and submitted to the building
21 department prior to pouring the foundation.
22 That goes a long way to solving problems and
23 preventing ZBA applications in the future.

24 The septic -- there's a couple comments
25 on the septic. The septic for lot 2 needs to be

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1,500 gallons and the septic for lot 3 needs to depict that it's a standard system, not an elgin. It shows an elgin in the chart.

That's all we have. I believe there's sufficient information that we could move this towards a neg dec and public hearing if the Board so desires.

CHAIRMAN EWASUTYN: Allowing for thirty days circulation, what date would we then have?

MR. HINES: I think you're going to be in your first meeting of November in order to really make those timeframes. So it would be -- November 6th would be the earliest the public hearing could probably be held.

CHAIRMAN EWASUTYN: Jerry, we were discussing a road name or a driveway name.

MR. CANFIELD: Yeah. The 911 addressing system currently does not have room for the numbers on Forest Road, so these future proposed houses will probably have to be addressed on this common driveway or common road, whatever it is determined to be. That's one issue.

Another issue. Also on lot 2, because

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it's a two-family it's subject to the ARB requirements.

MR. MARSHALL: And we will, in our next submission, submit renderings of the proposed building with colors.

CHAIRMAN EWASUTYN: Comments or questions from Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: You have a shared common driveway and then you have the third driveway.

MR. MARSHALL: Yes.

MR. BROWNE: Is there any plan to actually separate those or is this going to be one large, wide, paved road in actuality?

MR. MARSHALL: No. As the driveway -- the plan is to allow a couple feet between the two driveways along -- when it's down in the flag section of the lots. But then as soon as we -- it will be a couple feet. That's the intention, to leave two, three feet, whatever we can manage.

MR. BROWNE: So it's a noticeable

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separation?

MR. MARSHALL: Yes. And then once we leave the flag portion, the existing driveway for lots 1 and 2 actually veers to the right. So it will actually widen out the green space in between the two driveways. It does come back together but that's well in the back. But again, the intention is to leave a couple feet in between them.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Pat Hines, when they circulate we'll do a combined circulation, a notice to the adjoining property owners and also the notice for the public hearing in the same mailing?

MR. HINES: Correct, because of the timeframe. That's what we've been doing for these that run close together.

CHAIRMAN EWASUTYN: And then the property will be posted according to the regulations. That you're aware of?

MR. MARSHALL: Okay.

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CHAIRMAN EWASUTYN: Okay. I'll move for a motion to grant the negative declaration for the DiChiaro three-lot subdivision and to schedule the -- did you say the 6th of November?

MR. HINES: The 6th of November is your first meeting.

CHAIRMAN EWASUTYN: Thank you. The 6th of November for a public hearing.

MR. WARD: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

You'll make it a point to get the necessary maps to Pat Hines' office.

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MR. MARSHALL: We'll contact him.

Pat, would it be possible for you to e-mail me your comment letter?

MR. HINES: That should have been done. I can give you this one now.

MR. GALLI: Here you go (handing).

MR. HINES: I don't know why that didn't get done.

MR. MARSHALL: Thank you very much.

CHAIRMAN EWASUTYN: I think that covers the business for this evening.

(Time noted: 7:28 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: October 9, 2014

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

----- X
In the Matter of

DISCUSSION OF THE TOWN BOARD'S AMENDMENT OF THE
ZONING CODE FOR THE CASINO APPLICATION

----- X

BOARD BUSINESS

Date: September 18, 2014
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. DONNELLY: John, do you want to take a motion on the consent for lead agency on the casino issue?

CHAIRMAN EWASUTYN: Thank you. Mike, why don't you discuss that openly.

MR. DONNELLY: An application has been made to the Town Board to amend the zoning code to allow the casino that's proposed within the Town. The Planning Board would also need to serve to review the site plan. The Town Board has issued a notice of intent to be lead agency. They have asked the Planning Board whether or not they oppose that consent or take no position. During the work session the Planning Board discussed consenting to that. I think it's appropriate that there be a resolution authorizing the Chairman to sign that consent and return it to the Town Board.

CHAIRMAN EWASUTYN: Having heard the discussion from Mike Donnelly, I'll poll the Board Members if it would be okay for Mike Donnelly to prepare that resolution?

MR. GALLI: Yes.

MR. BROWNE: Yes.

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BOARD BUSINESS

MR. PROFACI: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Yes. So carried.

MR. DONNELLY: All it takes, John, with that vote is for you to sign the documents.

CHAIRMAN EWASUTYN: Thank you.

Thank you all for coming.

Jerry, why don't you introduce the new Zoning Board of Appeals member.

MR. CANFIELD: Mr. Levin, stand up.

CHAIRMAN EWASUTYN: We've been known to bite people, but the Town Board has asked us to refrain from open bites. John Ewasutyn, pleasure. John Ward. Joe Profaci. That's our attorney, Mike Donnelly.

Thank you. Thank you all for attending.

I'll move for a motion to close the Planning Board meeting of the 18th of September.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

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BOARD BUSINESS

Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. PROFACI: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So

carried.

(Time noted: 7:30 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: October 9, 2014