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

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In the Matter of

JPJR HOLDINGS  
(2011-19)

Rockwood Drive  
Section 75; Block 1; Lot 36.2  
R-3 Zone

----- X

PUBLIC HEARING  
ELEVEN-LOT SUBDIVISION

Date: September 19, 2013  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH

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

APPLICANT'S REPRESENTATIVE: JON BODENDORF

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

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MR. BROWNE: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of September 19, 2013.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: The Planning Board has professional experts that provide reviews and input on business before us. I'd ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MR. BROWNE: Thank you. I'll turn the

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meeting over to Frank Galli at this time.

MR. GALLI: Please stand.

(Pledge of Allegiance.)

MR. GALLI: Please shut off all cell phones.

MR. BROWNE: Thank you. The first order of business we have this evening is JPJR Holdings, project 2011-19. This is a public hearing on an eleven-lot subdivision.

Before we actually go into that, I'll ask Mike Donnelly to give a quick overview of the purpose of this public hearing.

MR. DONNELLY: We have one public hearing this evening, it's on a subdivision, as was just announced. The purpose of a public hearing is for you, the members of the public, to bring to the attention of the Planning Board, before they take action, issues or concerns that the Planning Board may not yet have recognized. They have reports from their consultants and they have seen the project before, but before taking action they want to hear from you. The Chairman is going to ask the applicant's engineer to give an overview of the project. After that he will

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turn to you and ask those who wish to speak to raise your hands and identify yourselves. We would ask you when you do speak to come forward so we can hear you. Please give your name to our Stenographer, spell if you would so we get it correctly in the transcript, and tell us where you live in relationship to the project so the Planning Board can see the perspective you bring to bear. The purpose, as I said, is for you to bring your concerns to the Planning Board. If you have questions and they can easily be answered, put them to the Board and the Board will direct either the Town's consultant or applicant's representative to answer those questions.

MR. BROWNE: Thank you, Mike.

At this time I would ask Ken 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 Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of JPJR Holdings, LLC Subdivision, project 2011-19, for an eleven-lot

1 subdivision on premises Rockwood Drive, Chestnut  
2 Lane and North Plank Road in the Town of  
3 Newburgh, designated on Town tax map as  
4 Section 75, Block 1, Lot 36.2. The applicant is  
5 proposing an eleven-lot single-family residential  
6 subdivision on an 8.8 acre parcel on Rockwood  
7 Drive, New York State Route 32, North Plank Road  
8 and Chestnut Lane. The parcel is located within  
9 the R-3 Zoning District. All lots will be  
10 accessed from the driveways once -- the driveways  
11 onto Rockwood Drive. Municipal water and sewer  
12 services will be provided for all lots. All lots  
13 meet zoning and subdivision laws including  
14 setbacks. No variances will be required for the  
15 project. Said hearing will be held on the 19th  
16 day of September 2013 at the Town Hall Meeting  
17 Room, 1496 Route 300, Newburgh, New York at 7  
18 p.m. at which time all interested persons will be  
19 given an opportunity to be heard. By order of the  
20 Town of Newburgh Planning Board. John P.  
21 Ewasutyn, Chairman, Planning Board Town of  
22 Newburgh. Dated August 19, 2013.

24 MR. BROWNE: Thank you. Jon Bodendorf.

25 MR. BODENDORF: Yes. Thank you. Good

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evening. I'm John Bodendorf from Hudson Land Design, the engineer for the applicant.

The subject parcel is currently vacant and is approximately 8.8 acres in total area. It's located in the Town's R-3 Residential Zoning District and it has frontage on North Plank Road, Chestnut Lane and Rockwood Drive.

The applicant is proposing to subdivide the property into eleven lots, each of which will provide for the construction of a single-family dwelling. As the notice said, each dwelling will have driveway access to Rockwood Drive, and water and sewer services will be provided by connection to the Town's system along Rockwood Drive.

There's a stormwater management pond proposed to handle runoff generated from the development.

And again, as the notice stated, all of the lots comply with all the zoning requirements. Lot sizes range from just over a third of an acre to just over two acres with the majority of them falling in the half to -- around the half-acre size.

That's essentially the project in a

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nutshell.

CHAIRMAN EWASUTYN: As Mike Donnelly had said at the beginning of the meeting, if anyone has any questions or comments, please raise your hand and give your name and address.

UNIDENTIFIED SPEAKER: Would we be able to look at that plan before we ask questions?

CHAIRMAN EWASUTYN: I'd say how ever you want to do it. Do you want to come up and look now?

(Inaudible discussion while reviewing the map.)

CHAIRMAN EWASUTYN: I think once you look and you have your questions, it would be better if you'd sit back down and speak, that way the Stenographer, for the record, can record the conversation.

UNIDENTIFIED SPEAKER: When --

CHAIRMAN EWASUTYN: Why don't we now begin to sit down and raise questions and we can respond to them. Pat Hines suggested if you want to sit up front, right now we have a few vacant chairs.

MS. DECERBO: I would like to ask a

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question. My name is Gina Decerbo, I live in the neighborhood of Rockwood Hills. I think one of our largest concerns is that this area as well as the area -- the intersection of Rockwood and Chestnut already has water issues. Water collects in that area. Whenever there's heavy rains it's not passable. There's always cones put up. So for me, my concern is that area. What is going to be done with all the water? That is an issue in that corner, as well as the two newer homes that were built at, I believe 61 and 63 Rockwood. Most recently their backyards are literally swamps. I mean they have to pump water out. So I think for all of us, worrying about once that property is leveled and houses are put in, is there going to be more of an issue on Rockwood? That would be one of my concerns to the developer. How that's going to be addressed?

MR. BODENDORF: Just give me a second.

As I mentioned, there will be a stormwater management pond as part of the development in the southeast corner of the property where the intersection of Chestnut and Rockwood are. This will certainly handle anything that's coming off



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the proposed development, and it will help alleviate some of that issue in the corner. We're still working with the Town and trying to make that even better.

I will mention that we did approach the Shop Rite plaza owners to try and make the connection and to get rid of that problem all together, but to date we haven't had any success with them. There are measures in place to help with that.

As far as that swampy area that you eluded to, there is a low lying area and we realize that during rain events it does get inundated. What we've done is we've provided a swale along the entire frontage of Rockwood with culvert connections beneath the driveways and we brought that back into that area so that area will not flood like it does presently.

CHAIRMAN EWASUTYN: Pat, why don't you give the public an overview of.

MR. HINES: The Town of Newburgh has stormwater management regulations for projects such as this that are more stringent than the Department of Environmental Conservation

1 regulations. Under the DEC regulations this  
2 project would only need an erosion and sediment  
3 control plan, conventional silt fence and other  
4 best management practices. The Town of Newburgh  
5 regulations require, because of the size of the  
6 project, that they treat water quantity and  
7 quality. The project initially came in without  
8 stormwater management on there. We worked with  
9 the applicant and their representative to provide  
10 the stormwater management facility at the  
11 intersection of Chestnut and Rockwood. The Town  
12 is aware of the existing drainage conditions  
13 there. There is an existing problem. The majority  
14 of that problem comes from the 35 acre watershed  
15 upgradient of this project. Some of the water  
16 comes from this project area. The applicants have  
17 created a stormwater management system that  
18 attenuates any increase in peak flow from this  
19 project, provides the necessary water quality  
20 benefits. During significant storm events  
21 anything they do there on this project will not  
22 alleviate the condition on Chestnut Lane.

24 We met with the applicant and their  
25 representative along with the Town engineer to

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try to come up with a more permanent solution of taking the water and conveying it through the Shop Rite parcel. Those property owners are not willing to work with the Town and the applicant to accomplish that. So we believe we've done the best the Town can do at this point and require of the applicant by implementing the regulations.

There will be two discharge points, one tying into the drainage system of the Ethan Allen store and conveying runoff towards the front, and then one tying into the existing culvert pipe at Chestnut Lane. We worked to balance those flows as best we could with the applicant's stormwater management plan.

Our comments identified the issues regarding drainage on lots 7 and 8 behind the new houses as you had mentioned, and the applicant modified the plan, including culverts and drainage, to allow that area to now drain. So when this project is constructed that area will have a place to drain. Currently it's a large ponded area with nowhere to drain. Those issues have been addressed also. We're not solving those existing conditions. It will help. Anything they

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have done there has helped. We're not going to exacerbate with the project based on the designs the applicant's representatives provided.

CHAIRMAN EWASUTYN: Do you want to talk about the maintenance of the pond?

MR. HINES: The Town of Newburgh has a policy for subdivisions of this size and for drainage areas that are tributary to the Town's collection system that a drainage district will be formed, and that's a mechanism where the Town can assure long-term operation and maintenance of any of the drainage put in for this project, and it's paid for by the lots created by the subdivision. So it takes the burden of that operation and maintenance out of the Town general fund, places it on the people that benefit. So there will be a tax bill -- a special district created on the tax bill of these lots that will be used to fund the long-term operation and maintenance, any culvert maintenance, any maintenance of the detention pond that's proposed. So that mechanism is in place and that will need to be established prior to stamping these maps. It's one of the DEC requirements, and

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again the Town requires it also. This project has a little more because the Town's stormwater management regulations are more stringent.

MS. DECERBO: Is that area fenced in?

MR. HINES: Yes. The Town requires ponds to be fenced.

MS. DECERBO: Because actually right now it's unsightly. I mean it's so full of debris from Shop Rite.

MR. HINES: It will be a grass pond area with some landscaping in it. A split rail fence will be put up with a black vinyl coated wire mesh put on that.

MS. DECERBO: Okay.

MR. GAMMA: Just curious -- Ron Gamma, 18 Ashwood Terrace, Town of Newburgh. So what's your expectation, that the worst case scenario, the torrential rains we've had in the year or so or maybe more, that that corner will be better than, or equal to, or perhaps worse than the past?

MR. HINES: During those significant storm events, anything more than probably I would say a ten-year storm event is going to continue

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to overwhelm that drainage system in that area. That's about a five-inch rainstorm is going to continue through there. Again, the applicants have worked to convey as much flow as they can through the existing closed pipe but that low spot in Chestnut Lane is going to act as a dam and let water flow over it during those storm events. The upstream watershed is just so large it has no way of getting down to that. We thought we had a solution, and in looking at the Town records, back in the `80s there was a design done for that. Because of the private property issues and the unwillingness of the neighboring properties to cooperate, it just couldn't be done. We were heading in that direction. Again, it will be better but during those large storm events it's going to continue to do what it does.

CHAIRMAN EWASUTYN: Mike Donnelly is our Planning Board Attorney and he also works for the Town. I'll let Mike explain the limits, as it may be, as far as asking others to take on responsibility.

MR. DONNELLY: Each applicant has to take care of the drainage problems on their

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property. Wherever possible, the Planning Board looks to see if they can solve larger problems, and this applicant has done as much as he can to do that.

The real solution is to take all of this drainage and get larger pipes and the Shop Rite property below to carry it through. That would be a solution that this applicant is willing to assist in working toward thus far, and the Planning Board wrote to the Town Board and asked them if they could contact Shop Rite to see if they could talk to them.

Actually Pat, I think you said it would improve the Shop Rite flooding problems as well.

For whatever reason nobody can seem to budge them to want to allow the pipes to cross their property. That would solve the problem for all concerned. I don't think we've given up. The Town Board is going to have to approve the drainage district, it's creation. Maybe they can try again at that point to work through with Shop Rite to come up with the piping necessary. But if it can't be done, then we're going to do the best we can to solve the drainage problem that's going

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to be created by this project, maybe pick up a little bit more. As Pat has told you, without those other pipes, that's not a full solution.

MR. GAMMA: I just know it floods a lot. When the roads were reworked in our neighborhood about eight or ten years ago, I've been living there since 1978, I would get some water in my backyard. I'm at the bottom of Ashwood. Now regularly, it's just the way the roads were redesigned, I get about a foot of water in my backyard. It's a river right through. Never had that before. The last ten years, since the -- I'm very concerned about guarantees that it's going to be better perhaps, that everyone has done their best, but I've seen what wind change has done. I've watched the house across the street get built and pump the water out of the lot.

MR. DONNELLY: Maybe some of you can communicate to Town Board members the urgency of the problem so they can perhaps try to lean harder on Shop Rite to come up with a solution.

MR. HEALEY: Pat Healey, Rockwood Drive. Previously there was two easements back



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there. There was one for Central Hudson which I see. There's another one for drainage from the rear of those properties. Is that shown on there?

MR. BODENDORF: I don't know if it's shown as a separate drainage easement. I can talk to the surveyor to see if that showed up in his title search.

MR. HEALEY: Because it was shown previously as a stream.

MR. BODENDORF: The stream is still shown. That runs, you know, for the most part through the existing Central Hudson easement.

MR. HEALEY: That's not actually a stream. In '87 they come up the back of Rockwood Drive, all the houses on the west side, and there were two easements back there, one for Central Hudson and one for the new development they were putting in, Wedgewood I think it was called. For four or five houses up by me, there's two four-inch pipes. About the fifth house from the cul-de-sac it opens up into a swale. It's not really a creek, it's drainage from the other development which is Wedgewood.

MR. BODENDORF: Right.

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MR. HEALEY: I didn't see it on this drawing. That's why I'm questioning it.

MR. BODENDORF: Well the drainage way that runs along the back of the property is delineated. There is no, as far as I can tell, easement specific to that. I will check.

MR. HEALEY: I think the last time I had the liber number. I don't have it here right now. It was in my deed.

MR. BODENDORF: Okay. Okay.

MR. HEALEY: I'd also like to say that three years ago they threatened to put up sewage facilities which were four stories and the neighborhood got together and they were definitely against it and they didn't go with it. I think, looking at what we have right now, this is probably the best opportunity we're going to get to get some residential in there and clean that up. I personally am for it. I don't know how everybody else feels. I think we need to do something. We had people living in there a couple years ago, and we don't need that in our neighborhood.

MR. BODENDORF: I think it is the best

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use for the property, and it certainly will look nicer once it's developed.

MR. HEALEY: I just don't care for the shared driveways because I think they're going to pose a problem. There's nothing else you can do apparently.

MR. BODENDORF: That's not entirely true. We are trying to limit the amount of impervious surface which creates more runoff, drainage runoff.

MR. HEALEY: Well it's not that. If the neighbors don't get along --

MR. BODENDORF: There has to be the proper legal instruments in place for those to work. Our applicant's attorney will be working with the Town attorney to make sure that happens.

MR. HEALEY: Thank you.

MS. DECERBO: Do we know the size of the homes that are going to be built?

MR. BODENDORF: Right now what the applicant is envisioning, and of course the market will probably dictate once they build, but this is from the Rieger building catalog. This is just a couple different variations of two models

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that he would be looking to probably do there. They're all three to four-bedroom size and in the 2,000 to 2,500 square foot range. We're not going to see any ginormous mcmansions and stuff like that. I think that's past for the Hudson Valley. I think something like this would fit in nicely with the surrounding neighborhood.

MS. DECERBO: All right.

MS. GERACI: Athena Geraci, 26 Rockwood Drive. There's an apartment complex behind the --

MR. BODENDORF: Yes.

MS. GERACI: -- houses. Is that going to be blocked somehow so we don't look at it?

MR. BODENDORF: Certainly whoever developed -- ends up developing this property for the lots that are closest to it, they're not going to want to see it. The idea would be to provide landscaping where needed to screen that.

MS. GERACI: You're saying the individual homeowner would be doing that or --

MR. BODENDORF: No.

MS. GERACI: Okay.

MR. BODENDORF: Right. We need to provide a landscaping plan to the Town, and I'm

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sure that's one of the things they'll look at.

MR. HINES: There's no requirement for a landscaping plan.

MR. BODENDORF: There's not?

MR. HINES: Not for residential.

MR. BODENDORF: Well regardless, the idea is to keep as much of the vegetative buffer as we can. There will be -- where we have to take down trees along the street frontage, there is a requirement to put trees along the frontage. That will provide some buffer looking into the back of the property as well.

MR. HEALEY: Is there also street lighting?

MR. BODENDORF: No.

MR. HEALEY: Are the utilities above ground or below ground, gas, electric?

MR. BODENDORF: The gas would definitely be underground. Electric, I'm not sure what they have in that area. My guess is if they can do it below ground they will.

MR. GAMMA: When we met the last time --

CHAIRMAN EWASUTYN: For the record,

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give your name again.

MR. GAMMA: Ron Gamma, 18 Ashwood Terrace. The last time we spoke I recall that issue came up about some kind of screening and I was under the impression, and people -- we were given an answer, there was a positive response from you, that there would be a screening of that -- of those units behind us. Pretty much all of our communications with all the neighbors, when we asked that question. The comment for myself has been that we were assured there would be something there. If we had our preference, we don't want anybody there. We'd rather keep all those woods and be the same way it's been for all the years. That's a little of the charm of that area. We are secluded in the middle of everything as it's grown up around us. We don't want a storage. There's issue of the crime. Now we have concluded that as taxpayers, you know, we prefer there be maybe three or four homes. The fact there's eleven homes, so be it. Progress is progress. We really thought we were heard in regard to that question. I don't know whether it's something that they are expected to do or it

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is not a requirement by the Town.

MR. HINES: It's not a requirement but I think you heard the applicant say it's a marketing issue for them also. Their houses will be more valuable with that screening. The Town doesn't require residential screening between two residential uses. It does require for businesses coming in here to screen between businesses and residential. This lot, a portion of it was in the B Zone. It was rezoned residential to allow the construction of single-family homes along the frontage also. It was in a business zone and it changed.

MR. GAMMA: My only question then would be if it's going to be part of the plan that something will be placed there, does that mean it's going to be placed there, that planting? Is it going to be three feet and you have to wait twelve years for it to screen or is it going to be something that's going to screen immediately? That's what we're asking.

MR. BODENDORF: That's something I have to talk to the owner about. I don't know what his intent is. Clearly the intent is not to go in

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there and clear cut it so you can see right through the property from the street.

MR. GAMMA: I hope not.

MR. MENNERICH: The Central Hudson easement there, I would expect that they wouldn't let you plant things within that easement.

MR. BODENDORF: That's right.

MR. MENNERICH: Isn't that the area that the people are concerned about?

MR. BODENDORF: Well, yeah. The apartments are over in this location. So the easement runs completely along that property line. So nothing is going to be touched within there.

MR. HEALEY: My name is Pat Healey. I think if you were to leave as much as you could back there, between the condos and the new homes, it would be very helpful. We'd have a buffer.

MR. BODENDORF: Yeah. Like the engineering consultant said, from a marketing standpoint, you know, the more natural landscaping and screening that you have between a home and a condo complex the better. That would be the idea, especially with those houses back



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along that easement area.

MR. DONNELLY: Can we ask that you depict the clearing limits on the final plan when you bring it in so we can see what that area is?

MR. BODENDORF: Yes. We do have a limit of disturbance line shown.

MR. DONNELLY: Perhaps as part of final approval the Planning Board can insist that during the construction phase that the clearing limits be honored. What the homeowners choose to do when they buy the lots is their own decision, but perhaps we can handle it that way.

CHAIRMAN EWASUTYN: Ma'am.

MS. BELL: Can my husband speak for us?

MR. BELL: I'm Leonard Bell. May I come up? I want to orient myself here because we have the Ethan Allen store. Is this it?

MR. BODENDORF: Here.

MR. BELL: We've already given verbal approval for hooking into our water line.

MR. HINES: The storm drainage system.

MS. BELL: The storm drainage. The catch basin.

MR. BELL: I just want to make sure,

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because I haven't had any paperwork or been issued anything to have me sign that we're approving it yet.

MR. BODENDORF: Right.

MR. BELL: Plus the fact there was something that I wanted to make sure of. That line is here and this is the back entrance to our store -- the back of our store. Part of the agreement was, when my son made the agreement with whomever called him, said that they would also take care of the macadam that's adjacent to it in the driveway, because there's obviously going to be some disruption there. I want to make sure that that's taken care of.

MR. BODENDORF: Yeah. He spoke with the owner.

MR. BELL: Right. Who is not here.

MR. BODENDORF: Right, he's not here tonight. Whatever they agreed to will be honored, and I'll remind him that he needs to get a legal agreement in place so that you guys are satisfied.

MR. BELL: I'm very happy about this I want you to know. Not because I expect to sell

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furniture from it but there will be taxes here.

MS. BELL: Taxes that we pay.

MR. BELL: I wanted to make sure that our turnaround zone, which is this 50 by 50 which we had to agree to if we wanted to expand our building so that trucks couldn't pull in Chestnut Lane and back in, they would have to come right in here.

MR. BODENDORF: There's no impact to that whatsoever.

MR. BELL: We're very happy.

Did you have anything to say, Gladys?

MS. BELL: Yes.

MR. BELL: By the way, this is the other half of the ownership.

MS. BELL: And here's the next generation. The third. There's another generation. The next one.

We're going to be in the Town of Newburgh forever because we love the Town of Newburgh, as you know. We're always trying to help improve it. And we're pleased because we understood when you didn't want those storage units. I didn't blame you. But homes are

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wonderful, and people need homes, and they look like quality homes if the pictures are true. The whole idea is to improve the Town of Newburgh, not bring it down, and I think we're on the way with certain things that have been done in the Town, and hopefully it will continue.

I'm just concerned about runoff and water into our warehouse. That's my main thing. Because we have plenty of problems with the roof on our warehouse, we don't need any more, which has nothing to do with this situation. So we're very concerned about water, which is a dangerous thing.

I'm sure the people owning these homes are concerned that they have good runoff, too, from their basements.

Are there going to be basements in these houses?

MR. BODENDORF: I'm not completely sure of that but I don't see why not.

MR. HINES: We did earlier discuss the drainage, how it's going to function.

MS. BELL: I think the Town needs the taxes and this is an upscale project for that

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area. Tell me if I'm wrong. I don't think so.

MR. GAMMA: Just another question. Ron Gamma. The question being will these homes be built one at a time as a person or family purchases a lot, as built, or is it going to be all built at once, all on spec and wait for a buyer to come along?

MR. BODENDORF: Again, I think it's too early to answer that question. There are certain improvements that are going to need to be done before any of the houses are built, especially the drainage work along the front on Rockwood Drive, just to make sure that's taken care of before anybody goes in there and gets a CO.

MR. GAMMA: I'm just concerned in the sense that you're competing against literally thousands of homes that are empty in the Town of Newburgh, that aren't sold. Is this going to be just throw them up and put the foundations in and wait or will it be like a custom home, one at a time and work your way through over a number of years? Is it going to be a one shot deal because there is competition?

MR. BODENDORF: My guess is it would

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probably be more toward the one at a time.

MS. BELL: Will there be model homes?

MR. BELL: We want to furnish it.

MR. BODENDORF: I don't know if there will be a model home. It's a little --

MS. BELL: He never gives up.

CHAIRMAN EWASUTYN: I guess the question they're asking, or it appears to me, is is the owner going to build the homes? Is he going to sell the subdivision? If he's selling the subdivision it's understandable you can't respond to the questions. So the question is is the owner going to build out these lots or is he selling the subdivision?

MR. BODENDORF: I don't know if he's made that decision yet. I know he has been in discussions with Rieger.

CHAIRMAN EWASUTYN: Again, that's what led me when you talked about Rieger Homes, I assumed that Rieger is going to come in, build the homes the way he has in the past. I think the question can't be defined because the likelihood or the assumption is that the owner, if he could get his price, is going to be selling the lots to

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the Rieger family, who, as a matter of fact, I think did do the Rockwood Drive subdivision. They did 76 green acres and they've done most of the projects in the Town of Newburgh. So for clarity we go back and forth. When you hear a reluctance to respond a question, generally speaking the ball isn't in their court. Why don't we move further on with the conversation. It saves everyone from asking the same question and not getting an answer.

MR. BODENDORF: Right.

CHAIRMAN EWASUTYN: If you don't mind. I think it's safe to leave here believing that Rieger will probably buy it.

MR. GAMMA: Rieger built 63, the house on the corner?

MR. BODENDORF: I do not know.

MS. DECERBO: I don't think so.

MR. HEALEY: Some farmer did.

CHAIRMAN EWASUTYN: Next question, please .

MS. BELL: As homeowners aren't you concerned about the type of things that are up on Rockwood and what's been accepted there? Hasn't

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that been a problem for you?

MS. DECERBO: What do you mean?

MS. BELL: I mean that first little --  
that one house that's there, that's the first  
thing you see when you're driving.

MS. DECERBO: The one that burnt down?  
The one that was on fire?

MR. GAMMA: We have the issue of homes  
that have dropped in price, landlords coming in,  
buying them --

MS. BELL: That's what I mean.

MR. GAMMA: -- renting them out. On my  
street alone there's five out of nine homes that  
are rentals and they are falling apart. They're  
literally falling apart. It's disgusting. Yes,  
we are. Those homes are beautiful. As long as  
those are the homes and those are the builders.  
Rieger built the homes in the `80s. Prior to that  
it was Cimorelli that did Wood and Ashwood. That  
was the primary. Ziggy Jukowski had the original  
plans. It was drawn up in 1960.

MS. BELL: We bought the property from  
him.

MR. GAMMA: Maybe the early `70s as I



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recall.

MR. BELL: That's right.

MS. BELL: So even though this is the zoning for this, I think this is a time where you all should be getting together and seeing about trying to get some pride for the people that are not taking care of their properties. Either the landlords or whatever. That's your --

MR. BELL: It has nothing to do with this.

MS. BELL: I'm not saying that. While everyone is here, if you will just indulge us for a minute.

CHAIRMAN EWASUTYN: Gladys, you're the best.

MS. BELL: I think that's the whole idea about the Town of Newburgh, is that we couldn't all just go into our houses and close the door and say forget it. You can speak up and you can appeal to people to try and improve their property, and I don't care if --

MR. GAMMA: If you don't know how to do that.

MS. BELL: You don't know how to do

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that --

MR. GAMMA: Legally.

MS. BELL: I'm not talking about legally. I'm talking about appealing to a person's vanity and pride.

MR. BELL: You can't appeal to a renter's pride.

MS. BELL: What about the person that owns the house? You're not given their names? You don't know who owns it?

MR. GAMMA: We have an idea. Some.

MS. BELL: I mean look at the City of Newburgh.

CHAIRMAN EWASUTYN: It's a common issue that crosses the United States. There was an article, whether it be The Wall Street Journal or The New York Times, in the last week saying the same thing. There are neighborhoods where homes like you're describing are being rented, the people who are renting the homes have boats in the front yard, trailers in the front yard because they're just renting, and then there are people like yourself who own the homes and take pride. It's an issue throughout the United

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States. Gladys, your ideas are right. You can get together as a group. You can try --

MS. BELL: There are associations that you can start.

CHAIRMAN EWASUTYN: In favor of the landlord to try and work with you.

MS. BELL: We have one on Dogwood Hills and it's really -- you know, there are always little exceptions but basically it's -- yeah, we have an association.

MR. GAMMA: I've been investigating that for about six months.

MS. BELL: Dogwood Lane has one, too.

MR. BELL: It's a powerful voice, a group getting together.

CHAIRMAN EWASUTYN: Before we move to close the hearing -- it's great conversation.

MS. BELL: Thank you.

CHAIRMAN EWASUTYN: Again, I think we all are living in an environment today that needs attention. How we go about improving it depends upon the effort we put into it.

Pat Hines.

MR. GAMMA: I want to thank you on

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behalf of many of the owners who I communicate with for giving us this opportunity. It's been a long march to get to this point in time and we do feel like we've had some input, and we're hoping whoever builds that subdivision is going to do right by some of the things that we asked. We're pleased with the opportunity.

CHAIRMAN EWASUTYN: The Rieger family is doing a four-lot subdivision now off of, is it Fostertown Road behind where Harold Kahn lives?

MS. DECERBO: Fostertown Ridge.

CHAIRMAN EWASUTYN: I think that's a good example of the model that you see there. I have a sense of what they're doing. As you know, they've been active in this area for many, many years. Because of the current market conditions, they're looking for boutique subdivisions like this that they can build on the quality that would benefit the Town.

MR. HEALEY: Pat Healey again. In '86 when my house was built, Rieger built it. He also built one at the east end of Rockwood Drive which he lived in for about I think eight or nine years before he sold it. So I have no complaint with

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his workmanship whatsoever.

CHAIRMAN EWASUTYN: Brian and Steve are very good people.

MR. BELL: May I ask something? Is it their property?

MS. BELL: Not yet.

CHAIRMAN EWASUTYN: They may buy it.

MR. BELL: Do Riegers own it now?

MR. BODENDORF: They do not.

MR. BELL: There's another owner?

MR. BODENDORF: That's correct. They've had discussions. I don't know where they are in the process but --

MS. BELL: Send them flowers.

MR. BODENDORF: -- I can't promise you it's going to be Rieger.

MS. BELL: They're so involved in this Town, you have no idea. They're the proper people. They do Habitat for Humanity.

CHAIRMAN EWASUTYN: Very much like Jerry Chryberg did.

MS. BELL: God bless Jerry.

CHAIRMAN EWASUTYN: At this point I'll turn to the Board Members for their final

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comments. Frank Galli?

MR. GALLI: No additional.

MR. BROWNE: I don't have anything more either.

MR. MENNERICH: I appreciate the open comments from the public. It weighed all the factors in discussing this subdivision.

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

MR. CANFIELD: Because it exceeds ten lots it's subject to the ARB, Architectural Review Board, should the Board choose to.

Just one comment. There was some discussion before about tree plantings and the tree preservation plan. The applicant's representative did acknowledge Bryant Cocks' comment back on August 14th regarding that.

CHAIRMAN EWASUTYN: Good.

MR. CANFIELD: Once the lot layout is approved, I'm sure there will be a plan forthcoming.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have some housekeeping

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items. The City of Newburgh flow acceptance letter is outstanding. The creation of the drainage district for the operation of the stormwater management facilities is outstanding. Common driveway access and maintenance agreements are required. A couple of the driveways were to be relocated on the plans. Based on our previous discussion, we're awaiting submission of that. Security for the drainage is going to be required, including the drainage improvements going up Rockwood Road, to alleviate that ponding behind those two new houses. Those are the outstanding issues we have.

MR. DONNELLY: I think they did present a new plan that did satisfy the 280-A issue. Every lot now has fee down to Rockwood Drive.

MR. HINES: Okay.

CHAIRMAN EWASUTYN: The only action we can take this evening is to close the hearing. We can't take action on approving the project until they receive a City flow acceptance letter.

MR. DONNELLY: I think we can grant preliminary approval.

CHAIRMAN EWASUTYN: But not final?

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MR. DONNELLY: But not final.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on JPJR Holdings eleven-lot subdivision.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So carried. I'll ask Mike Donnelly, the Planning Board Attorney, to give us the conditions for granting preliminary approval.

MR. DONNELLY: First I think there was a recommendation of disapproval by the Orange County Planning Department based upon the lot layout.

MR. HINES: That's correct.

MR. DONNELLY: The problem with that is it would take five votes to overrule it. While I



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think it was a misdirected comment,  
jurisdictionally four votes would not result in  
preliminary approval. So as much as you'd like to  
act tonight, you don't have enough votes, you'll  
have to put it off.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: I forgot that when I was  
counting the numbers here.

MR. HINES: Jerry and I thought they  
may have done that at the last meeting.

MR. DONNELLY: Did what?

MR. HINES: Grant the waiver.

MR. DONNELLY: It isn't a waiver. When  
the Orange County Planning Department recommends  
against approval, it takes five votes --

CHAIRMAN EWASUTYN: The majority plus  
one.

MR. CANFIELD: We thought you did that  
at the last meeting.

CHAIRMAN EWASUTYN: I thought we  
counted somebody. Why would we have done that at  
the last meeting, though?

MR. DONNELLY: I don't know. It's the  
vote on the approval that requires a majority

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plus one.

MR. HINES: We did discuss it.

MR. DONNELLY: I think you reached a conclusion that you were prepared to overrule it, but I think when it's time to vote is when you need the five votes.

CHAIRMAN EWASUTYN: For now we'll just close the public hearing. Thank everyone for attending.

(Time noted: 7:45 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.

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DATED: October 11, 2013

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

----- X  
In the Matter of

MACKAY LOT LINE CHANGE  
(2013-16)

70 Colden Hill Road  
Section 47; Block 1; Lots 8.2 & 8.3  
R-2 Zone

----- X

LOT LINE CHANGE

Date: September 19, 2013  
Time: 7:46 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH

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

APPLICANT'S REPRESENTATIVE: GILL MACKAY

----- X

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

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MR. BROWNE: Our next item of business is Mackay lot line change, project number 2013-16. It's a lot line change and initial appearance. This is being presented by Alphonso --

MR. MACKAY: No. It's being presented by myself. I'm the homeowner.

Do you want the survey up here?

CHAIRMAN EWASUTYN: That's fine. You can put it on the board. We're going to discuss it now. You are Gill Mackay?

MR. MACKAY: Yes. Basically it's a property that involves my lot and my sister-in-law's lot. Basically the whole parcel here was purchased by my mother and father back in 1955. The existing house that my sister-in-law lives in was my mom and dad's original house. Back in the `70s my dad gave myself and my brother each a half an acre to build a house on, which we did. In the `90s my mom passed away. My father predeceased her. The house was inherited by my brother John. He passed away about four years ago. The house my sister-in-law now resides in the house. She has

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MS and my wife and I are her caretakers. My other brother Sandy passed away back the latter part of the '90s as well. His wife passed away. Their son passed away and the son's wife is the one that lives in the house now.

The purpose of the lot line change is in the eventuality that my sister-in-law becomes in need of more medical care and out-uses whatever funds she has to take care of herself, you know, usually if it comes to that stage the house will have to be sold and the proceeds used for her furtherance of care. What I'd like to do, since it was the original family property, and I've talked to my sister-in-law about this, obviously, and she has no problem with it, is to do the lot line change so the couple of acres that's in the back of the property would be turned over and deeded into my property. That's basically it in a nutshell.

The lot line change does create I think a total of six variances that are delineated in a narrative that each of you has, a couple side lot size variances and I think some frontage -- one other. That's basically it in a nutshell.

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CHAIRMAN EWASUTYN: Thank you, Gill. At this point Jerry Canfield, code compliance, and Pat Hines, our planning consultant, will give conversation on the necessary variances and the current zoning.

MR. CANFIELD: The variances that Pat has cited are accurate and correct.

One item, it's in an R-1 Zone, not an R-2. The difference is that -- the bulk use tables that are utilized there are correct. The difference between an R-1 and R-2, R-2 allows for exceptions with water and sewer, smaller lot sizes. That's not the case here. It's just a clean-up item.

Pat has the zoning requirements, the variances that are required for both lots, which I believe Larry has acknowledged as well. So if Pat wants to go through those.

MR. HINES: Our first comment, we're just suggesting note 4 be changed, which states strip of land within 25 feet of Colden Hill Road is offered for dedication. We're suggested it say 25 feet within the center line rather than 25 feet of the road.

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The variances that are required are going to be for lot 8.2, it requires a lot area variance, a lot depth -- a lot width variance and one side yard. Lot 8.3 requires the lot width variance, one side yard and both side yards.

CHAIRMAN EWASUTYN: Okay. Gill, what will happen is Mike Donnelly, Planning Board Attorney, will prepare a letter.

Mike, why don't you explain --

MR. DONNELLY: Yes. I'll send a letter to the Zoning Board of Appeals asking them to entertain an application for the six variances that Pat Hines just listed. You will have to separately apply to the Zoning Board for those area variances but the letter will come from us as well. I'll send a copy of it to you.

MR. MACKAY: Okay. I'm assuming there's an application for that or is this --

MR. DONNELLY: Yes.

MR. MACKAY: -- in itself the application?

MR. DONNELLY: You will need to fill out an application.

CHAIRMAN EWASUTYN: Jerry Canfield,



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will you explain how he applies to the ZBA?

MR. CANFIELD: You have to contact the Zoning Board of Appeals. They're in the building department next door. Betty Generralli is the secretary, she can give you the application and explain the application and the fees. As Mike stated, the letter of referral, so to speak, from the Planning Board will pretty much outline what the variances are that you need.

MR. MACKAY: Okay. Very good.

CHAIRMAN EWASUTYN: Gill, you have the nicest Hemlock going up the side of your property I've ever seen.

MR. MACKAY: Thanks a lot. I had to top them last year.

CHAIRMAN EWASUTYN: I've never seen a Hemlock quite like that. Great job.

MR. MACKAY: Thank you. We take pride in the property.

CHAIRMAN EWASUTYN: Obviously.

MR. MACKAY: Thank you.

MR. MENNERICH: I think we should make a motion to refer this to the ZBA.

CHAIRMAN EWASUTYN: Do you want to make

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that motion?

MR. MENNERICH: I'll make that motion.

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

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank Galli. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. DONNELLY: I'll send the letter.

(Time noted: 7:53 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.

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DATED: October 11, 2013

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

----- X  
In the Matter of

C.D. BANNERMAN VIEW SUBDIVISION  
(2013-17)

12 Bannerman View Drive  
Section 22; Block 4; Lot 6  
R-3 Zone

----- X

TWO-LOT SUBDIVISION

Date: September 19, 2013  
Time: 7:53 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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MR. BROWNE: The next item of business we have is C.D. Bannerman View Subdivision, project number 2013-17. This is a two-lot subdivision. Again it's an initial appearance being presented by --

MR. CELLA: Jonathan Cella.

Good evening. I'm Jonathan Cella filling in for Charlie Brown. As Pat said, it's his birthday.

We're here for a two-lot subdivision on the corner of Bannerman Drive. Currently there's an existing open building permit for a single-family residence that's under construction. The property is .82 acres in the R-3 Zoning District and it's serviced by Town water and individual septic systems.

Based upon the lot geometry, we need a side yard setback variance for lot 1, a lot width variance for lot 1 and a lot width variance for lot number 2.

The plans show septic systems designed for which the soil testing was conducted August 2013, recently.

We're here tonight to request that we

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can be forwarded to the Zoning Board of Appeals for the required variances.

CHAIRMAN EWASUTYN: Pat Hines, Jerry Canfield, would you like to talk about the proposed one-inch water service?

MR. HINES: My comment number 2, there's an existing water main running up the private road. It stops well short of lot 1, and certainly further short of lot 2. We want to see the location of that water main, and then we want you to meet with Jim Osborne, the Town Engineer, to make sure there's adequate pressure there due to the elevations of this. There may be a reason why they stopped when they did. We want to make sure there is adequate flow and pressure there or if any improvements are required.

We also talked at the work session, it's interesting that the parent parcel doesn't meet the lot size for a lot without water and sewer. We're kind of interested in how it was ever created in the first place.

MR. CELLA: Good question.

MR. HINES: It requires 40,000 square feet for a lot in this zone without water and

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sewer.

MR. CELLA: Maybe they assumed it was going to be serviced by the water.

MR. HINES: I don't know. There's a history there, certainly.

Existing topography needs to be shown on the plans.

Separation from any of the wells on the other side of this lot. The Canfield well and the Thorner well, and any other wells in that area should be shown.

You did identify the variances that are required for this, including the one for the house under construction.

MR. CELLA: I spoke with Charlie. The topographic survey was completed and that will be included on the next submitted plans. All the lots within the influence of our septic systems are serviced by Town water. That shouldn't be an issue.

CHAIRMAN EWASUTYN: Comments from -- Jerry Canfield, do you have anything to add?

MR. CANFIELD: No. Just to reiterate Pat's comment. Again, if for some reason the

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water department does not permit water to lot 2,  
then another variance you will need is lot area.

MR. CELLA: Lot area.

MR. CANFIELD: The requirement goes up  
to 40,000 square feet.

MR. HINES: You're going to have septic  
separation issues and it's not going to fly.

CHAIRMAN EWASUTYN: Comments from Board  
Members?

MR. GALLI: What would that do with lot  
1? Lot 1 would still be all right as far as if  
they didn't have water?

MR. CANFIELD: Yes, with the water.

MR. GALLI: Lot 2 would all be one big  
lot.

MR. HINES: It's under construction  
now.

MR. GALLI: That's what I'm saying.

MR. CANFIELD: That's how it got the  
permit.

MR. GALLI: If it goes to the Zoning  
Board and the Zoning Board gives him approvals  
and then he finds out he doesn't have water --

MR. HINES: I think they can take the



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parallel course, otherwise they're going to come back here with not being able to serve --

MR. DONNELLY: I'm going to suggest in the referral letters there's an issue as to water being available, and before they rule on these variances they should require the applicant to demonstrate water does exist.

MR. MENNERICH: That works.

MR. CANFIELD: That makes sense.

CHAIRMAN EWASUTYN: Any other questions or comments?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: We'll move for a motion to refer this to the Zoning Board of Appeals.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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You'll prepare the necessary paperwork?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: You're preparing a site plan to come before the Planning Board?

MR. CELLA: You should have that next week. Do I put the number on the plans or can I print it without the number, the Town project number?

CHAIRMAN EWASUTYN: The new one coming in?

MR. CELLA: Yes.

CHAIRMAN EWASUTYN: When you're ready to submit give me a call. At that point we'll know what the current number is.

MR. HINES: The first one won't have a number.

MR. CELLA: The first one doesn't need a number?

CHAIRMAN EWASUTYN: Talking about on this plan?

MR. HINES: He's talking about the one he's going to make prints. The first prints won't have the Town project number.

MR. CELLA: I was asking if I could

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print them before I get the Town project number.

CHAIRMAN EWASUTYN: Yes.

MR. CELLA: Thank you.

(Time noted: 8:00 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.

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DATED: October 11, 2013

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

----- X  
In the Matter of

ALL GRANITE & MARBLE  
(2011-14)

Brookside Farm Road  
Section 97; Block 1; Lot 20.2  
IB Zone

----- X

CLEARING & GRADING PERMIT

Date: September 19, 2013  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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MR. BROWNE: The next item of business we have is All Granite & Marble, project number 2011-14. This is for a clearing and grading permit being presented by Dominic Cordisco and company.

MR. CORDISCO: Good evening, Mr. Chairman and Members of the Board, everyone. Dominic Cordisco from Drake, Loeb, for the record. I'm here with Robert Daja. Robert is with All Granite. He was before the Board when we were here for our original approvals back in 2011 and 2012. Since that time we received -- of course we received site plan approval for the project with a number of conditions. We've been actively trying to satisfy the conditions for the project so we can start construction. There have been some hurdles along the way. The primary hurdle actually has been the difficulty in bringing water to this site. The Town's water line is very far away and it will be very costly to extend it all the way to the site. We can get water from our neighbor, which is Pepsi-Cola of the Hudson Valley, and they've expressed a willingness to allow us to tie in to the private water line on

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their site. We're working out those details because they've had some concerns that we've been addressing. So we're working on that.

In the meantime Mr. Daja is eager to begin clearing the site because there may be an opportunity for another site in the region to take the fill that will be on the site. Normally you pay to take it away. I'm sure you're aware. So there might be an opportunity there, which was the genesis for the application for a clearing and grading permit.

Had we satisfied all the conditions of the site plan approval we could have merely applied to start work under that. Because we haven't satisfied all the conditions, here we are with a clearing and grading permit application.

Justin Dates from Maser Consulting is also here. At this point allow me to turn it over to Justin so he can walk you through what the plans are for the clearing.

MR. DATES: My name is Justin Dates with Maser Consulting. The clearing and grading we applied for, we've included our grading and drainage and erosion control plan from the

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approved site plan set. The site is about 3 1/2 acres in size. We need to come in and clear about 2 1/2 acres.

Just to orient you to the site, Brookside Farm is on the bottom of the page. 84 is up on the top.

The upper area here, we have a retaining wall that runs along the right-of-way on 84 and we do have some cuts there in the twelve to fourteen foot range to get the site down for the parking area. In this area over here it's really meadow, open meadow or mowed along the roadway here. Then from here back you get into wooded areas. So we need to clear those areas out to undertake the excavations.

The other area of cuts that we're looking at is to get down to -- for this lower level here, which is the majority of the building, we're looking in the fifteen to seventeen foot range to get down into the site so that we're closer to the finished floor grades for the building.

As I said, we've done the erosion control plans. We are going to use where our

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proposed access will eventually be as our construction access points in this location on the east side, and then we have another access point here which would access the eventual loading area for the facility. Those would be the two construction access points to undertake the removal of the earth.

We have an erosion control plan and SWPPP.

We did account for temporary sediment traps and we have erosion control measures lined up, what needs to be done when the site is opened.

We are getting into the time of not being able to establish grass on some of these open areas, so we're going to have -- hopefully whatever we clear down we'll be able to mulch or chip up on site, the wood chips, and use those as a stabilizer during the winter season. Come spring we would be able to seed it and get some vegetative cover on there to stabilize the site.

MR. GALLI: I have a question.

MR. DATES: Sure.

MR. GALLI: The material you're taking



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out, it's got to be trucked out?

MR. DATES: Correct.

MR. GALLI: Are you trucking it out to 52 and up to 84?

MR. DATES: Right now that seems to be the most feasible direction. We're talking about 10,000 to 12,000 cubic yards of material.

MR. GALLI: Which is a lot of trucks.

MR. DATES: Correct. We're looking at a tri-axle dump truck, about 18 cubic yards a truck. So there are quite a few trips. Over 600 trips we're talking about.

CHAIRMAN EWASUTYN: Closer to 900.

MR. GALLI: Is it going out of town?

MR. DATES: Correct. Right now it appears to be going outside of Newburgh.

MR. CORDISCO: The user that is looking for the material is United Natural Foods. They have a facility in the Town of Montgomery on Neelytown Road.

MR. GALLI: I'm just concerned about the intersection. It's tough making a left out of that road, as you know, --

MR. DATES: Yes.

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MR. GALLI: -- to get on 84.

MR. DATES: Yup.

MR. GALLI: During the day it gets pretty tough at certain hours.

MR. DATES: Understood. Understood. Fortunately there are traffic lights at the off ramps to 84 and also down by Dupont. It does allow for some gaps in traffic.

MR. GALLI: Not much.

MR. DATES: Understood.

MR. GALLI: I travel it every hour.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I haven't heard Dupont mentioned in eons.

The main concern was the traffic, the trucks. When you say it appears, I think we're looking for a little more definitive statement than appears.

MR. DATES: Appears?

MR. BROWNE: Which way the traffic is going to be going.

MR. GALLI: He said 84 out toward Montgomery.

MR. BROWNE: There also was appears in

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there. I don't like those ambiguous things.

MR. GALLI: We don't want it going out towards Brookside and Stewart Avenue, up 17K and then out that way because of the residents on that back road there.

MR. BROWNE: I would like to hear someone say yes to going out 84.

MR. HINES: 52 to 84.

MR. DATES: We'd love to just go out to 84.

MR. CORDISCO: The ramp is right there.

MR. BROWNE: Other than that, we were discussing it earlier and --

MR. HINES: Cliff, what you would like is a note on the plans stating all truck traffic will enter the site from 52?

MR. BROWNE: Something enforceable. I like enforceability.

MR. GALLI: I think there's a weight limit on Stewart Avenue anyway.

MR. HINES: There is.

MR. GALLI: There's a weight limit on Stewart Avenue. You're not supposed to go that way anyway.

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MR. BROWNE: Okay.

MR. GALLI: I don't know if the plans will help it at all. The enforcement will be the weight limit on the roads. If the police pull him over, he's not going to say let me see the plans.

MR. BROWNE: Jerry will say you can't go this way.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We hit all of my points there. The two access points are shown. There is going to be a requirement under the clearing and grading for security for reclamation, typically \$3,500 per acre.

We received a notice of intent and we'll take care of getting the municipal authorization for that signed.

We just discussed the route of travel and the concerns the Board had.

They've identified the disposal site being outside the Town of Newburgh. We have had issues in the past where they applied for the clearing and grading permit and not the location

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where it's being taken to.

MR. BROWNE: I'm just curious. You're fairly confident that you're going to work this thing out with Pepsi?

MR. CORDISCO: Yes. They raised a number of concerns that we've addressed. We're finalizing documents with them. It's just taken longer than anyone had originally anticipated.

MR. BROWNE: It seems like a heck of a lot of work. If something happens to fall through --

MR. CORDISCO: Correct. Correct. We're hopeful. To show you how hopeful we are, we are satisfying the other conditions in the approval. For instance, there was a stormwater maintenance agreement that has to be recorded. There is a declaration that has to be recorded in connection with the land banking of the additional parking. We're going to go ahead and finalize all those items because we think we're close now.

MR. BROWNE: Thank you.

MR. HINES: I just want to add, I received the assessor's list for the 500 feet. I'll provide you with a copy.

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MR. CORDISCO: Thanks.

MR. DONNELLY: That leads to the issue that this clearing and grading permit, because it exceeds the thresholds of, I think it's 185-55, requires a public hearing.

MR. CANFIELD: 83.

MR. DONNELLY: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to set the public hearing for the 17th of October.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye myself. So carried.

MR. CORDISCO: Thank you.

MR. DATES: Thank you.

MR. CORDISCO: Do we have to follow the

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same requirements for all public hearings? It has to be posted?

MR. HINES: Yes.

MR. CORDISCO: We'll post the property, we'll provide pictures and an affidavit.

MR. HINES: Ten days before the meeting this has to be sent to them.

CHAIRMAN EWASUTYN: When you're ready to do the mailing you'll contact Cindy Martinez and she'll coordinate that with you.

MR. CORDISCO: Fair enough.

(Time noted: 8:10 p.m.)

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

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DATED: October 11, 2013



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

----- X  
In the Matter of

DRISCOLL SUBDIVISION  
(05-46)

Request for a Six-Month Extension of Preliminary  
Subdivision Approval

----- X

BOARD BUSINESS

Date: September 19, 2013  
Time: 8:10 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  
KENNETH MENNERICH

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

----- X

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

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MR. BROWNE: We have two items under Board Business. The first is the Driscoll Subdivision, project 05-46.

The applicant is requesting a six-month extension of preliminary subdivision approval which will run from 29 September 2013 to 29 March 2014.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:11 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.

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DATED: October 11, 2013

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

----- X  
In the Matter of

POLO CLUB  
(06-09)

Request for a Six-Month Extension of Preliminary  
Site Plan Approval

----- X

BOARD BUSINESS

Date: September 19, 2013  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH

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

----- X

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POLO CLUB

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MR. BROWNE: The next item is the Polo Club, 06-09. The applicant is requesting a six-month extension of preliminary site plan which will run from 29 September 2013 to 29 March 2014.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself yes. Motion carried.

I'll move for a motion to close the Planning Board meeting of the 19th of September.

MR. GALLI: So moved.

MR. BROWNE: Second.

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

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POLO CLUB

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Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:12 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.

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DATED: October 11, 2013