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

----- X

In the Matter of

RHODA REALTIES
(2007-41)

Southern side of Highland Terrace
Section 20; Block 8; Lot 77
B & R-3 Zones

----- X

PUBLIC HEARING
FOUR-LOT SUBDIVISION

Date: September 17, 2009
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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RHODA REALTIES

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MR. BROWNE: Good evening and
welcome to the Town of Newburgh Planning
Board meeting of September 17, 2009.

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

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present

CHAIRMAN EWASUTYN: Present

MR. FOGARTY: Present.

MR. WARD: Present

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

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

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RHODA REALTIES

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

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

MR. MUSSO: Mike Musso, Wireless
Consultant, HDR.

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

(Pledge of Allegiance.)

MR. GALLI: Please make sure all cell
phones are off.

MR. BROWNE: Thank you. The first two
items on our agenda this evening are public
hearings. At this time I would ask Mike Donnelly
to give us a brief overview of the purpose of a
public hearing, and also to bring up the
situation we have.

MR. DONNELLY: Very good. New York
State law requires that before a subdivision
approval can be granted there must be a public
hearing. Both of these applications have been
before the Board for some period of time. They
have opening dates of 2006 and 2007. We're now
at that point in the process where the public

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hearing is held.

The purpose of the hearing is for the Planning Board to hear comments from the members of the public before they take action in order to ensure that all of the issues that the Members have thought of and the consultants have raised are not the only ones, and any that the people in the neighborhood or the vicinity might know about the project, it would be helpful and should be brought to the attention of the Board.

In addition to the publication there's a mailing requirement. Here the newspaper legal notice for both of these projects did not run sufficiently in advance of those hearings, and therefore, while the hearing can open this evening, it will need to be continued until our next meeting at which we hold public hearings, which would be October 15th. The Board cannot take action until the public hearings are complete and closed.

After the applicant in each case addresses the Board in summarizing the project, the Chairman will ask if anyone wishes to speak. If you do, please raise your hand and the

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RHODA REALTIES

Chairman will recognize you. We would ask you to stand and come forward so everyone can hear you, tell us your name and where you live. It would be helpful if you would spell your name for our Stenographer so we can get it down correctly. Address your comments to the Board. If you have questions that can be answered either by the applicant's representative or one of the Town's consultants, the Chairman will direct that question to the appropriate person.

MR. BROWNE: Thank you. The first public hearing is Rhoda Realities. It's being represented by Taconic Design Engineering, Charles Brown, and it's a four-lot subdivision.

I would ask to read the notice of hearing.

MR. MENNERICH: "Notice the hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Rhoda Realities for a four-lot subdivision on premises Highland Terrace off Route 9W in the Town of Newburgh,

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RHODA REALTIES

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designated on Town tax map as section 20; block 8; lot 77. Said hearing will be held on the 17th day of September 2009 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated August 21, 2009."

MR. GALLI: The notice of hearing was published in The Sentinel on 9/15/09 and in The Mid-Hudson Times on 9/16/09. Five mailings were sent out, four were returned. As you heard, the notification wasn't in time so we'll proceed forward like Mike said.

CHAIRMAN EWASUTYN: Okay. At this point Charles Brown will make his presentation. As Mike Donnelly had said, after that if you have any questions or comments, please raise your hand and you'll be acknowledged.

MR. BROWN: This is an existing vacant nine-acre parcel that has frontage on both 9W and Highland Terrace. The proposal is to subdivide the property, create three new residential

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RHODA REALTIES

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building lots which would front off of Highland Terrace and be serviced by septic and Town water which will be drawn off of Highland Terrace.

The balance of the property, four-and-a-half acres, would be left in the B Zone. There's no proposed development for that at this time.

As part of this proposal we've incorporated in some conservation zones where we will preserve the existing vegetation to screen the proposed houses from any adjoining houses.

That's it.

CHAIRMAN EWASUTYN: Is anyone here tonight from the public who has any questions or comments, please raise your hand.

(No response.)

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

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: Our first comment is that

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the drainage on the lot that's in the B Zone needs to be coordinated on the plan sheets. There's some inverts and elevations that don't seem to comply with each other. The applicant's representative has our comments and can look at that.

We just request that the front buffer zone be labeled. The back is labeled but there's no symbol in the legend showing that buffer zone. Just label that front buffer zone.

We talked at work session about the conservation note and that we normally don't require buffers on residential subdivisions, so that I think it was determined that no further recording of any covenant or easement would be required.

Is that correct?

MR. DONNELLY: Yeah. I think we want you to honor it during construction, but after that -- I'll defer to the Board but I think that was the tenor of the discussion. After that the homeowner can be free to plant or take down that screening as he sees fit because it was put in there for his protection in the first place.

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MR. BROWN: Okay.

MR. HINES: Along with that the erosion control plan needs to be coordinated. Topsoil stockpiles are shown in those areas.

Show the inverts for the driveway for lot 4 because that's going to receive the runoff from the existing parcels as well as your lots. Just show the inverts that work coordinated with the pipe in the B Zone.

MR. BROWN: At the proposed manhole?

MR. HINES: No. The driveway crossing has a fifteen-inch diameter pipe also. Where it crosses at the rear, those lots you just indicated. By the front yard setback.

MR. BROWN: Okay. Yup.

MR. HINES: That's all we have.

CHAIRMAN EWASUTYN: Did you mention the stockpiling?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: The common driveway maintenance agreement is going to need to be approved by Mike Donnelly.

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Did you decide, are you going to go to the Town Board for road name approval on that?

MR. BROWN: Yes.

MR. COCKS: That's going to need to be done before the plans can be signed.

The note for the payment of parkland fees should be put on the plan if you're going to do that. If you're going to do it before I don't think you need to put it on there. If you're going to defer it, the note needs to be put on.

We don't have anything else.

MR. DONNELLY: I will note I have been given a copy of a common driveway easement and maintenance agreement. It is satisfactory in form but the condition would remain because it would have to be recorded simultaneously with the filing of the map.

CHAIRMAN EWASUTYN: Once again for the public, is there anyone here this evening who has questions or comments on the proposed subdivision before us, the lands of Rhoda?

(No response.)

CHAIRMAN EWASUTYN: I'll take final comments from Board Members. Frank Galli?

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RHODA REALTIES

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MR. GALLI: Mike, on the common driveway maintenance agreement, who did you get that from?

MR. DONNELLY: Who prepared it?

MR. GALLI: The two people that share the driveway, is that --

MR. DONNELLY: Yes. It's for the two lots in the subdivision who share the driveway.

MR. BROWN: Lot 6 and 7.

CHAIRMAN EWASUTYN: Any further questions?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No. I do have one comment I think. On the buffer areas, residential to residential, as a Board we've never really felt that we could require that type of thing. You know, even though the existing homeowners in the area might like it, to have that buffer there, I don't see where we as a Board want to push for that.

MR. BROWN: We're offering it up. We

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RHODA REALTIES

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understand it wasn't a Board requirement. We have offered that. It does correspond to the setbacks. It doesn't really impact my client and he doesn't have a problem with it.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No comments.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Bryant, so procedurally The Sentinel will incur the cost of re-noticing for this.

Mike, do we re-notice in The Times Herald Record also?

MR. DONNELLY: I think the Town has taken --

MR. BROWNE: Mid-Hudson.

CHAIRMAN EWASUTYN: Mid-Hudson. Thank you.

MR. DONNELLY: I don't think we would need to because arguably those people who, had they come, would have been told of the new date. I don't think that that cost should be borne by either the Town or the applicant.

CHAIRMAN EWASUTYN: Okay.

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RHODA REALTIES

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MR. MENNERICH: It should be no later than September 11th.

MR. GALLI: They were both off. One was 9/15 and the other one was 9/16.

MR. COCKS: You know what happened. Since they're such small newspapers they're owned by the same person who just puts out two separate papers. I'm assuming the computer screwed up on both of them.

CHAIRMAN EWASUTYN: Is that right?

MR. COCKS: They both said they were supposed to be in no later than the 11th.

MR. GALLI: One was on the 15th and one was --

MR. COCKS: I know in Monroe, The Photo News, they produce a bunch of other papers. I'm going to assume it's the same company.

MR. DONNELLY: Then it would have to be republished in both. I think we should similarly request, and I think that request would be honored, that they bear the cost of the public hearing notice.

MR. COCKS: I think The Sentinel was the one who agreed to bear the cost. I will get

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RHODA REALTIES

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a hold of the other one also.

CHAIRMAN EWASUTYN: Make a note The
Mid-Hudson Times, you want to speak with Mary.

MR. COCKS: Yup.

CHAIRMAN EWASUTYN: I actually do have
-- I just received today a statement of payment
for them. So let's try and clarify that. Okay.

Then we'll be re-noticing the four-lot
subdivision for Rhoda Realties, and that will be
scheduled for a public hearing on the 15th of
October.

MR. BROWN: We don't have to redo the
mailings?

MR. DONNELLY: No. They were mailed
once.

MR. BROWN: Thank you.

(Time noted: 7:11 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.

DATED: October 8, 2009

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

----- X

In the Matter of

CHRIS KELLY SUBDIVISION
(2006-07)

39 New Road
Section 34; Block 2; Lot 16
B Zone

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION

Date: September 17, 2009
Time: 7:11 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHRIS KELLY SUBDIVISION

MR. BROWNE: The next item we have is a second public hearing, a three-lot subdivision, Chris Kelly Subdivision, again being represented by Charles Brown of Taconic Design.

MR. BROWN: Thank you.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of lands of Chris Kelly for a three-lot subdivision on premises west side of New Road in the Town of Newburgh, designated on Town map as section 34; block 2; lot 16. Said hearing will be held on the 17th day of September 2009 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated August 21, 2009."

MR. GALLI: The notice of hearing was

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CHRIS KELLY SUBDIVISION

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published in The Mid-Hudson Times on 9/16/09 and in The Sentinel on 9/15/09. There were six sent out, three letters were signed and returned. The mailings are in order. The publications were not.

CHAIRMAN EWASUTYN: Thank you. Mr. Brown, would you make your presentation?

MR. BROWN: Thank you. This is an existing three-acre lot on New Road. It's in the B Zone and serviced by Town water. It runs along New Road.

It presently contains a single-family residence which is fronted right on and access to New Road.

The proposal is to create three lots.

Other than that, there's no proposed improvements at this time.

Again, it's in a commercial zone so any improvements to the lot would have to go through a site plan approval.

CHAIRMAN EWASUTYN: Jerry Canfield, comments?

MR. CANFIELD: We had previous comments on a previous submission from March of this year

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which it's our understanding that are not going to take place at this time. What's before us is just a three-lot subdivision.

I'm sure Pat will discuss, we had some concerns about the building, the commercial building and parking lot being shown on the plans. All my previous comments were centered around the commercial structure which are not there on the back lot, so at this time I guess I have nothing.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We're looking for the highway superintendent to weigh in on the access road. I don't know if we've heard from them yet.

A final review of the Central Hudson easement should be undertaken.

Access and maintenance agreement to Mike Donnelly's office.

The size of the water line will be determined at site plan, but if the water line is proposed to serve both commercial lots they'll need a water main extension approval. Currently the rear lot is shown with a well but that will

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-- as that moves forward we'll look at that.

There's a limit of disturbance note on sheet 3 of 4 that needs to be removed. It identifies some 17,000 square feet of disturbance but we really don't know what the disturbance is going to be because it's only a commercial lot.

As Jerry just mentioned and I mentioned at work session, I have a concern of showing a concept or proposed development on the lot 2 or 3.

MR. BROWN: 2 --

MR. HINES: The lot that shows a proposed building and parking area, someone could be misled thinking the Board approved that. I think any reference to that should be removed.

The septic systems can stay showing the lots are buildable. I think the building footprint and the parking lot should come off so that way when someone is buying it they know it's a commercial lot and not any reference to that site plan. Someone may think they have some rights to build that and we haven't reviewed it.

MR. BROWN: That's prudent.

MR. HINES: That's all we have.

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CHRIS KELLY SUBDIVISION

CHAIRMAN EWASUTYN: Bryant Cocks,
Planning Consultant?

MR. COCKS: Just the same comment about
adding the deferral of the parkland fee note on
the plans.

MR. DONNELLY: This is partly
residential. Right.

MR. BROWN: The entire site is in the B
Zone.

MR. DONNELLY: There's three commercial
lots?

MR. BROWN: Correct.

MR. COCKS: The commercial lots
aren't --

MR. DONNELLY: Only residential.

CHAIRMAN EWASUTYN: Is there anyone
here this evening for the public hearing that
wants to speak on the three-lot subdivision for
Kelly?

Sir, if you would give your name and
address.

UNIDENTIFIED SPEAKER: Kelly is --

CHAIRMAN EWASUTYN: New Road. We've
already had the public hearing on the four-lot

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subdivision for Rhoda. That also is going to be rescheduled for the 15th of October because it wasn't properly noticed. So if you don't mind, make yourself a note to return on the 15th. Thank you.

Any additional comments from the public at this point?

(No response.)

CHAIRMAN EWASUTYN: We have received a letter recently from Central Hudson in reference to activities that will occur within their easement, and they would like to, as an interested party, be involved in comments. So at this point we're going to ask you to provide plans to Bryant Cocks, Bryant Cocks will then circulate to the necessary authority of Central Hudson, and we'll all have the information as far as the requirements that Central Hudson may require.

MR. BROWN: I think that's a case of people at Central Hudson not talking to each other because this has been submitted to them and we have had an agreement forwarded to my client. He's in the process of signing that. That's also

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CHRIS KELLY SUBDIVISION

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been forwarded to the Planning Board Attorney.
We will do that.

CHAIRMAN EWASUTYN: I think any
correspondence to Bryant Cocks, you should give
us a complete package. Bryant can forward that
on. It could be the same party. This has been
around. As Mike said earlier, these are older
projects.

The letter that we received, we
received within the last two or three months,
Mike.

MR. DONNELLY: From Central Hudson,
yes.

CHAIRMAN EWASUTYN: So it may have --

MR. BROWN: Crossed in the mail.

CHAIRMAN EWASUTYN: Correct. Just to
honor the letter that we did receive from Central
Hudson we'll do the coordinated review.

MR. DONNELLY: I do have, now that
Charlie mentions it, a license agreement that has
been executed by, I think, this applicant. I
think what we need is something -- unless it's
here. I see the draft of the agreement but I
don't see it signed by Central Hudson. There

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CHRIS KELLY SUBDIVISION

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must have been a cover letter with it that I don't have that says they are approving it. We would need something from them.

MR. BROWN: That agreement came from Central Hudson.

MR. DONNELLY: I can tell that it did but it's not signed by them, it's only signed by you.

CHAIRMAN EWASUTYN: What are your recommendations? Do we recirculate or do we have Mr. Brown --

MR. DONNELLY: I have a feeling it's been done because they prepared a license agreement to authorize the limited work in the easement area. If we can have a letter from them or if you get a signed copy back from them, something that shows that they have consented to allow you to do the work.

CHAIRMAN EWASUTYN: Do a letter authorization for our files for Mike Donnelly's review and satisfy our responsibility to do a coordinated review with Central Hudson.

MR. BROWN: No problem. Okay. Thank you.

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CHRIS KELLY SUBDIVISION

CHAIRMAN EWASUTYN: As we said earlier,
this will have to be re-noticed and the 15th of
October we'll have another public hearing on the
three-lot subdivision for the lands of Kelly.

Thank you, Charles.

MR. BROWN: Thank you.

MR. BROWNE: John, these will remain
open.

CHAIRMAN EWASUTYN: Yes.

(Time noted: 7:19 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 8, 2009

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

----- X

In the Matter of

273 ROUTE 17K
(2009-11)

Route 17K and Arbor Drive
Section 90; Block 6; Lot 1
B Zone

----- X

AMENDED SITE PLAN

Date: September 17, 2009
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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: RON COSENTINO

----- X

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

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273 ROUTE 17K

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MR. BROWNE: The next item of business on our agenda this evening is an amended site plan for 273 Route 17K and Arbor Drive being represented by Cosentino Architecture.

MR. COSENTINO: Yes. Ron Cosentino.

MR. BROWNE: Okay.

MR. COSENTINO: Good evening.

CHAIRMAN EWASUTYN: Make your presentation, please.

MR. COSENTINO: This is a drawing that was submitted originally by John Whitfield. This is an existing conditions drawing. It shows the existing building, existing site, it shows the existing asphalt area, and at this time the owner of the facility wants to do a dry cleaner. The only change that's really taking place is that it's gone from a dental office to a dry cleaner.

The parking, back when it was a bank, had the same parking basically. It was twelve parking spots. This is now going to be fourteen parking spots.

Basically there are no changes to be made other than adding some plants, some flowers in and around the flag pole and locating the

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273 ROUTE 17K

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dumpster. That's the only changes to be made.

The rest of the changes will require a building permit. There will be interior changes in the building. The building itself will occupy -- the building will be occupied by the dry cleaner with three employees total. Most of it is automated and will take up most of the other space other than the front counter.

CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members. Frank Galli?

MR. GALLI: At the meeting, Ron, that was just brought up about having the opening at Arbor Drive open back up, that's not going to open up the driveway there for Arbor. Where is the curb cut? I think he's aware of it. John Ward was concerned about having that opened up. He wants it open.

MR. COSENTINO: I think we're showing that with parking. That would be opened up.

MR. GALLI: That's it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I don't have anything.

CHAIRMAN EWASUTYN: Ken Mennerich?

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273 ROUTE 17K

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MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Any comments from
Jerry Canfield, Code Compliance?

MR. CANFIELD: We have no additional
comments.

CHAIRMAN EWASUTYN: Pat Hines, Drainage
Consultant?

MR. HINES: We have no comments. There
are no exterior improvements to the site.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: Just a couple notes. There
is a front yard setback, a pre-existing
condition, of thirty-three feet where forty is
required in this zone. They're not increasing
the level of nonconformity so I don't believe any
action is needed, I just wanted to note that.

This is a Type II action so no SEQRA is
going to be necessary.

This will need to be referred to the
Orange County Planning Department.

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273 ROUTE 17K

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Since you are thinking about opening up the curb cut I think we'll send it to the Town highway department also.

CHAIRMAN EWASUTYN: As Bryant Cocks said, it's under 2,500 square feet which makes it exempt from SEQRA, so we don't have to make a determination on that.

You'll provide plans to Bryant Cocks and we'll send it to the Orange County Planning Department. Under 239-M of the Municipal Law we can't take action on this within the next thirty days until we hear back from the County.

I'll make a suggestion to the Board that once we hear back from the County, then we'll schedule this for Board Business and act on it accordingly so you won't -- we'll notify you when it's on Board Business but you won't have to take the time to come forward on this.

MR. COSENTINO: Thank you very much.

MR. BROWNE: It might be worth noting in the minutes that we discussed the operations as a dry cleaner and the chemicals they use and that kind of thing. I think Bryant had some detail on that that might be worth mentioning for

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273 ROUTE 17K

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a couple minutes.

CHAIRMAN EWASUTYN: Jerry Canfield.

MR. CANFIELD: I'm sorry, Cliff?

MR. GALLI: The chemicals with the dry
cleaning.

CHAIRMAN EWASUTYN: Maybe can you speak
on that.

MR. COSENTINO: Basically it's
biodegradeable materials. It's a closed system.
There are no escaping vapors. There's nothing
that's put into the drainage system and things of
that nature. It's a closed system with
biodegradeable materials. It's really not toxic
at all.

CHAIRMAN EWASUTYN: Jerry, do you want
to add to that?

MR. CANFIELD: No. I concur. In the
work session we discussed pretty much exactly
that, the green type of material that's used and
the closed system. We have no issues with it.
It has been reviewed by the building department,
myself, and we have no outstanding concerns.

MR. BROWNE: I just thought it would be
appropriate to make sure those comments were in

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273 ROUTE 17K

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the minutes.

MR. DONNELLY: Implicit in the way you propose to handle it is a waiver of the public hearing.

CHAIRMAN EWASUTYN: Under site plan approval the Planning Board has discretion to hold public hearings, or, if they choose to, not to have a public hearing. I believe the public hearing was held on this as far as the rezoning went. Correct?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: So there had been public input at the time. I'll move for a motion from the Board to see if they want to have a public hearing. Frank Galli?

MR. GALLI: No.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. FOGARTY: Yes.

MR. WARD: No.

CHAIRMAN EWASUTYN: Myself no.

At this point if you can get plans to Bryant Cocks, he'll circulate to the Orange County Planning Department. I repeat myself,

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273 ROUTE 17K

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they have thirty days to respond so it's safe to say at this point we may be able to have it on our meeting under Board Business on October 15th providing we get a response back from the Planning Department. If not, then we'll be in November.

MR. COSENTINO: Okay. Thank you.

How many copies?

MR. COCKS: Just two, the Planning Department and the highway.

MR. COSENTINO: Thank you very much.

(Time noted: 7:26 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 8, 2009

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

----- X
In the Matter of

VERIZON WIRELESS CO-LOCATION
(2009-8)

Newburgh Mall Monopole
Section 60; Block 3; Lot 35.1
IB Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: September 17, 2009
Time: 7:26 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: CLIFFORD ROHDE

----- X

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VERIZON WIRELESS CO-LOCATION

MR. BROWNE: The next item of business we have on our agenda is a site plan and special use permit for Verizon Wireless co-location at the Newburgh Mall monopole. It's being represented by Tectonic Engineering.

MR. ROHDE: My name is Clifford Rodhe, I'm an attorney with the law firm of Cooper, Erving & Savage and we represent Verizon Wireless in this project. I'm also here with Michael Orchard who is with WFI which is Verizon Wireless' site acquisition coordinator for this project.

I'll turn this just a little bit so the Board can see it a little bit better anyway. You have this picture in your materials, although it's in black and white.

Thank you for having us here tonight. Verizon Wireless, or more specifically Orange County Poughkeepsie Limited Partnership doing business as Verizon Wireless is a public utility in the State of New York and we are proposing a communications facility here in the Town of Newburgh.

This is an existing monopole that

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exists over by the Newburgh Mall. There are three levels of panel antennas on there currently, and we are proposing to go below the lowest level and become the fourth tenant up on the tower.

The way that Verizon Wireless approaches these projects is first need is identified. There's a very clear need for this project to remedy coverage and capacity problems that Verizon Wireless is experiencing in this area. It's in part other projects that are going up around in this region. I'm sure I don't have to tell you this region is absolutely booming. With more people comes more cell phone usage. Indeed there's just more cell phone usage generally, whether it's for voice or data.

So we're here seeking special use permit and site plan review. We know that -- we believe we have to go to a public hearing after this presentation today, and so we're hopeful that the Board will grant our request.

We've submitted a fair amount of information to date. I see a few of you have the big report in front of you. Most recently we

1 submitted a consolidated copy of all the
2 materials that have been submitted thus far to
3 the Board. We initially made a submission in
4 April. Your telecommunications consultant, HDR,
5 responded to that. We provided supplemental
6 information after that responding to HDR's
7 concerns and then consolidated that into one
8 document and provided that to the Board at the
9 end of August. We believe that we do have a
10 complete application.
11

12 We, of course, would appreciate any
13 direction from the Board if you believe there's
14 any information that is missing.

15 Again just to sum up the project
16 generally, it's an existing 150-foot monopole
17 tower. The ability to co-locate or put your
18 facilities on other people's towers is an
19 industry standard practice. It's desired by
20 Verizon Wireless and all the other carriers. It
21 limits the number of towers you have in the Town,
22 and indeed your zoning law encourages co-location
23 over the building of new towers.

24 What happens is we put up panel
25 antennas on here. This shows four but there are

1
2 actually three different sectors that would go up
3 or three different faces of antennas if you will,
4 four antennas per sector for a total of twelve
5 antennas. There are two eight-foot antennas, two
6 six-foot antennas per sector. They're at a
7 center line height which is right in the center
8 of the antenna at 117 feet. You can see the more
9 general plan right here of the site itself. This
10 is -- these facilities here are existing. If you
11 have antennas of course you need communications
12 equipment that allow those antennas to speak to
13 wireless devices, and so cables would run from
14 the antennas down the pole, across a cable bridge
15 to an equipment shelter which we are also
16 proposing to install. It's a twelve by thirty by
17 ten foot high prefabbed shelter that sits on a
18 concrete pad. This doesn't show it. I don't
19 know -- I don't think we have it. In your plans
20 you'll see what it looks like currently. We have
21 to come out a little bit. This is currently a
22 gravel parking area I believe by and large, and
23 so we just need to move the space. There's a
24 propane tank here which provides backup
25 generation capability to the equipment in case of

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sustained power outage.

There are currently two trees with an existing trunk diameter of about fourteen inches that are right here. We would remove those to put the shelter in, and then we're proposing to replace those with two trees of I think a six-inch diameter out here.

Just to I guess emphasize that with this co-location, this isn't what's considered to be the highest priority kind of siting for the Town. We think it's a win-win for everybody because there is no need to construct a new tower here.

So we would be absolutely willing to entertain any questions. Your consultants I know may have some questions.

CHAIRMAN EWASUTYN: At this point we'll turn to Mike Musso, our Telecommunications Consultant, to give us an overview of the history and where we are with the application for a special use permit and site plan.

MR. MUSSO: Mr. Chairman, Members of the Board and members of the public, thanks for having me here tonight. I'm Mike Musso of HDR

1
2 for the record, Wireless Consultant, Town of
3 Newburgh.

4 The applicant rep tonight gave a good
5 overview of the proposed project that's at hand
6 here, an existing monopole currently housing
7 facilities of Sprint, T-Mobile and AT&T. Verizon
8 is proposing to be the fourth array on the
9 monopole at 117 feet.

10 It's important to note aesthetically
11 there's no lighting, or no appreciable -- no
12 increase in height in the monopole, and certainly
13 the Verizon antennas, their dimension and their
14 scale could be blended in with what is existing
15 on the pole right now. As part of our review
16 HDR looks at the need for the site and the
17 justification. We also looked at the structural
18 assessment and the structural integrity of the
19 existing pole. We asked for information on the
20 radiofrequency emissions, incorporating not only
21 the proposed Verizon but also the other three
22 providers that are out there. It's always a
23 question we would like to get answered.

24 The long and short is we found no major
25 issues with this. We feel that the application

1
2 is complete with the supplemental information
3 that was provided in August. I felt that the
4 applicant was very responsive to our requests.

5 Specifically we did some updating of
6 the structural analysis with Tower Industry
7 Associates guidelines version F to a newer
8 version G which is more updated. They also
9 provided some additional information, not only on
10 the coverage that's needed but the traffic or
11 capacity that happens. As we spoke at work
12 session, this is a very busy area along two
13 interstate highways. So we do feel that the
14 facility is justified, and we feel that the co-
15 location is certainly reasonable considering the
16 Town ordinance. As mentioned, the preference to
17 use existing structures over new structures.

18 Our report of September 14th which you
19 have in hand does highlight a few
20 recommendations. I'm not going to go over all of
21 them. Certainly a couple things I wanted to
22 bring up. The landscaping plan. It was noted
23 that two of the existing pines are going to be
24 taken out due to the new compound that's proposed
25 as part of Verizon. They are looking to replace

1 a little larger caliber trees. I've asked the
2 landscape architect to review our report. She
3 has a copy of that. Unfortunately she's not here
4 tonight but I believe that she could weigh in on
5 the existing compound. This Board had reviewed
6 the site a couple years ago and Ms. Arent had, I
7 think, some good comments regarding landscaping.

8
9 I also noted that our structural
10 analysis we feel is complete. We're comfortable
11 with the integrity of the pole to support the new
12 facility if approved.

13 One of the things noted in our analysis
14 was a TIA, Tower Industry Associates, inspection
15 should be done top to bottom. That actually has
16 been conducted by the applicant. It has been
17 conducted in August, August 3rd. So during the
18 time between the April submittal and the August
19 supplemental submittal there was some additional
20 information that's been done. So that
21 recommendation I think has already been taken
22 care of in my view. The tower has been inspected
23 by Crown Castle who is the operator of the tower.

24 Other than that, the radiofrequency
25 emissions are well below the maximum permissible

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exposure level which is a health-based level.

We really have no further comments at this point.

CHAIRMAN EWASUTYN: Comments from the Board Members. Frank Galli?

MR. GALLI: No. Mike covered everything pretty thorough.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I agree. I'm looking forward to some input from Karen Arent, our Landscape Architect.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I have a question on the propane tank, what that's being used for.

MR. ROHDE: A generator.

MR. MENNERICH: Emergency generator? Not for heat, just an emergency generator?

MR. ROHDE: That's correct.

MR. MENNERICH: Did you investigate connecting to natural gas? I think natural gas is in that area.

MR. ORCHARD: I have to look. Usually natural gas is the preference. I'll say we probably looked at that as a first option.

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VERIZON WIRELESS CO-LOCATION

Generally speaking we prefer natural gas than propane.

MR. MENNERICH: I wondered because the other carriers don't have generators. Do they not have generators there?

MR. ORCHARD: Some do, some don't.

MR. MUSSO: I think there's at least one other tank there.

MR. MENNERICH: You may want to check on that natural gas. It does go to the mall. I think it runs right down that road.

MR. ROHDE: Certainly we'll look into that.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I was just wondering, how much does this unit weigh that's going to go up on the pole?

MR. MUSSO: The antennas?

MR. FOGARTY: Right.

MR. MUSSO: I would have to look in detail at the structural analysis. I'll just give you some general discussion on it. As the applicant rep noted tonight, there's four antennas that cover 360 degrees. Those antennas

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are approximately four-and-a-half feet by about seven or eight inches wide and maybe five or six inches thick in general terms with much electric equipment installed inside.

I don't know if you happen to know the dead load of those.

MR. ROHDE: We might for the antennas themselves.

MR. FOGARTY: Would this be the last units being put on this pole? Is it at capacity? I mean there was a comment in here from this Patrick Lawlor that it's at 97 percent of capacity. I'm just wondering, does this do it? I mean is this at the limit?

MR. MUSSO: Well certainly this is what Verizon is proposing, the antennas and also the cables that would run inside the pole which add a load to the entire structure. If there is any -- this is one of your comments here. If Verizon is approved on this and if they ever do want to come back, they would have to come in front of this Board at least to make sure those issues are taken care of, that they're not overstressing the pole itself. Typically monopoles of this height

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are designed for about a three or four-carrier scenario. You make a good point. If this application is approved it is going to encroach on the structural capacity of the tower. If there's anything proposed in the future by Verizon, and certainly if another carrier comes along, they would have to go through those calculations and they would have to be revisited again.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: What sometimes happens, I remember reading these reports, the height -- if it falls below a certain height then it's not effective in serving the needs.

MR. MUSSO: That's right. Not quite but a good way to visualize this is when you're thinking about the coverage, it's line of sight. You think of the existing Valley View Drive tower located to the north. This is an ample height that it could communicate well and effectively with that and go to sites that are further south and east also. But yeah, there is a limit down that pole where it's just not effective, it's not getting above the topography or tree line.

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VERIZON WIRELESS CO-LOCATION

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I was concerned about security wise, like fenced in and all that, the propane. All it needs to do is blow up and there goes all your system. Is there anything surrounding it, fenced in, protected?

MR. ROHDE: It's fenced in.

MR. MUSSO: The sites are -- it's hard to see on this drawing but there's independent locks and gates. The one main access point now -- this is the existing area here that I'm circling with my finger. The access gate here, I believe there's several locks for the three carriers that are inside. Verizon will mimic that chain-link fence, security fencing, six foot, and certainly my experiences are secure areas.

One of the recommendations does ask that the applicant ensure that there's proper signage that's on there, the FCC type signage that should be on the outside of the area.

Moreover though, the compound itself, which is going to be sitting in the area, is a

1 locked, secure structure itself. Verizon is a
2 little bit unique in that they also have
3 structures. Some of the other guys that are
4 there now, they're actually slab on grade. The
5 individual cabinets are weatherproof. Verizon
6 has everything contained within one structure.
7

8 MR. FOGARTY: I think currently there's
9 a four-foot fence. That's going to be replaced
10 by a six-foot fence?

11 MR. MUSSO: I believe it's six foot
12 here. That would come out --

13 MR. FOGARTY: It might be six foot now.

14 MR. MUSSO: It's the perimeter that's
15 being expanded. The access drive to the mall
16 access road is not being affected. Notably
17 there's a thirteen-by-fifteen foot turnaround
18 area which I think is going to help all carriers
19 to get in and out of the long drive.

20 CHAIRMAN EWASUTYN: Additional comments
21 from Board Members?

22 MR. GALLI: Just basically the comments
23 from Karen because the site does need to be
24 cleaned up.

25 CHAIRMAN EWASUTYN: Ken Mennerich?

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VERIZON WIRELESS CO-LOCATION

MR. MENNERICH: Is the generator located in the building?

MR. ORCHARD: It's enclosed. Yup.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultand?

MR. COCKS: No further comments.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: I have nothing further.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Nothing.

CHAIRMAN EWASUTYN: In the original correspondence, Mr. Rohde, you mentioned the fact that you're sending an additional complete package to Bryant Cocks to facilitate the Orange County Planning Department. We thank you for that.

The action before us this evening is for Bryant Cocks to circulate to the Orange County Planning Department. We're going to -- we can't make any SEQRA determinations until we hear back from the Orange County Planning Department, but we will proceed with setting the 15th of October for a public hearing.

Bryant, if you make yourself a note to

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VERIZON WIRELESS CO-LOCATION

contact Mike Fogarty, the assessor's office, to receive a mailing list for that and make that available to Mr. Rohde --

MR. COCKS: Absolutely.

CHAIRMAN EWASUTYN: -- and to confirm the correct time to get this mailing in to both newspapers so it will be properly noticed.

Additional questions or comments?

MR. ROHDE: Not actually about this project.

CHAIRMAN EWASUTYN: I said we won't discuss that this evening. If you would honor that. Thank you.

MR. ROHDE: Thank you very much.

CHAIRMAN EWASUTYN: I have no way of working with that. That's why I said we'll continue to work on it.

MR. ROHDE: It was more of a process question than substantive. That's fine. Thank you.

CHAIRMAN EWASUTYN: Mike will be able to speak to you at a later time. I don't think he's in a position to speak to you about that now. Not here.

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VERIZON WIRELESS CO-LOCATION

MR. ROHDE: That's fine. Thank you,
Mr. Chairman, Members of the Board.

(Time noted: 7:44 p.m.)

(Time resumed: 7:57 p.m.)

MR. GALLI: Did we vote on that one
before?

CHAIRMAN EWASUTYN: We can do that.

I'll move for a motion to set the 15th
of October for a public hearing for the wireless
co-location of the Newburgh Mall monopole.

MR. GALLI: Verizon Wireless. 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. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: And myself yes.

Thank you, Frank. I realized that
after we did that.

(Time noted: 7:58 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 8, 2009

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

----- X
In the Matter of

OMNIPOINT COMMUNICATIONS, INC.
(2008-06)

39 North Plank Road - Mid-Valley Mall Water Tank
Section 75; Block 1; Lot 11
B Zone

----- X

SITE PLAN & SPECIAL USE PERMIT

Date: September 17, 2009
Time: 7:45 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
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOUG WARDEN

----- X

MICHELLE L. CONERO
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Wallkill, New York 12589
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OMNIPOINT COMMUNICATIONS, INC.

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MR. BROWNE: The next item of business we have is another site plan and special use permit for Omnipoint Communications, 39 North Plank Road, Mid-Valley water tank being represented by -- your name, please.

MR. WARDEN: My name is Doug Warden.

MR. BROWNE: Okay. Very good. Thank you.

MR. WARDEN: Good evening. I'm Doug Warden and I'm an attorney with the law firm of Snyder & Snyder. I'm here tonight on behalf of T-Mobile Northeast, formerly known as Omnipoint Communications. They had a name change relatively recently.

Specifically I'm here to respectfully request a public hearing date be established with respect to T-Mobile's pending application to locate a wireless telecommunications facility on the existing water tank at 39 North Plank Road and to give you a sense for what we are proposing.

There's an existing water tank there. We're proposing to locate twelve panel antennas around the perimeter of the water tank. The

1 panel antennas are each fifty-three inches tall,
2 thirteen inches wide and three inches deep, and
3 they'll be mounted flush against the side of the
4 existing water tank. So the idea is that it
5 won't -- by mounting them flush against the side
6 as best we can we're not going to be increasing
7 the horizontal profile of the existing water tank
8 and creating additional unnecessary visual
9 intrusions into the area. Likewise, we're going
10 to be mounting these twelve panel antennas at a
11 height significantly below the top of the water
12 tank. It's a 140 foot water tank as presently
13 contained, and we are proposing to a height of
14 128 feet above ground level. So that's sort of
15 right on the facade. Again the idea is we don't
16 want to increase the profile, increase the visual
17 and aesthetic intrusiveness of the facility.

19 I do note that I believe Nextel was
20 recently approved for four antennas on the top of
21 this very same water tank, but we're proposing a
22 different configuration. We're not proposing to
23 raise or increase the profile of the tank.

24 The application also calls for the
25 location of additional equipment in the form of

1 equipment cabinets at the base of the tower.
2
3 Some carriers use equipment shelters, we use
4 equipment cabinets which themselves are locked
5 and which will be located within a locked fence.
6 The existing fence around the base of the tower
7 is about four feet tall. We would like to
8 replace that with a twelve-foot fence which will
9 be locked. The application also involves
10 telecommunications for the utilities and power
11 cabinets at the base as well.

12 If I might give you a little bit of
13 history. You may already know. I apologize if
14 this is ground already covered perhaps at work
15 session. I was here about a year ago, in August
16 of 2008, on behalf of then Omnipoint
17 Communications, now T-Mobile. At that time we
18 were seeking to fill this exact same significant
19 gap in Omnipoint's coverage on the site. Our
20 proposal at that time was, you might recall, 140
21 foot stealth flagpole. The idea was we were
22 going to create this large flagpole 140 feet tall
23 located -- the address was 5020 Route 9W. We
24 were going to have our antennas hidden. The
25 Board had some concerns at that time and they

1 voiced them. I think if the Board remembers,
2 they were concerned about the impact or about the
3 proximity to a historic golf course which adjoins
4 the property, and they felt that the proximity of
5 that large flagpole would have an adverse effect
6 on the important -- on this important cultural
7 and aesthetic resource, and so the Board had two
8 suggestions. The Board suggested, one, we could
9 move the flagpole on the property, which is
10 something we couldn't do because the landlord
11 just wouldn't allow it, or the Board suggested
12 look for another site. Specifically the Board
13 had indicated that an ideal other site would be
14 the water tank that we're here tonight on. So,
15 you know, I'm pleased to report after a year of
16 negotiations with a previously unresponsive
17 landlord, we were able to get a lease on this
18 preferred site. I think as the previous
19 applicant mentioned, the Board -- the Town has a
20 wireless law which includes this hierarchy of
21 preferred sites, what are the best and most
22 preferred sites. I believe that because we are
23 co-locating, that is locating on a site with
24 another carrier which is an existing tall
25

1 structure, it doesn't require us to make a new
2 tall tower, that this is the most preferred type
3 of site in the Town's wireless law. I hope the
4 Board will consider this application favorably as
5 a result of that.
6

7 That's really all, you know, I have to
8 present for this evening, although I of course
9 would like to make myself available to answer any
10 questions that the Board may have.

11 CHAIRMAN EWASUTYN: Thank you. As we
12 had completed earlier with the Verizon Wireless
13 communication, we'll have Mike Musso, our
14 telecommunications expert, speak to us on behalf
15 of your application.

16 MR. MUSSO: For the record, Mike Musso
17 from HDR, Wireless Consultant, Town of Newburgh.

18 I'm glad to report, and I don't know if
19 I should say that, regarding the co-location
20 that's coming together as part of this
21 application that's in front of you tonight for
22 the first time. You have heard of this
23 particular application but this is a revision to,
24 as the applicant rep stated, co-locating near the
25 top of the existing Mid-Valley Mall water tank.

1 The concept plan is to cover 360 in all
2 directions covering Route 9W, Route I-84 and
3 commercial, residential and institutional
4 properties on and off those corridors. There
5 will be a series of, instead of three like you're
6 used to seeing, four arrays to cover that area.

7 As noted, there's no increase in height
8 to the water tank. There is an approval on top,
9 Nextel, but it has not been constructed yet.

10 We have been through the application.
11 We feel at this point it is complete. We're
12 looking at some of the same points we noted,
13 needing justification of the site. We already
14 reviewed that when we were reviewing the other
15 application at 5020 Route 9W. We'll be looking
16 in detail at this structure. We do have a
17 structural report that we received. We haven't
18 finished our review on that but we'll do so.
19 We're looking at the radiofrequency emissions
20 which we're aware of or have a very good concept
21 of when we reviewed the Nextel application a few
22 years ago, and some of the other ancillary items
23 that we typically look at for wireless.

24 At this point HDR is working on its
25

1 review report. It will be a letter report to
2 you. At this point, as I mentioned, I see no
3 outstanding issues. We feel we have a complete
4 application. There may be some minor back and
5 forth between myself and the applicant's
6 representative just to confirm a couple things.
7 I think in general they've done a good job of
8 submitting all the major points, radiofrequency,
9 structural, we have some photo simulations in
10 there that you can look at, the antennas, how
11 they would look from different perspectives.
12

13 Again, no further comments from me
14 tonight.

15 CHAIRMAN EWASUTYN: Frank Galli?

16 MR. GALLI: No additional comments.

17 CHAIRMAN EWASUTYN: Cliff Browne?

18 MR. BROWNE: Basically it looks pretty
19 good to me. Just the color of the antennas will
20 be similar to the tank?

21 MR. WARDEN: They'll match.

22 CHAIRMAN EWASUTYN: Ken Mennerich?

23 MR. MENNERICH: I'm glad to hear that
24 this will work at this site.

25 CHAIRMAN EWASUTYN: Tom Fogarty?

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OMNIPPOINT COMMUNICATIONS, INC.

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MR. FOGARTY: I think it's a great use of the water tower that's no longer a water tower. It's a good use for it.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: With the other project we were talking a generator. Is there a generator for this one? Is there a backup?

MR. WARDEN: We're using existing utilities. I don't think that we have a backup generator.

MR. WARD: That's why I'm asking. If something --

MR. MUSSO: There's a total of -- this area over here, which I was also glad to see the applicant incorporated what was approved for Nextel but hasn't been built yet. This hasn't been built yet. They put some thought on the approved uses of this water tank. Essentially I think there's three equipment cabinets. Omnipoint/T-Mobile, their ground based equipment is a little bit smaller than some of the other carriers. What I've read about it is to tie into existing utility lines. There's some battery backup within these cells that they use. There's

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no major need for emergency generation purposes.

MR. WARD: As long as there's something there. Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I have nothing at this time.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: Just to note this will also have to be forwarded to the Orange County Planning Department for their review.

CHAIRMAN EWASUTYN: You'll make it a point of getting copies to Bryant Cocks and he'll circulate to the Orange County Planning Department.

MR. WARDEN: Yes, sir. A complete application?

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: All right. At this point I will make a motion to set the 15th of October for a public hearing.

MR. MENNERICH: So moved.

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MR. FOGARTY: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes.

If you'll work with Bryant Cocks, our Planning Consultant, as far as receiving the mailing and circulating to the Orange County Planning Department, then we'll work jointly to reach the goal of having a public hearing on the 15th of October.

MR. WARDEN: I'll also work with Mr. Musso to respond to any additional --

CHAIRMAN EWASUTYN: I would hope so. Thank you.

MR. WARDEN: Thank you all for your

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OMNIPOINT COMMUNICATIONS, INC.

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time.

(Time noted: 7:57 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 8, 2009

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

----- X
In the Matter of

QUARTERLY SITE INSPECTIONS

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 7:58 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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QUARTERLY SITE INSPECTIONS

MR. BROWNE: Under Board Business we have several items. The first we discussed is we set the quarterly site inspections for October 10th at 7:30 a.m., to meet at the Town Rec Center.

(Time noted: 7:58 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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STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD

----- X
In the Matter of

THE POLO CLUB
(2006-09)

Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 7:58 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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THE POLO CLUB

MR. BROWNE: The next item is the Polo Club. Extension of preliminary approval expires September 29, 2009. They're asking for a six-month extension which would run until March 29, 2010.

CHAIRMAN EWASUTYN: I'll move for a motion to grant an extension of preliminary approval for the Polo Club.

MR. FOGARTY: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 7:59 p.m.)

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

----- X
In the Matter of

DRISCOLL SUBDIVISION
(2005-46)

Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: September 17, 2009
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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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DRISCOLL SUBDIVISION

MR. BROWNE: The next item under Board Business is the Driscoll Subdivision, extension of preliminary approval which expires September 29, 2009. They're requesting a six-month extension which would run until March 29, 2010.

CHAIRMAN EWASUTYN: I'll move for that motion, to grant the extension of preliminary approval.

MR. MENNERICH: So moved.

MR. GALLI: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

(Time noted: 8:01 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 8, 2009

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

----- X
In the Matter of

SONIC SITE PLAN
(2009-25)

Comments to New Windsor Planning Board

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 8:01 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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MR. BROWNE: The next item of business under Board Business is the Sonic site plan, New Windsor Planning Board application, which would be adjacent to the Wal-Mart.

CHAIRMAN EWASUTYN: We reviewed that during our work session. The Planning Board at this time will turn to Bryant Cocks to give us a review of the comments that we're going to be sending to the Town of New Windsor Planning Board.

Bryant, a summary of that.

MR. COCKS: Sure. We're going to ask them to take a look at landscape architecture around the building, and also to have a registered landscape architect look at the plans as previously requested when we worked with the Town of New Windsor. We're going to look at the architecture being compatible with the adjacent building, which is the Hudson Valley Credit Union, looking for the visual impacts. We also want to look at the visual impacts from the canopy including the height, and also the signage which is proposed on the canopy, and if there's going to be any additional signage, like a pylon

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sign or something. We want to look at traffic thresholds and if it's going to be within the original thresholds looked at in the D.E.I.S. for Wal-Mart, and also to look at the possibility of putting stonewalls to screen cars to match the corridor that's going to be put in with the Shoppes at Union Square and South Union Plaza.

CHAIRMAN EWASUTYN: Any additional comments from Board Members in addition to that?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Bryant, when you said that, are you going to send some sketches or something of the plans you referenced so they know what they're looking at as far as the stonewalls and architecture?

MR. COCKS: I can do that.

MR. BROWNE: Would that be appropriate?

MR. HINES: I can provide them to Mark Edsall.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing.

MR. FOGARTY: None.

MR. WARD: No.

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CHAIRMAN EWASUTYN: Okay.

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

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

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

----- X
In the Matter of

NEXTEL NY
(2006-61)

Extension of Preliminary Approval

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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CHAIRMAN EWASUTYN: Let's skip that item and go on to -- only because they're here now and for the length -- I wasn't going to expect them to give a formal presentation. I wasn't expecting a formal presentation. You just said you were looking to review it. Let's go on to the next two since that will take up more time than we had planned so we can complete those.

MR. BROWNE: We'll come back to Orchard Hills. The next would be Nextel, an extension of their preliminary approval which expires on August 6, 2009.

CHAIRMAN EWASUTYN: They're asking for a one-year extension, so that would bring it to August 6, 2010.

Mike, that's fine?

MR. DONNELLY: I don't have any problem with that. I think this is Mid-Valley Nextel. In some corners there's been some confusion over this and the Newburgh Mall project.

CHAIRMAN EWASUTYN: I'll make a motion to grant an extension to August 6, 2010 for the application of Nextel New York at the Mid-Valley Mall location.

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NEXTEL NY

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MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Bryant, in all cases you'll make it a point of sending out a letter to these applicants.

MR. COCKS: Yes.

CHAIRMAN EWASUTYN: Thank you.

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

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

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

DATED: October 8, 2009

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

----- X
In the Matter of

DRURY HEIGHTS
(1994-14)

Extension of Final Approval

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 8:04 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
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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

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DRURY HEIGHTS

MR. BROWNE: The next item is Drury Heights, extension of final approval. It currently expires on September 28, 2009. They're asking for a ninety-day extension which would run until December 28, 2009.

CHAIRMAN EWASUTYN: They're in the -- Mike, do you want to talk about this at all?

MR. DONNELLY: No. I think -- Bryant, if I understand it, they're getting close to having the conditions satisfied. I had some correspondence today but this is a relatively short --

CHAIRMAN EWASUTYN: The list from Brian Brooker's office. That is what's occurring and they're satisfying some of the contractual requirements.

MR. DONNELLY: Conditional final gets a hundred and eighty days. You're permitted to give two additional ninety-day extensions not to exceed three hundred and sixty days. They're requesting only the first ninety-day extension. That is the December 28th day.

MR. HINES: Just to clarify, in their September 15th letter it states they're at County

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DRURY HEIGHTS

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Planning Department. I think they're actually at the Health Department.

CHAIRMAN EWASUTYN: The Health Department. They were saying they had some notes to put on there to satisfy that. Thank you.

I'll move for a motion to grant a ninety-day extension for Drury Heights which would run until December 28, 2009.

MR. BROWNE: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

(Time noted: 8:05 p.m.)

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

----- X
In the Matter of

ORCHARD HILLS
(2003-41)

Update on Final Development Plan and
Ownership of the Units

----- X

BOARD BUSINESS

Date: September 17, 2009
Time: 8:05 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
KENNETH MENNERICH
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

MICHELLE L. CONERO
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ORCHARD HILLS

MR. BROWNE: Orchard Hills, we're going to have an update on the final development plan and ownership of the units.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties. There's nothing new to show you. This is as far as the plan itself, the layout. I just brought this so we can point to it.

I thank you for letting us speak this evening. I know this is not your normal procedure. I thank you in advance for the patience you've had over the years. There have been many different versions of this and changes we've been through and generations over the last couple years. I was going back through the file recently and I revisited how long it's been and how many changes and how many different versions we had.

We wanted to be here tonight because we finally, I think, have a significant commitment from a significant buyer and we wanted to tell you guys as soon as we knew and we're able to do that. He's a significant builder in the area. He has the financial backing to complete the

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ORCHARD HILLS

project, we're fairly comfortable with that, and we believe this is going to go forward finally once and for all. You won't get to see me for a few months.

MR. DONNELLY: So there is some good news.

MR. WEINBERG: Maybe.

MR. WINGLOVITZ: It's not over until it's over.

The buyer will be developing the parcel as one piece. There will be no more need for subdivision. We're back to a similar scenario we were last summer where these will be the apartment flats, these will be townhouses for rent. It will all be under one ownership umbrella. No need for two lots, no need for a homeowners association, cross easement, so on and so forth. All that goes away.

We are looking at, since it will be for rent, putting back in dumpster locations. It will be for rent like we had previously. It doesn't appear on this plan but that's something we looked at doing and are coordinating the location of.

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Again, these will be the flats, these will be townhomes. They will be built as one and two-family in accordance with that section of the building code but they'll be for rent.

What we're asking, I guess at this point, is to get sent for a consultant work session to kind of work through it. There were a lot of conditions in the SEQRA document findings, in the approvals that we've had over the years. We wanted to work through those with your consultants so that we can kind of clean it up for what would be the final scenario we believe.

CHAIRMAN EWASUTYN: And we'll hear from others as far as their comments as part of the motion to set this for the next available date for a consultants' meeting. I think the Board would appreciate a summary or bullets of what those items are that you'll be preparing to discuss at that meeting because, as you know, the history of this project, it's been lengthy and now that we're down to that, a written document.

MR. WINGLOVITZ: We have that pretty much prepared. We'll get that to the Board.

CHAIRMAN EWASUTYN: So it can be part

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ORCHARD HILLS

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and parcel of what will be discussed. I think that's very important.

At this point I'll turn to Board Members for their general comments. Frank Galli?

MR. GALLI: I heard you're selling it off. You're not going to develop it yourself?

MR. WEINBERG: That's correct. I have a bonifide purchaser at this point who is looking to develop this as a single entity.

MR. BROWNE: Has the unit count changed?

MR. WEINBERG: The same number of units.

MR. BROWNE: Hopefully we've done everything so that when it is sold to the new owner, that everything we've done will in fact carry through properly the way we envisioned it. When we do this I would expect our consultants would make sure that what's documented will carry through.

MR. WINGLOVITZ: There's a developers agreement that we're preparing to be entered into and assigned to the new owner. I think that's --

MR. WEINBERG: Just too, I have met

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with the Town Attorney and Town Engineer to bring them up to speed in terms of what documentation we would need from them. They've asked to coordinate the approvals and conditions, okay, so it's seamless between the Planning Board and the Town Board so that we can get all of the conditions and all of our expectations into a document that's clear and concise. I think they have the same concern as you do, and the potential buyer has been given all of our plans, all of the specs and everything that we had previously discussed.

MR. WINGLOVITZ: The Findings Statement, all the previous approvals.

MR. WEINBERG: They have done their due diligence and the representations I can tell you is what we've said we've given to them. We're with you, we want to put it on and require them to do it, too.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Can you tell us if the buyer of the project is a builder that's worked in the Town of Newburgh before?

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MR. WEINBERG: I don't believe so. It's a combination of several different entities if you will. The builder is a Dutchess County builder who has joint venture partners. He will be coming in to talk to you eventually. I don't feel comfortable talking about it until -- he has joint venture partners. The way to make this deal make the most sense is -- I believe one of his partners is a major excavating company who is involved in the transaction also which helped him tremendously in terms of the bonding capabilities and the rest of it.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I don't know if you can tell me this. In the conversations with the new buyer has there been any discussion insofar as when he would like to develop this property?

MR. WEINBERG: Yes.

MR. FOGARTY: Does he want to do it in a timely fashion?

MR. WEINBERG: Thank you for mentioning that. Yes. His funding and his concept is to do it immediately. We are attempting, and I don't know if it can get done because it's a lot of

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work and it's -- we have to move a lot of approvals through, but he and the funding -- we'd like to close before the end of this year. The funding is part of I'll call it the stimulus package. It was designated money that helps if it's used this year. It doesn't preclude it next year but they have to go through additional steps if he goes next year. So they're trying. That was one of the reasons why I went to the Town Board, to see what requirements they have to see if I can expedite some of those concerns that may take longer than the Planning Board. So I've gotten some good response from the Town Board, the supervisor who said we'll do what we can to see if we can expedite this. So the answer to you is as soon as possible, and they're prepared to move it very quickly.

MR. FOGARTY: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question is since you're back and forth whether it was rental, condos and all this, and you want everything approved going with what was approved, if a builder comes in to take it over like that, we really don't know if

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it's rental or condos. It's like I don't understand -- how would you put it? How can it be -- you say you have rentals and you have more people going two stories compared to a condo and one family. What I'm trying to say is you've got approvals for a lot of things but there's no set ground of what the buildings are going to be.

MR. DONNELLY: What they are asking for now, John, and recognize why this will be a big change, is to return to straight rentals. That means there cannot be condominium ownership because there is no condominium association. This will be owned by an entity that will forever be in charge of all the ongoing maintenance and they'll rent units outward.

MR. WARD: One landlord?

MR. WEINBERG: One landlord.

MR. WARD: That's the answer.

MR. WINGLOVITZ: Your exact question.

MR. BROWNE: The however is that that one section will be built as condos.

MR. DONNELLY: It will be built in townhouse style but they will be rental units.

MR. BROWNE: Right. Physically they'll

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be built as --

MR. WEINBERG: Townhouses.

MR. DONNELLY: Yes.

MR. WEINBERG: We're differentiating the term. Townhouse meaning a unit up and down, the architectural style. From the building code standpoint it will be a single-family house versus a condo meaning the type of ownership. Not anything else but that. So there will be no condos but there will be a townhouse.

CHAIRMAN EWASUTYN: Additional comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: I have one question. Since it falls under the stimulus package -- I assume this is Federal money. The fact that it's Federal money, do they have to meet any criteria as far as income levels?

MR. WINGLOVITZ: No.

MR. WEINBERG: No, there's no income level. These are market rate rental units.

CHAIRMAN EWASUTYN: All right. So when is your next available date for a work session?

MR. COCKS: It's this Tuesday, the

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22nd.

CHAIRMAN EWASUTYN: You'll be able
to --

MR. WEINBERG: We'll be there.

CHAIRMAN EWASUTYN: I'm sure you'll be
there. I'm not so worried about you being there,
I'm worried about us receiving the summary of
what --

MR. WEINBERG: I'll hand deliver them
to you.

MR. WINGLOVITZ: We've worked through
that.

CHAIRMAN EWASUTYN: You know I'm not
that socialable.

MR. WINGLOVITZ: We've worked through
actually a list for the meeting. We could
probably have that out to the Board tomorrow by
the end of the day.

MR. CANFIELD: John, I have a question.
Are there architectural on these units?

MR. WEINBERG: Yes. We will bring them
on Tuesday so that we can at least give the
consultants a heads up on the architecture.

MR. WINGLOVITZ: The builder should

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have those available for us Tuesday.

MR. CANFIELD: Building plans, more than just exteriors. Do you have building plans?

MR. WEINBERG: They're working on the building plans. I don't think they'll be ready by Tuesday. I'm pushing but --

MR. WINGLOVITZ: The exterior elevations we'll have for Tuesday. We've been told they'll be ready by the builder.

CHAIRMAN EWASUTYN: What is the date on Tuesday?

MR. COCKS: The 22nd.

CHAIRMAN EWASUTYN: Additional comments. Pat Hines?

MR. HINES: No.

CHAIRMAN EWASUTYN: I'll move for a motion to set this for a consultants' work session for the 22nd of October subject to the applicant presenting to the Planning Board office no later than Monday, the 21st, the summary of items that will be discussed at that work session.

MR. GALLI: So moved.

MR. BROWNE: Second.

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ORCHARD HILLS

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

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

Thank you.

MR. WINGLOVITZ: Thank you very much for your time.

MR. WEINBERG: Thank you very much.

MR. CHAIRMAN: I would like to rescind that motion that was made to correct the month. We'll be setting it for the September 22nd work session and not the October 22nd work session.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by

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ORCHARD HILLS

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Frank Galli. I have a second by Tom Fogarty.
Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you ever so
much.

I'll move for a motion to close the
Planning Board meeting of September 17, 2009.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself yes.

(Time noted: 8:16 p.m.)

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