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

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In the Matter of

CRYSTAL RUN MEDICAL OFFICE
(2013-18)

1000-1006 Union Avenue/NYS Route 300
Section 97; Block 3; Lots 6, 7 & 8.28
Section 4; Block 1; Lot 72.2 (New Windsor)
IB Zone

----- X

SITE PLAN
LOT CONSOLIDATION

Date: October 3, 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
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO

----- X

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

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MR. PROFACI: Good evening, ladies and gentlemen. Welcome to the Town of Newburgh Planning Board meeting of October 3, 2013.

At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. FOGARTY: Here.

MR. WARD: Present

MR. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including State Environmental Quality Review Act, otherwise known as SEQRA, issues. 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 Code Compliance Supervisor.

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

MR. WERSTED: Ken Wersted, Creighton,
Manning Engineering, Traffic Consultant.

MR. PROFACI: Thank you.

At this time I'll turn the meeting over
to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

MR. PROFACI: The first item on
tonight's agenda is the Crystal Run Medical
Office, project 2013-18. It's located at
1000-1006 Union Avenue/New York State Route 300,
Section 97, Block 3, Lots 6, 7, 8.28 and Section
4; Block 1, Lot 72.2 which is actually in the
Town of New Windsor. It's in the IB Zone, it's a
site plan, lot consolidation and this is the
initial appearance. It's being represented by
Dominic Cordisco.

MR. CORDISCO: Good evening. It's good
to see you all again. Thank you for the

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introduction. It actually covered almost everything that I wanted to say.

MR. PROFACI: Do I get paid the same amount?

MR. CORDISCO: This is our first appearance so let me introduce our project team. I'm here with Mike Arcangel who is with Columbia Development. He is the design build company for the new facility; as well John O'Rourke from Lanc & Tully Engineering; and Dr. Phil Grealy from Maser Consulting, John Collins Engineers who is our traffic consultant.

You're absolutely correct, this is a new proposed professional office that would be located on Route 300, subject to site plan approval and a lot consolidation and a configuration plan as far as the multiple lots are concerned out on the site.

If it's the Board's preference, at this time I'd like to turn it over to Mr. Arcangel who can show you the building, and then we can have Mr. O'Rourke show you the site plan, and we can go through those issues after that presentation.

CHAIRMAN EWASUTYN: Good evening. Do

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you have a business card for Michelle Conero?

MR. ARCANGEL: I do not. I can give her something.

What we have before -- what I'm going to show you is that we've done several buildings for Crystal Run Healthcare over the last five, six, seven years, one in Rock Hill, one in Wallkill, if you're familiar with that and the latest at Rykowski Drive in Wallkill.

This facility is a three-story facility, plus or minus 65,000 square feet, roughly 20,000 per floor. This is in working with Crystal Run Healthcare, the concept that we have been working on for a couple months since they had interest in this location.

As you can see, we have two entrances, a main entrance and potential urgent care entrance off to the side.

The materials -- I have a board here that kind of spells out what we're thinking about. A cast stone, sills and basically hardy plank material, which is a cement material, and a sunscreen. Very similar to what we've done in the past for them but a little bit -- we wanted

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to exemplify the main entrance with this glass atrium so to speak. So this really is not a full atrium from front to back, currently anyway. It's basically just a false front that gives you a little more appearance from Route 300. John will show you and he'll give better orientation to the site plan. Pretty much it will look the same from all angles. We haven't really developed the other facade in the back yet.

This would be the urgent care location where somebody could drive up under the canopy and drop a patient off, a person off, or pick them up.

Again, this is in the works. This is kind of based upon what we call a space plan. We work with the doctors, Dr. Teitelbaum and his group, and we come up -- this is the first floor anticipated. As you can see, this would be the urgent care location currently. We deal in square footage, number of doctors, number of patients, to try to come up with the right ratio. Again, this is constantly moving until we actually go into working drawings. This is the concept.

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Material management, all that means is the back of the house so to speak, supplies, so forth. They come and exit from that location, which would be the furthest from Route 300.

This is the main lobby, which corresponds to this atrium if you will. So you get a better idea. This atrium, if you will, is in this location. This location for urgent care is basically that location. We've kind of developed, through several meetings, all these different dermatology, psychiatry, internal medicine, pediatrics, family care. We developed that so we can know how big the building might be, and we tried to see how we can make that flow for each type of facility. On the third floor the idea is to go rheumatology, endocrinology, administration where they process all the paperwork in this particular building. Surgery facilities. That gives you a flavor of where we are right now. Again, this is evolving every day, every week. Everybody has a little input to it.

Basically what this picks out is that we need roughly 65,000 square feet to make this happen. And that particular size building is

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half the size that we have over in Wallkill, which I believe is 130. I think the one we did in Rock Hill is around 80,000 some. This is a little smaller. It has the same facilities. A little less facilities. Basically it treats the same patients for whatever department you would need to go. Every department is just a little bit smaller. As I say, this is something we change weekly by weekly meetings. The shape of the building, the windows of the building, the size of the building will stay the same, providing we get approval from this Board, what it looks like inside, right up until the point we say that's it and we go into construction drawings.

If there's any questions, I'd be more than happy to answer them. You might have some more questions once you look at the site plan and how it relates to the building.

For now I'll turn it over to John O'Rourke.

MR. O'ROURKE: Good evening. John O'Rourke with Lanc & Tully Engineering.

As Mike eluded to and Dominic has

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talked about, this is on Route 300 across from the main entrance into the Wal-Mart and it butts up onto Old Little Britain Road. It's a 65,250 square foot building.

We configured the building to have the front -- actually it's like a two-front building facing 300 in both directions, so as you're driving on the road you don't see the back of the building or the side. We tried to situate the landscaping island to break up the vista of the building as we shifted it back.

We have a preliminary design and stormwater management area which we located in the rear adjacent to the residential. So there's a nice buffer zone for those few homes back in through here.

Proposed water and sewer. Sewer would tie into the existing manhole on the site, which is demonstrated here. Water we would anticipate coming off of Old Little Britain Road.

We have plenty of parking. Actually, we have more parking than what your code requires by quite a bit. We initially did this to coordinate with Crystal Run because sometimes

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they like more parking, depending on their facilities. They're looking at this now to see if they want to knock it down or not. Right now we have more than sufficient parking and plenty of room and a lot of green area in and around it.

Again, these are conceptual plans so we don't have a lighting plan. Again, this would be all lit. Typical hours of operation. It is in the IB Zone, which is a permitted use.

We have received your consultants' comments. Pat was kind enough to send those over. We have no issues with any of his preliminary comments at this time.

I'll defer to Phil now if you want to talk about traffic, which I think is most on everybody's mind, certainly at this intersection.

MR. GREALY: Good evening. Phillip Grealy, Maser Consulting. Our firm prepared the traffic study for the site.

As John described, access will be to both Route 300 and to Old Little Britain Road. We will be modifying the signal, of course, at the Wal-Mart driveway in order to accommodate our movements to and from the site. As part of the

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signal improvements we're also going to be doing some work on the coordination of the signals at Old Little Britain Road and at Wal-Mart's driveway.

This site had been evaluated as a retail facility and we had gone pretty far in securing DOT permits several years ago. From a concept access standpoint, very similar. A little bit less complicated, actually, from the previous plan.

This type of facility -- we've worked on some of these other buildings -- from a traffic generation standpoint can generate somewhere between 150 to 250 vehicle trips in an hour. That's total, both entering and exiting. That will be disbursed onto the two driveways. We feel the majority will be, of course, on Route 300 but somewhere in the order of 20 to 25 percent using the driveway on Old Little Britain Road. With the configuration we have access to two traffic signals. As I said, part of our improvements when we modify the signal, we will be coordinating those signals a little bit better than they are today. Pretty much that's it. I

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mean we looked at traffic along the corridor for several years, so we're familiar with operations.

I'll be happy to answer any questions.

CHAIRMAN EWASUTYN: I would like to turn it over to Board Members, Dominic, for any questions they may have.

MR. CORDISCO: Of course.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No, I don't have any questions.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No, I don't have questions at this time.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Not at this time.

CHAIRMAN EWASUTYN: Tom Fogarty?

MR. FOGARTY: I'd rather hear from our consultants and then I do have some questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The same thing.

CHAIRMAN EWASUTYN: At this point we'll turn to Ken Wersted, our Traffic Consultant.

MR. WERSTED: We prepared some comments on the project. And we stated, obviously the

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previous project that was on this site included a retail development, and that development was generating anywhere from 300 to 400 trips as compared to this one which is reduced. It's less than that because it's -- obviously the use is not a retail oriented use.

The access points are consistent with what was proposed originally under the previous plan. The application that was before us probably a month ago for a plaza which was on the corner, it would be helpful to show that kind of layout on the site plan just to see how the two properties, you know, layout next to each other.

And relative to the parking, there's about 45 percent more than what the Town Code requires. I compared it to some parking generation based on ITE and it still seems like the parking provided there is more than what ITE was suggesting as being generated. If the applicant has any justification for the need for additional parking based on previous experience at other facilities, we'd appreciate looking at that and taking that into consideration. If they do feel that there potentially is the need for

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additional parking but they are still unsure, there is always the option of land banking those spaces and keeping it as green space, and, if the demand is there, to convert that back over to parking.

That was pretty much the main comments that we had. We didn't go through a detailed analysis of the traffic study, just given our time constraints, but we'll do that as time goes on.

CHAIRMAN EWASUTYN: Pat Hines, Drainage and Planning Consultant?

MR. HINES: The site contains several existing structures which will require a demolition plan and a permit for removal from the Town of Newburgh Code Department.

We just noted tax lot 8, which is actually located in the Town of New Windsor, has some monitoring wells. It's actually a City of Newburgh parcel. There are some monitoring wells located on the New Windsor line there, I believe it was the old Rizzo Transmission. We're just requesting the status of that. We noted on the EAF it was checked no hazardous issues exist on

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the site. There may be some ongoing monitoring of that site. If you can update the Board on that in the future.

The stormwater management plan and SWPPP will have to be prepared. The site is directly tributary to Washington Lake, the City of Newburgh water supply. Previous proposals on this site and other proposals in the watershed have been designed to treat 110 percent of the water quality volume in order to provide some additional stormwater treatment prior to discharge to the reservoir system.

The forty-foot building height proposed is the limit in the zone. The code office is reviewing that right now with regard to the actual height of the building. Some additional grading information would be helpful to provide that analysis.

The building is greater than thirty feet, so twenty-six foot wide drive aisles for fire department aerial access are required. At this scale we couldn't tell if they were.

We are asking that the residential structures along Old Little Britain Road be shown

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on the plans just for the Board's use and for those at the public hearing and such, so they can be located.

Water and sewer utilities will be required.

We noted for the Planning Board's use the mobile MRI area that is proposed. There has been some issues with those in the Town in the past with them coming and going on sites. The Board will address that as the project moves forward.

We mentioned pedestrian access. Everyone accessing the building, based on the parking layout, has to cross a drive aisle to get access, both the urgent care and the main entrance, I guess we're calling it, on the other one. So pedestrian circulation is an issue and we're asking you to take a look at that.

The Town's design guidelines should be addressed on the plan regarding lighting, parking.

The site layout and the geometry are not real conducive to the design guidelines.

Parking to the rear of the structure.

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With this structure located in the center portion of the site, we're asking how you can work out compliance with that. It may shake out a little better as some of the parking counts change, which is our next comment.

I have Ken Wersted's comment about the number of parking spaces. We're looking for some information to justify that number. It might be what you need. I'm sure you have more experience at these other facilities that you have, so you can provide the Board with that information.

There's a utility easement to be extinguished. We're requesting that information be sent to Mike Donnelly's office.

There's a proposed easement identified to the City of Newburgh, and we were under the impression that that was executed with the last project. If you can follow up on that, it may be in place already for use for the stormwater discharge.

That's what we have on the preliminary plans.

CHAIRMAN EWASUTYN: Jerry Canfield,
Code Compliance?

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MR. CANFIELD: Just to reiterate on a couple of Pat Hines' comments. I did not submit written comments but I will just reiterate Pat's. On zoning, the use does comply for this IB Zone.

There is a question on the building height. The requirement is forty feet. The plan, of course it's conceptual at this stage, does not display what the finished floor elevation is. If we get provided that information we can make a determination with respect to the building height. As you know, the definition is the average grade with respect to the street side of the building and then the measurement for there. I believe there may be a question as to the rooftop units and screening that may affect that forty feet. I spoke with the project's attorney and they are going to submit some more information to help us make that determination with that issue.

On the bulk tables, the front yard requirement, Town of Newburgh has additional front yard requirements for certain roads that -- in this case Route 300 was once known as Union Avenue, and that's what it's identified as in our

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Municipal Code. Union Avenue. The front yard requirement is eighty feet. According to the scale it does comply but the bulk use tables should reflect that on future submissions.

Landscaping, Pat talked about that.

Fire protection wise, the building will be required to be sprinklered, which I believe it was indicated.

Future submissions will show the water lines and hydrants and that nature.

At this point that's all I have.

CHAIRMAN EWASUTYN: Back to Tom Fogarty who had some questions.

MR. FOGARTY: When we were in the work session we were talking about this is basically an IB Zone that they're in. Across the street in the City of Newburgh is an R-3 Zone. I don't know how many homes are over there but I'm going to be interested in what kind of an impact is that going to have, if any, with lighting and traffic or whatever, on those homes directly across the street in that R-3 Zone. I don't know how many homes are over there.

MR. HINES: The property is in the

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Town. It's owned by the City of Newburgh.

MR. FOGARTY: I'm sorry?

MR. HINES: The property is in the Town but owned by the City of Newburgh. That's why it's R-3 in the Town.

MR. CANFIELD: It would be the rear property line because of the division.

MR. FOGARTY: Okay. All right.

MR. HINES: At the same time it's still valid. It is R-3.

MR. FOGARTY: It's still R-3. Okay. That's all at this time.

MR. WARD: I have some. The driveway going to Little Britain Road, with the future project will that be shared or are you planning on it that way?

MR. CORDISCO: Yes.

MR. WARD: Okay. Pat covered for the crossing by the main driveway, like handicap parking or wheelchairs going in and out crossing the parking lot.

The procedures, like MRIs, is it going to be CAT scans or procedures going on, surgery in the place?

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MR. ARCANGEL: What was the question?

MR. WARD: Is there procedures going to happen? One-day surgeries?

MR. ARCANGEL: They're still discussing that. The MRI, the concept is that it would be a few days a week where they have a mobile MRI and then they leave and come back. It would be during -- from like 7 a.m. to 8 p.m. is the normal operation time for any procedures.

Urgent care, they don't know how late it's going to stay open at this point. It may be later than 8:00. Maybe until 10 or so. That's still under discussion. We can have more detail on that at the next meeting.

MR. WARD: That's why I'm asking for the times and what's done. Thank you.

MR. ARCANGEL: We can be more concrete the next time we come back. Once I get the space planning down, talk about the MRI and all that. And we can give you the definite times of operation as we know them to be.

MR. WARD: Very good. Thank you.

CHAIRMAN EWASUTYN: Frank has a question.

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MR. GALLI: Just on the site plan itself, in the green area where the Wal-Mart entrance is, all the green space, is that going to be green space because of the Rizzo Transmission, you're not sure what's under the ground yet?

MR. O'ROURKE: They have actually done studies in here. It's generally a clean site. We're going to do continued monitoring. That was just to break up the viewshed. The site is basically clean.

MR. GALLI: I was just curious if it was being left that way because -- that's for visual impacts.

MR. DONNELLY: The MRI trailer, Dominic, I think you need to look at that use and see if it is permitted, and, if so, why. I know in an earlier case where there was a medical arts building that wanted to have an MRI trailer, we sent that applicant to the Zoning Board to determine whether or not that was permissible. None of us seem to remember whether that was withdrawn or decided. I don't remember what the decision was. Unlike a lot of codes that allow

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uses that are customarily incidental to a primary use that's automatically permitted, that's not generally how the Town of Newburgh code works, and there are separately listed accessory uses. I don't know if you fit in one of those categories or what your argument is but I think you need to look at that and give us your position.

MR. CORDISCO: We will do so. Thank you.

CHAIRMAN EWASUTYN: Mike, I guess one of the more important questions, what's your time schedule for this?

MR. ARCANGEL: As far as I know right now, we are looking to try to get approval in a couple of months and start in the spring. We call it a little bit of a fast track. We've been working for months on the environmental which there is a closure on the spill from DEC that just happened about a month or so ago. We're investigating all the structures, asbestos. We've done all of our homework. Now we're coming before you and seeing what the comments are and basically trying to tweak it so we end up with an

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approval in November or so.

MR. GALLI: How long does it take, once you break ground, to put the building up?

MR. ARCANGEL: Say that again.

MR. GALLI: How long does it take you to put the building up once you break ground?

MR. ARCANGEL: From start to finish, probably nine months depending on when the start is. If it's off season it would take longer. The ongoing operation of the whole thing would be less than a year.

CHAIRMAN EWASUTYN: Pat, do you want to review with us now -- we'll declare our intent for lead agency. Do you want to talk to us about who you'll be circulating to?

Dominic, do you want the responsibility of circulating like you did with Volkswagen?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: We'll put that on the record at this point.

Pat Hines?

MR. HINES: It would be the New York State DOT, the City of Newburgh for the flow acceptance letter, Orange County Planning

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CRYSTAL RUN MEDICAL OFFICE

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because it's located on a State highway. I don't know if there's any DEC permit.

MR. CORDISCO: No.

MR. HINES: I think those are the three agencies.

MR. O'ROURKE: Orange County Department of Health because we have hydrants on the site that the Health Department will want to look at.

CHAIRMAN EWASUTYN: Mike, do you want to add anything to that?

MR. DONNELLY: I think the Town of New Windsor. Although I think there's an informal agreement that they don't need to look at these, I think obviously we'll send it to them.

MR. ARCANGEL: I think the one piece of property is in New Windsor.

MR. CORDISCO: We would have to notice them at some point. Probably at the time we send the full application to the Orange County Department of Planning. We can certainly send them the lead agency circulation notice.

CHAIRMAN EWASUTYN: Then I'll move for a motion to declare our intent for lead agency and have Dominic Cordisco, the Attorney

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CRYSTAL RUN MEDICAL OFFICE

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representing Crystal Run Medical Office,
circulate to the involved agencies.

MR. GALLI: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by
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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Gentlemen, thank you.

MR. ARCANGEL: Thank you very much. I
appreciate it.

(Time noted: 7:24 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 24, 2013

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

----- X

In the Matter of

PATTON RIDGE SUBDIVISION
(2012-18)

Patton Road at South Plank Road
Section 47; Block 1; Lot 44
R-2 Zone

----- X

PUBLIC HEARING
SIXTEEN-LOT SUBDIVISION

Date: October 3, 2013
Time: 7:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KIRK ROTHER

----- X

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

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MR. PROFACI: The next item on tonight's agenda is a public hearing. At this time I'll ask Attorney Michael Donnelly to explain the purpose of a public hearing.

MR. DONNELLY: There are two public hearings on tonight's agenda, both of them are subdivisions. The purpose of the public hearing in each case is to make sure that before the Planning Board takes action on either project, that you, the members of the public, have the opportunity to bring to the Planning Board's attention issues or concerns that the Planning Board may not be aware of or that they haven't learned from their consultant team. After the applicant gives his presentation, the Chairman will ask those members of the public that wish to speak to please raise your hand. When you are recognized, we'd ask you to come forward so that we can hear you, tell us your name, spell it if you would for our Stenographer so we have the spelling correct in the transcript, and if you could give us an idea of where you live in relation to the project in order that we can see what perspective you bring to bear. We would ask

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you to direct your comments to the Planning Board itself. If you have a question and it can easily be answered either by the applicant's representative or one of the Town's consultants, the Chairman will ask those consultants to answer your question.

MR. PROFACI: Thank you, Mike.

The matter is the Patton Ridge Subdivision, project 2012-18, both sides of Patton Road at South Plank Road, Section 47, Block 1, Lot 44, located in the R-2 Zone. It's a public hearing and it is a seventeen-lot subdivision being represented by Kirk Rother.

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 Patton Ridge Subdivision, project 2012-18, for a sixteen-lot subdivision on premises Patton Road in the Town of Newburgh, designated on Town tax map as Section 47, Block 1, Lot 44.0. The applicant proposes sixteen lots on a 9.38 acre parcel on

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Patton Road near the Route 52 intersection, located in the R-2 Zoning District. The north side of Patton Road will have a cul-de-sac with nine lots and the south side of Patton Road will have seven lots and an associated drainage pond. Said hearing will be held on the 3rd day of October 2013 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 8, 2013."

CHAIRMAN EWASUTYN: Kirk, would you give your presentation now, please?

MR. ROTHER: Sure. Good evening. Kirk Rother representing the applicant. The application before the Board is for a proposed sixteen-lot single-family residential subdivision on approximately 9.4 acres of land situated on both the north and south sides of Patton Road.

This is an aerial photo of the site. This is Route 52 right here. Patton Road. Over in this corner you can see the cul-de-sac,

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Countess Court. Over on this side here is Delaware Road.

Of the 9.4 acres it's almost evenly split between the north and south sides of Patton Road.

As you can see, this property is currently vacant land. Some of you may recall two years ago we had -- this was in the commercial zoning district. We had had an informal meeting prior to a zoning petition with some of the neighboring folks at the fire station down the road. Since that time we've received the zoning amendment which allows for properties zoned R-2. In the R-2 Zone the minimum lot size is 15,000 square feet.

As was read in the public notice, there are nine proposed lots on the north side of Patton Road, seven proposed lots on the south side of Patton Road. The nine lots on the north side will be accessed by approximately a 500 foot long cul-de-sac. The seven lots on the south will be accessed by a 240 foot cul-de-sac. The proposed roads will be 20 feet wide with gravel shoulders consistent with the Town's minor

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residential street standard. Upon completion of the roads they'll be offered to the Town for dedication and used as a public street.

Water to the site will be accomplished by extending the existing water main that's currently a stub just west of the site, to Patton Road, down along the south shoulder of Patton Road to connect to the existing water main in New York State Route 52. We would have two additional stubs for our cul-de-sacs. There were several fire hydrants proposed, one of which would be placed on Route 52.

Sewer will be accomplished by extending the sewer mains internally within our site, connecting to an existing sewer manhole in the area of the Patton Road/Route 52 intersection.

Stormwater management will be accomplished by one stormwater management pond that's located in this area here adjacent to Route 52 on the south side of the property. One off from these lots on the north side of Patton Road will enter a drainage swale that runs behind lots 5 and 7. A new proposed culvert on Patton Road to discharge into the pond. Runoff from

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these lots will go directly into the pond, and all of that will lead in the southeastern extremities of the site where there's currently an existing drainage easement and a 36-inch culvert that eventually goes under Patton Road in the area of Delaware Road.

The Board had expressed concern about drainage, particularly with regard to this residential home here belonging to Mugnano. I hope I pronounced that correctly. In response to their concerns, the drainage channel that's proposed behind these lots was designed to pass a hundred year storm where normally it would be designed for a twenty-five year storm. It will pass the hundred year storm at around fifty percent full.

Lastly, with regard to the homes themselves, here is a proposed rendering of what the applicant conceptually thinks he'll put on the site. This is a 2,000 square foot, 2,100 square foot bilevel, price range probably in the neighborhood of \$290,000. This has not formally been approved by the ARB yet but this is what we expect the project will support.

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That concludes my presentation.

CHAIRMAN EWASUTYN: As Mike said, if you would raise your hand and give your name and address. What we'd like to do is have a complete round of those individuals that have questions, let them have their turn and if there's additional questions and you'd like to have the floor a second time, please wait for the audience to all have their first opportunity.

Okay. So we open it up now for questions or comments. The gentleman here.

MR. DANIEL MENNERICH: Walk up here?

CHAIRMAN EWASUTYN: You can stay there.

MR. DANIEL MENNERICH: My name is Daniel Mennerich and I live at 22 Patton Road. It would be the corner right where the driveway is on the north side. That house there.

My concern with what you're doing is more with the water runoff. Right now my house is kind of prone to flooding because of the layout of Patton Road. Right in front of my house the road dips down, and it dips back up just before the property there. I wanted to know if it would be possible to address the road,

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seeing how you're going to have to dig up for water, because I'm tapped off that same water line. It runs off the property adjacent to me, Kathy Mennerich. That water line runs over. If you're going to extend that water line to your property, would you be able to redo my connection because of concern about loss of pressure in that neighborhood?

The real concern is water runoff. I'm in a depression that's right next to there, and the people behind me, I believe it's the Eagles, I'm not sure if they are there any more, but that whole area literally is underwater after heavy rains, and it's a concern.

And then the sound. Route 52 is pretty loud. You hear it now with what little trees are left. If you develop this is there any type of buffering zone or, you know, any type of buffering around the property that will just help keep down the noise as things are getting louder, as everything is developed in the neighborhood as it is? That's pretty much it.

CHAIRMAN EWASUTYN: Kirk, do you want to address those questions?

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MR. ROTHER: Sure. I was just there today and I see there is a bit of a dip in Patton Road, and then your driveway slopes down further off Patton Road, and there's kind of a bowl in this area.

With regard to the ponding in this area in the back and any actual runoff to Mugnano, we should be remedying that by virtue of the fact that we're collecting all this, piping it across Patton Road and putting it into the stormwater management pond. We can certainly look into trying to address the issue of runoff and leaving Patton Road onto your property, going down your driveway.

MR. DANIEL MENNERICH: Yeah, that's really a concern. It comes right down the neighborhood, and I usually take it onto the lawn. The first time I moved in, wasn't aware, we flooded because of a heavy rain. It went right down the driveway. Right now I've addressed my driveway. I've lowered it. I've got a high flow sump pump in there but I've got to pump across, out the back of the driveway. If you could put like a culvert pipe or a drainage

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grid or something in that area, maybe even in my driveway, that would -- I don't care if water comes down there, as long as it has somewhere to go, and then you could just tie it in with the rest of the drainage. That would be ideal.

MR. ROTHER: We'll certainly look into that. I realize there's no curb in front of your property, and there's really no ditch line either. Subject to the highway superintendent and the Town being okay with it, I don't see why we can't establish a ditch with a culvert under our new entrance.

MR. HINES: My office is reviewing the stormwater management report right now. We'll take a look at that in the review of that stormwater management plan along with the applicant's representative.

MR. ROTHER: To answer your question about the water service connection, we're going to be putting new duct -- does the Town require ductal or is PVC --

MR. HINES: Ductal.

MR. ROTHER: We'll be putting a new water line in.

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MR. HINES: It's going to be ductal.
You were right.

MR. ROTHER: I think whether we provide
a new tap to your house or not would have to be
taken up with the water department.

MR. DANIEL MENNERICH: All right.

CHAIRMAN EWASUTYN: Additional
questions? The gentleman in the back.

MR. DUBALDI: My name is Joe Dubaldi, I
live on 21 Patton Road. I'm adjacent right to
the property, on the south side.

First of all, I have one question to
the Board. Were we supposed to be notified by
mail of this meeting tonight?

CHAIRMAN EWASUTYN: We'll have Mike
Donnelly address that. There were ninety-two
mailings that were sent out. Apparently there
was a section -- I take responsibility -- of
those mailings that did not reach the
individuals. Mike Donnelly will explain to you,
Joe, how we'll handle that matter now.

MR. DONNELLY: My advice to the Board
is this: Since a fair number of people were not
notified and should have been, what we will do is

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continue the hearing tonight to a future date. We will require the applicant to mail a notice of the continuation of that hearing to those people that didn't get the notice the first time. Anyone that's here tonight is welcome to return and speak again if you feel the need to. But that will give those people that didn't receive the notice the opportunity to come at that next meeting. Before we leave this evening we will announce the date and time of that continuation of this public hearing, and we apologize for that.

MR. DUBALDI: If it wasn't for a phone call, I'm right there --

MR. DONNELLY: You'll be getting a notice. I understand your concern. When you hear there's a hearing and you didn't get the notice, it's obviously upsetting to you.

CHAIRMAN EWASUTYN: I'll take responsibility for that.

MR. DUBALDI: My question: About a year ago, year-and-a-half I brought this up and there was no answer. I have an easement alongside my property, a twenty-foot easement from the

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stonewall to the middle of my driveway. I brought this up before, I'll bring it up again. Is anything going to happen with this easement with the new development going on? Are they going to rip up my property, my driveway? This goes from the Mennerichs all the way down past of Dutoros, down Neversink and Delaware. There's a twenty-foot easement that was on my deed when I bought the house over thirty years ago.

MR. DONNELLY: It would be helpful if you could get us a copy of that. I don't know if it's shown up in the file thus far.

MR. DUBALDI: It should be on file with the Town.

MR. ROTHER: The easement is on your property?

MR. DUBALDI: Yeah. The middle of the stonewall. Which they were very surprised there's a twenty-foot easement. Not a ten-foot easement, a twenty-foot easement from the middle of the stonewall to my driveway, and it goes right down through my property, into the backyard, back down towards Neversink.

MR. ROTHER: Do you know what it's for?

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MR. HINES: It's a drainage easement. It's shown on your plans, Kirk. It's shown as a drainage easement existing.

MR. ROTHER: Are you talking about back here?

MR. DUBALDI: Right along the stonewall.

MR. ROTHER: Okay.

MR. HINES: You're not using that.

MR. ROTHER: The only place we're going to connect is in this far corner here. The property line is pretty much the stonewall?

MR. DUBALDI: That's what we've used for years and years.

MR. ROTHER: We propose no disturbance beyond the property boundary except for this corner where we're going to connect to an existing 36 inch culvert.

MR. DUBALDI: So that won't be touched?

MR. ROTHER: Will not be touched.

CHAIRMAN EWASUTYN: Ma'am.

MS. NELSON: I'm Jacqueline Nelson and I live on 7 Countess Court. It's the far right and north side. I notice that you said a

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drainage -- stormwater drainage was going to go from the side to the pond. You didn't mention the houses on the border of my property and Mr. Dubaldi's property. Where would that stormwater drainage go?

MR. ROTHER: This drain is generally sloping toward Route 52 and toward Delaware Road. These houses here and the house that's immediately behind you would flow toward the street. There's drainage swales around the -- on the shoulders of the street. Bear with me. This is a larger version. The culvert is under our proposed driveways, the drainage swale around here. You have a proposed catch basin -- your property, just to give you a frame of reference, is here. You have a catch basin, pipe, culvert here and the stormwater management pond. So nothing directed toward your house.

MS. NELSON: Okay. And then Dan mentioned, and I don't think you addressed it, was the barrier, the sound barrier. Like if you take -- I've lived there since 1969 and the trees behind my house are beautiful and I've enjoyed it all this time. I'm very sad to see it going. My

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question to you is is there a possibility that you can leave a tree barrier along where the existing houses already are rather than take all of the trees down?

MR. ROTHER: Sure.

MS. NELSON: That would help the sound and also help --

MR. ROTHER: Help the aesthetics.

MS. NELSON: Yes.

MR. ROTHER: I didn't give an answer because this is the first time I heard it and I wasn't prepared to answer it. The Board Members had brought up in the past some type of a screening to adjacent residential properties. We didn't discuss it more than that. I didn't propose anything because it's all woods right now. You find a lot of times proposed trees, we have to cut down trees, which is kind of counterintuitive. I don't see why we can't leave some type of vegetative buffer behind these lots.

MR. HINES: The Board will require a limit of disturbance around the grading proposed on the lots. I'm looking. In the area of your lot there's -- there's approximately thirty feet

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between the stonewall and the grading proposed on this lot on the other side. So there is an opportunity to preserve some of those trees, if there are large trees there, and that's typically something the Board requires, limits of disturbance.

MS. NELSON: Okay. I have one more question. Do you have any proposed buyers for these lots?

MR. ROTHER: Not that I'm aware of. You could be the first.

CHAIRMAN EWASUTYN: Why do you ask that question? I'm curious. It's an interesting question.

MS. NELSON: Well, because you're planning on building all these homes and I was wondering if there were people who were interested in buying them or are they -- are you going to like take all the trees down and then --

UNIDENTIFIED SPEAKER: It sits there.

MS. NELSON: -- there's no buyers.

MR. ROTHER: I don't anticipate that happening. Five years ago, maybe. Now I don't think -- the cost of putting all this

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infrastructure in to have it sit, we don't see that happening.

MS. NELSON: I'm sorry. Are these -- you said they are going to be single-family homes?

MR. ROTHER: Single-family homes, roughly 2,000 square feet, 2,100 square feet, four bedrooms.

MS. NELSON: Thank you.

CHAIRMAN EWASUTYN: This gentleman.

MR. OEHME: Robert Oehme, O-E-H-M-E. I'm on 25 Patton Road. I'm two houses up from Joe. I have two or three questions.

First of all, that retention pond, where we get heavy rains that retention pond fills up, where is that water going to go? Anybody that's traveled 52 in a heavy rain knows that those culverts do not take the water. It's just flooded constantly.

MR. ROTHER: Well, the way our pond is designed, we have an outlet structure which is right here. That structure has several different orifices in it. It's designed to accommodate the hundred-year storm, which we talked about.

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There's a lot of talk we're getting hundred year storms every couple years nowadays. That is all directed toward this 36 inch culvert that runs adjacent to Route 52, goes under Route 52 near Delaware Road and into the creek on the other side. In the event that for some reason it can not handle the storm that's put into this pond, this hatching you see here is an emergency spillway where the pond will overtop into the shoulder -- into the ditch line of Route 52. There's really no other place to put the water.

CHAIRMAN EWASUTYN: Pat Hines, who represents yourself, the Planning Board and the Town, and who has worked for the Town on the MS-4 regulations will explain to you designs and procedures.

Pat.

MR. HINES: The Town of Newburgh has stormwater management regulations, as does the DEC. The Town of Newburgh's are more strigent than the DEC's. A project of this size has to treat both water quantity, the floods that you had just mentioned, and water quality. The applicants have submitted a stormwater management

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report, a rather thick document, that models how that pond is going to work. For lack of a better term, it acts as a bathtub and attenuates that flow. There are small orifices that handle the smaller storms and larger orifices staged up that allow larger storms to pass. The intent of the stormwater management report is to keep the flow from the site at or below the pre-development flow, and they use the capacity of that pond going up and down to attenuate those flows. My office is reviewing that stormwater management report at this time and I will report to the Board when it is done.

MR. OEHME: All right. Then secondly, are these homes going to conform to the existing homes that are in Meadow Hill? I mean basically all of our homes up there are three-bedroom ranches. I mean Kathy has an original home that's part of the old Patton Estate I guess. Are these going to be like these mega mansions that are going to be stuck right in the beginning of our development?

MR. ROTHER: No. As we had said, the applicant anticipates building 2,000 square foot,

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2,100 square foot, four-bedroom bilevels. So a little bit different than a three-bedroom ranch but certainly not disproportionately out of character with what's there.

MR. OEHME: Have you considered the traffic flow? If you're building -- how many homes are you building? Sixteen homes? It seems as though each home today has two-and-a-half cars at least. What is that going to do to traffic on Patton Road? Is it going to be going towards 52 or is it going to be going up past -- up through our development?

CHAIRMAN EWASUTYN: Robert, Ken Wersted will address that. Pat Hines is responsible for drainage. Ken Wersted is a traffic engineer and he reviewed the impacts of the proposed development.

Ken Wersted, will you address Robert's question?

MR. WERSTED: It really depends on where you're going in terms of, you know, if you're going to work and you work in New Paltz or if you're going down to the City of Newburgh, if you're going to Meadow Hill Road to go down to a

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school. But given the proximity to Route 52, I would anticipate that most people from the development, thar are looking to just get onto a collector road and commute to work will go up to Route 52 because it's so close. It doesn't make a lot of sense to try and come down through the neighborhood to Meadow Hill Road and come out to Route 300 via that direction. So a property of this size, with this number of houses on Patton Road mainly to the south, you wouldn't see a large increase or a big difference in the amount of traffic that's coming through there. Certainly you'll have more people, you know, driving through. If you were to sit out on your porch and watch traffic throughout those hours, you really wouldn't be able to tell a lot of difference between the two. It wouldn't be like 1,000 unit subdivision going in where clearly there's a lot more traffic as you would try and get out of your driveway or sit out front.

MR. OEHME: All I know is the people that buy these houses better be aware when they come out of Patton Road onto 52, they come flying through thee. Before you can blink your eye

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they're right on your tail.

MR. WERSTED: That's mainly due to that curve to the west on Route 52. It's just the function of the topography and how the landscape is in that area. When you come down to the bottom of Patton Road you can see pretty good looking to the right but to the left it's a little shorter and has a curve in there.

MR. OEHME: The 40 mile-an-hour speed zone doesn't mean anything. They come through there 55 miles-an-hour. Maybe our Town police better get out there, or the State Police if it's a State highway, and start putting out some radar.

That's all the questions I have. Thank you.

CHAIRMAN EWASUTYN: Thank you. The woman in the back.

MS. VARONE: Caroline Varone, V-A-R-O-N-E. I live on 7 Delaware Road. The last storm we had, the water from the sewer at the bottom of the hill was squirting up at least four feet because the runoff from Delaware Road was so much. The runoff from Patton -- there's

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two houses there, so the runoff from Patton, are you saying that will go into that storm drain? I get water all the time. The person across the street a few houses up, he's probably on Delaware Road with that easement that went all the way from the top of the hill, all the way to the bottom. There's an easement in the back of my house also. But the storm drain -- the water that holds, you know, the pond on Meadow Winds I think overflowed and came down Delaware Road, and it was awful. I never saw it like that before. There was so much water. I was just wondering if the water from Patton is going to come into that drain also?

CHAIRMAN EWASUTYN: Pat, can you look at that?

MR. HINES: The water from this subdivision is going to enter the Route 52 drainage at the corner of the property here where there's an existing 36 inch culvert under Route 52 below Delaware Drive and north of Delaware Drive, not coming out to Delaware Drive.

MS. VARONE: Right. But the one right on the corner.

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MR. HINES: Not on the corner.

MS. VARONE: Delaware Road.

MR. HINES: No. It's further up towards this project. It's in the rear of the name Egeth, E-G-E-T-H, that has a driveway onto Route 52.

MS. VARONE: Okay. There's only two houses there.

MR. HINES: There's that house and the one on Delaware, which I believe may be the one you're speaking of.

MS. VARONE: There's two houses there. There's a blue one that doesn't have a driveway on Delaware. I mean it doesn't have a driveway. There's only one house that has a driveway on Route 52.

MR. HINES: Right. It's to the rear of that lot and then the lower portion of that lot where there's an existing culvert and a concrete structure that collects the water before that culvert going into Route 52.

MS. VARONE: Not the one on --

MR. HINES: Not on Delaware.

MS. VARONE: The corner of Delaware and

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52, which obviously couldn't handle all the water the last flood we had.

MR. HINES: You're talking the Irene, Sandy floods?

UNIDENTIFIED SPEAKER: Just before. A couple months ago.

MS. VARONE: Weeks ago.

MR. HINES: That was a significant rain. I recall that event. A lot of the Town was flooded for that one also.

MS. VARONE: And the water was this high coming up the drain. There was men working out there recently, and there were also men working up on the top of the hill. I hope -- because the pond, or whatever you call it that holds the rain from the --

MR. HINES: Brighton Green.

MS. VARONE: Right. Up there overflowed and came down Delaware also. I saw they were working on that. So -- all right. This shouldn't come into that?

MR. HINES: It will not.

MS. VARONE: Okay.

CHAIRMAN EWASUTYN: Joe, as I said

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earlier, I'd like to have others who haven't had a chance to speak.

MS. CALDWELL: My name is Melanie Caldwell, I live at 30 Patton Road. That would be at the south side of Patton Road and Ambassador.

My concern -- it's nice that we're all bringing up different concerns, because I have a concern about the drainage now which I didn't expect.

My concern is the traffic. I have to disagree about how Patton Road enters Route 52. I avoid that at all costs. Even to make a right-hand turn you have to look both, of course, left and right. I will not make a right-hand turn if cars are coming from my right because you have to actually go out into the left-hand lane a little bit. It's a treach -- it's not an intersection. Yes, it is because Elm. So that, I feel, needs to be graded or reworked or something. It's a dangerous entrance to Route 52. If I'm coming home from the City of Newburgh or Algonquin Park, I don't turn up Patton Road ever. I'm afraid of getting rear ended. I don't want to make a left

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on Patton because of cars coming from Route 52. So I continue on and make a safe -- if there is such a thing, safe left-hand turn at Monarch and I come up through my development. I feel a lot of these people that live in this development, when they realize that if it's not reworked, they will go through Meadow Hill. I'm concerned about the additional traffic. I'm at the stop sign, and there's cars that don't stop at the stop sign. I think it's a cut through already, as is Monarch Drive is a cut through. Many people travel through our development. So my main concern is the traffic.

I guess as far as the drainage, you know, it's woods. It is quite a slope. Just when you do cut down most of the trees and because it is a slope, you won't have that root structure of the trees to hold the water. So I think drainage is a big problem.

And can I ask about -- I also disagree about proportionately with the Meadow Hill development. I feel a three-bedroom -- in fact, some of them are one bath, one-and-a-half bath, some are two. I feel our homes are quite

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different from the ones you plan to build. 2,100 square feet, I feel, is a significant difference. My house is three bedrooms and one-and-a-half bathrooms and it's 1,400 square feet. But there are houses that are smaller. There's 1,100 square foot houses in Meadow Hill. Not that it has to be exactly the same but I feel this is a different league of house.

My main concern is that access. The bottom of Patton Road is a dangerous road.

Oh, by the way, if people MapQuest how to get to my house, they send them up Patton Road. I've even seen tractor trailers, not familiar with the area, if they MapQuest, I don't know where they are going but they drive by my house and there's an eighteen-wheeler going down Patton Road.

CHAIRMAN EWASUTYN: Melanie, I'll tell you an interesting story which I found interesting. The gentleman who developed this project that you now live in called Meadow Hill was an individual by the name of Jimmy Patsalos.

MS. CALDWELL: I know him.

CHAIRMAN EWASUTYN: Jimmy had an

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insurance company in the Town of Newburgh. He was also one of the leading land developers. When he bought this land from the Pattons, there was a public hearing. I remember him telling me the story. It was really fascinating. He eventually sold this subdivision to the Schoonmakers because Jimmy wasn't a builder, he was a speculator developer. So when they held the public hearing, similar to this except it was a different magnitude for Meadow Winds, there was a woman who spoke, similar to yourself. Her concern at the time was how she looked out her kitchen window and she could see the cows and she wondered what was going to happen to the cows. The only reason I share that with you, as we fast forward it fifty years later, changes are changes. To be identical -- I'm not saying you're right or wrong. As far as something being continually three bedrooms and one bath and maybe tweaking it to four bedrooms and a certain style is part of progress.

Jerry Canfield will explain to you what the building code calls out for as far as minimum square footage.

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Jerry.

MR. CANFIELD: The Zoning Code -- the Town of Newburgh Zoning Code has not a maximum square footage but a minimum square footage of what size house may be in certain zones. In this case the minimum is 900 square feet. We do not have any requirements for the maximum square footage. There are buildable areas and setback requirements which dictate where on the lot the house can go. That may come up with the maximum size requirement. But these houses that are proposed comply with the zoning for that area.

CHAIRMAN EWASUTYN: Additional questions from -- the gentleman back there.

MR. BRADY: My name is John Brady, I live at 4 Royal Circle. I've lived in Meadow Hill from 1971 on. As this lady said, Patton Road, the stop sign, my wife's car was totaled. I'm a retired police lieutenant from the City of Newburgh. I was a traffic commander for several years. I won't go through the right-of-way there because people just go through the stop signs like they're not there. Patton Road, this Board would never approve building a road that was

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built eons ago. I won't go down there in the winter. As other people spoke, that is a traffic hazard. More people in the winter are going to be trying to go up the hill. I mean it's a nightmare either going up or down. I don't know how it gets fixed. It's too twisted, it's too steep.

My other point that I'm concerned about, and I heard a lot of things, drainage. I'm concerned about West Nile virus which is in Orange County. It's all over the place. Are these retention ponds are going to have irrigation moving the water around when it's still in the summer? Is that part of the plans?

CHAIRMAN EWASUTYN: Pat, any comment?

MR. HINES: Actually, the DEC regulations require that this pond have a permanent pool of water. The DEC -- we deal with this quite often. The DEC will tell you that they're designed to function as a natural pond. They are required to be planted with a wetland plant species mix to function as a natural pond. So incorporated into that design is a wet pond. Twenty years ago detention ponds were designed as

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2 dry ponds and only did stormwater quantity
3 control. The new regulations require that you
4 also do water quality control. The way to do
5 that is to keep that functioning live pond on the
6 site. So there will be open water there but it
7 will be inhabited by not only mosquitoes but
8 things that eat mosquitoes to function as a live
9 pond. It's a requirement. There's no more dry
10 detention ponds permitted. It wouldn't meet the
11 DEC or the Town's regulations.

12 MR. BRADY: Does this project have any
13 impact with the wetlands that already exist? All
14 around my yard -- the back of my yard, most of
15 the year you can literally sink in it. I've had
16 a pond in the back of my yard for weeks every now
17 and then. I had ducks that moved in. When the
18 water left, they left. I mean you could ice
19 skate there sometimes.

20 MR. HINES: The topography there does
21 all drain towards there. I don't envision there
22 being standing water. There is a closed pipe
23 drainage system to collect runoff. It's a rather
24 large pond. It's on a 1.2 acre parcel and it's
25 approximately half that size. So about half an

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acre pond. It won't be -- the basin itself there will be a smaller water body.

The other thing is the operation and maintenance of that pond. The Town will require this parcel, the parent parcel here, become a drainage district. So the sixteen lots will be responsible for the long-term operation and maintenance, any costs associated with that to maintain the pond. As part of the stormwater management plan there is a maintenance plan to assure that the pond functions long term. Maintaining the outlets, mowing the area, cleaning out the sediment periodically. The cost of that is borne by these individual lots through a drainage district that the Town has a policy requiring be established so that they function more than --

MR. BRADY: Is there anything that does get looked at to improve Patton Road in that area with the construction from any Government agency?

MR. HINES: The only improvement -- the water system is required. This project is required to improve the water system because it needs the flow and pressure through those

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improvements. The Board is aware, and we have discussed, as this project is moved through, the process of the sight distance issue and the traffic on 52 and Patton Road. But those are off-site improvements. They're not required of the project. Mike Donnelly can speak better than I.

MR. BRADY: We looked -- I don't want to be rude. You look up the street to Meadow Winds, people can't or are afraid to drive up those hills, afraid to drive down them. And the water problems that exist over there are a nightmare. That's not something that was built fifty years ago.

CHAIRMAN EWASUTYN: Mike, do you want to talk about off-site improvements?

MR. DONNELLY: Under New York Law we can not require a developer to make off-site improvements. We can only have him make improvements on the land that he is developing. When roadways need to be improved they need to be improved by the governmental agency that has control, the Town for Town roads, the County for County roads, The State for State highways.

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MR. BRADY: Okay.

CHAIRMAN EWASUTYN: Kirk, do you have something to add?

MR. ROTHER: I'll add a little bit to the Patton Road issue. We're aware that it's not a very safe intersection. The Board expressed their concern that it's not a safe intersection and they asked us to look into what we could possibly do to remedy it. I've been out there on three different occasions, walking up and down with a range finder, taking sight distance measurements. There's just -- there's really no easy fix. The way Patton Road twists at the intersection with Route 52, we have the neighbor Mugnano whose house is pretty close. Their well is even closer. Not that it's even feasible for the project. If we were going to try to acquire land from them or put another turning lane in --

MR. BRADY: 52 you mean?

MR. ROTHER: We're going to make their lot even more nonconforming and even closer to the edge of pavement. There's an existing catch basin right there that sits down maybe six, eight inches. We'd have to deal with that, which

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probably would involve replacing the structure.

The one thing that I did realize going out here, and I haven't really said this to the Board yet, is for a 45 mile-per-hour zone, from what I measured the stopping sight distance on the State road, as you come around this corner toward Patton Road is substandard. Generally speaking, 45 miles-an-hour should be around 450 feet. I think it's closer to 350 feet. I think that's a large source of the problem. As everybody said, not only do the vehicles not go 45, they go 55. Even for 45, and it's a nice, long sweeping curve so you can really keep your foot on the gas, and then all of a sudden you come around and you have the straight-a-way and there's a vehicle stopped or a bus slowing down turning into Patton Road.

We would offer and we will clean up the brush on the side of the road on the south side because we own it. You can see the geometry of our property, it comes to a point right here on Route 52. So we don't even have the opportunity to offer to clear or grade adjacent to the highway because it's not our property.

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What we will do and are currently looking into, our surveyor is getting the right-of-way maps for Route 52, whatever tree clearing or cutting we can do within the 52 right-of-way around this corner, we will offer to do that. It's technically the State's responsibility. We'll do it. It's not going to solve the problem but it might make it a little bit better. It's too bad no one had that house -- it's too bad that wasn't bought and the road could have been somewhat straightened out if the house was eliminated and became part of the road.

CHAIRMAN EWASUTYN: Ma'am. We'll move on.

MS. OEHME: Gloria Oehme, 25 Patton Road. Another concern of mine I have is I go down Patton Road, because I live so close to 52, and I make a right. If I go down to the Dairy Queen and I want to make a left, you can sit there for a long time because there's no arrow ever coming to give you the right-of-way. Will there ever be an arrow to let you go in different directions?

CHAIRMAN EWASUTYN: Ken Wersted, why

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don't you address that. We seem to be now stalled on a particular issue. As Mike Donnelly said, it's an improvement that the applicant isn't responsible for.

MS. OEHME: I realize that. I'm just thinking forty extra cars --

CHAIRMAN EWASUTYN: Again, it's an issue that's something we can't mitigate this evening. Ken Wersted will talk to you about future improvements of the DOT if they wanted to be responsible for it.

MR. WERSTED: That would be an issue that would kind of fall under their jurisdiction. There is also obviously -- The Marketplace proposed a number of improvements, you know, around the area. That was one of the things that they looked at, to -- I'm trying to recall because that was -- that job started now almost ten years ago. But they had identified some issues there. Obviously the turns from Route 52 --

MS. OEHME: It's terrible.

MR. WERSTED: -- coming from this direction to there with no left-turn lane.

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People are as courteous as they can be and stay toward the center line to allow people who want to go through to get on the shoulder. You do have that issue of there's no arrow there. You're relying on the gaps that somebody else -- you're hoping somebody opposite you has to turn left, too.

MS. OEHME: I just didn't know if there was ever a chance that they could get a turn arrow.

MR. WERSTED: It really comes down to, you know, when it becomes enough of an issue and a priority for essentially DOT to look at doing some capital improvements there. If they have -- obviously they're always looking at different problems throughout the region. They'll often look at how much money they have, they'll look at what priorities there are and they'll base their decisions on which projects based on that. So if the issue there is largely during only a couple hours a day, that being the commuter hours, then they may look a little less favorably on it to say, you know, we have some issues that are a problem all day long from dusk to dawn and this

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one might only be for a couple hours, so we might have to address something else first before we get to that. There's a number of factors that kind of tie into --

MS. OEHME: Just out of curiosity, is there any way they can do a study on that? I think it's more than just a few hours.

MR. WERSTED: I think that was part of the mitigation plan for The Marketplace, to look at what type of improvements could be done there and, you know, study how much traffic is going through there, what the problems are and then what possible fixes there are. The other point is you have Dairy Queen, on one side, the deli on the other side. It's a very narrow little corner there. The first improvement would be to widen the road so you can fit more lanes, but you've got two properties on either side that are also close. I don't think you can get around them on the Dairy Queen side, and the deli side is a drive aisle and then you have the building.

MR. BRADY: A four-way stop sign is about the only way to alleviate the problem.

CHAIRMAN EWASUTYN: I'm going to take

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the last round of questions and then we're going to adjourn the meeting and reschedule it for November 7th. So those of you who haven't had an opportunity, we'll take you first.

MR. SHANNON MENNERICH: I'm Shannon Mennerich. This is my mother. That's my brother. They both live on Patton Road right next to the property. I myself live on Route 300 now. I visit my family regularly, though. I've grown up walking, crawling through those woods. I have a lot of memories of them. Not that that is of any importance.

Why do we have to squeeze so many houses into such a small available lot? Why can't new alternative drawings be done to minimize the amount of homes being built, to minimize traffic and a lot of the concerns here that the people have? Have alternative drawings. I'm just curious.

CHAIRMAN EWASUTYN: I think it was first mentioned that this property had been zoned B for business. They approached the Town Board. The Town Board rezoned it to the current zoning. What is being shown here is what is in compliance

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with current zoning.

I'll ask Mr. Rother to take that further. Kirk.

MR. ROTHER: There was an alternative plan first presented at seventeen lots. Now we have sixteen. We petitioned the Town. We're seeking a zone change for the same zoning surrounding this property on the west side of Route 52.

MR. SHANNON MENNERICH: Okay. What does it take to -- do you need to change zoning rules to make such a plan like this be denied so that it would have less homes?

CHAIRMAN EWASUTYN: I'll let Mr. Mennerich answer that question. Go ahead.

MR. MENNERICH: At the time that they requested to change the zoning for this property, there were public hearings held at that time. The Town Board had public hearings on it. If the zoning was to be changed to something else, it should have been brought up at that time.

MR. SHANNON MENNERICH: Okay.

CHAIRMAN EWASUTYN: I think similar to what, was it Melanie, looking at the

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compatibility of homes within the neighborhood, realizing they're not identical but similar, the compatibility of lot size to this development with the existing neighborhood is compatible.

I guess there's another real honest truth to it which people don't like to talk about. There's costs associated with developing projects, and as much as we don't like to use money, but money is sort of the governing -- the cost to develop something like this based upon the amount of units and the cost. It has to equal out. So the greater the number, the more logical it is to develop the property. It's a sad fact but it really is --

MR. MENNERICH: As a point of reference, the first project on the agenda that we heard about was a medical office building, and that property -- that project was proposed on approximately an 8 acre parcel, which based on commercial and what not, would generate anywhere from 300 to 400 trips if it was retail as was proposed a couple years ago. This property being somewhat of an equal size and being converted from commercial to residential took it out of a

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large traffic generating category, that being commercial and retail, and put it into a lower generation. So obviously it will generate more traffic based on it being woods now, but the potential that it could have had years ago, or whenever it was still commercial, is a big difference.

CHAIRMAN EWASUTYN: If you're not satisfied with his answer you can speak to him after the close of the hearing.

Joe, you had your hand up.

MR. DUBALDI: I want to bring something to everybody's attention. You're all in the Orange Lake Fire District which consists of houses in Winona Lake and Dan Leghorn. The way Patton Road is, you cannot get an engine or ladder up that road. We're going to put sixteen houses in two cul-de-sacs. The only way to get fire apparatus is to go down Monarch, to Royal, to Ambassador, down to Patton. Us being the people that live there, God forbid we have a structure fire, there's going to be a delay. Something has got to be done to the road. I've seen a dump truck tip, overflowing with a

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load of sand in the ditch. Something has to be done to get a fire apparatus in there. You've got sixteen more homes going in.

MR. DANIEL MENNERICH: I was always kidding around with Joe, maybe we could dead end that street so there is no traffic down there. If that's something that can be considered, putting in a cul-de-sac right where the driveways are on the property.

CHAIRMAN EWASUTYN: You would have to approach the Town Board on that. The Planning Board -- I'll let Mr. Mennerich -- I'll let Mr. Mennerich respond to you as to the limitations of the Planning Board or the scope in which the Planning Board works.

Ken, please.

MR. MENNERICH: I'm going to get a little off track. On that intersection, last week there was a moving van that got hung up. It was coming down the hill and tried to make the right-hand turn, didn't swing out enough and it got hung up. School buses won't go down that way either because of the same problem. But I think it's something that the Town needs to take some

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2 kind of action on. Maybe there's something that
3 can be done grading wise. Maybe it has to be
4 made a one-way street. Maybe it should be
5 blocked off. But that's not this applicant's
6 problem, it's not the Planning Board's problem,
7 it's a Town Board problem. The only thing I
8 could suggest is that we could see what the
9 highway superintendent for the Town of Newburgh
10 could offer as some possibilities.

11 MR. GALLI: The problem is the State
12 part of it. They really can't do nothing with
13 the State part.

14 CHAIRMAN EWASUTYN: We'll ask Ken
15 Mennerich -- not Ken. Ken Wersted to come up
16 with some concerns and comments and reach out to
17 Darrell Benedict and see what kind of response
18 you can get from him.

19 I guess what I'm saying is we'll try to
20 summarize some of the concerns we have tonight as
21 far as the makeup and the intersection. Ken
22 Wersted, being the Traffic Consultant, will
23 coordinate your concerns with Darrell Benedict,
24 and hopefully between now and the 7th of
25 November, whatever was said you'll know about.

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MR. MENNERICH: One other item. On the drainage, there's been a lot of discussion on it. I don't think anybody mentioned, Kirk did you, about the rain gardens that are going to be on these lots and what the purpose of those are? I think it would be helpful to the people that are here to know what they are.

MR. ROTHER: The color might help a little bit. We talked about detention, which is holding our water back from the increase in impervious area. Mr. Hines also stated there's water quality objectives that have to do with cleaning the water. There's a new requirement of the DEC that's called runoff reduction volume. When we do these types of developments, rather than accomplish the two quality and quantity objectives in one practice like this pond, they want us to try to hold the water back, slow it down and treat it at the source. So to meet those new objectives, that's one thing that led to us putting the vegetative swales on the site instead of piping it. The swales slow it down, it cleans the sediment. Also on this you can see all the spots that are rain gardens. So the roof

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runoff from these properties, they won't be piped underground like they often are. There will be a downspout that will travel the grass a little ways. Each one of these is a depression, roughly about one foot deep, around a hundred square foot in size, planted with certain types of plants and grasses that are water tolerant. These will pond and fill up with water and hold the water back. Not for the Irenes and Sandys but the every day storms. This will attenuate all of this water and keep it on the site.

CHAIRMAN EWASUTYN: For clarification for the public, would you, one more time, state what we're planning to do?

MR. DONNELLY: We're going to adjourn the hearing until November 7th here at 7:00. We'll require the applicant to mail an individual notice to each of the property owners who did not receive a notice of tonight's hearing so that they'll be notified. We are not going to require him to remail a notice to everyone else because they had notice, but you can certainly spread the word. Those of you who are present, we're informing you the hearing will be continued on

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November 7th. So those that weren't noticed will be. The rest of you have received your notice. We apologize again for the confusion but we'll continue the hearing at that time.

CHAIRMAN EWASUTYN: Thank you.

I'll move for a motion to schedule the public hearing for Patton Ridge Subdivision to November 7, 2013.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:22 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 23, 2013

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

----- X
In the Matter of

GIBSON ESTATES
(2013-09)

122 Rock Cut Road
Section 47; Block 1; Lot 28.2
R-1 Zone

----- X

PUBLIC HEARING
FOUR-LOT SUBDIVISION

Date: October 3, 2013
Time: 8:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: KEN LYTLE

----- X

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MR. PROFACI: The next item is Gibson Estates located at 122 Rock Cut Road, Section 47, Block 1, Lot 28.2, located in the R-1 Zone. It's also a public hearing on a four-lot subdivision being represented by Ken Lytle.

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 Gibson Estates, project 2013-09, for a four-lot subdivision on premises 122 Rock Cut Road in the Town of Newburgh, designated on Town tax map as Section 47, Block 1, Lot 28.2. The applicant proposes a four-lot single-family residential subdivision on a 6.11 acre parcel located on the east side of Rock Cut Road. The parcel is located in the R-1 Zoning District. Lots will be accessed from driveways onto Rock Cut Road/County Route 23. On site water and sewer will be provided for all lots. The project has received variances from the Town of Newburgh Zoning Board of Appeals.

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Said hearing will be held on the 3rd day of October 2013 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 September 12, 2013."

CHAIRMAN EWASUTYN: Thank you.
Ken Lytle.

MR. LYTLE: Good evening. As mentioned, it's a 6 acre parcel of property. We're proposing dividing it into four lots. One lot will keep the existing residence on it. We're proposing three new residences.

All lots will have access to the County road.

Lots 2 and 3 will have a common driveway.

As mentioned, individual wells and septics are proposed for this.

During the process we did need variances, which we have received, and we're back to the Board.

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CHAIRMAN EWASUTYN: Comments from our consultants?

MR. HINES: We still have a couple of clean-up items outstanding from our September 5th letter. The septic system, driveway access and maintenance by Mike Donnelly. I don't know that we got County final approval yet for the driveways.

MR. LYTTLE: I'm waiting for a letter back.

MR. HINES: We haven't heard back from County Planning, although I discussed the project with Chad Wade. We don't have the letter yet. That's going to be a holdup.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: I don't have anything.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Mike, at this point what do you suggest? Do we put it under Board Business for --

MR. DONNELLY: I would think so.

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CHAIRMAN EWASUTYN: We'll try for the 17th.

I'll move for a motion to set this up for Board Business at our meeting of the 17th of October to grant conditional final approval subject to having received a sign off from the Orange County Planning Department under 239-M of the Municipal Law.

MR. MENNERICH: Just one question. Will that be over the thirty days?

MR. HINES: Yes.

MR. DONNELLY: Let me run through the conditions quickly.

MR. LYTLE: One question. Is that a meeting I need to attend for that? I'll be away that week.

CHAIRMAN EWASUTYN: No. That's fine.

MR. DONNELLY: The conditions, we'll have the standard reference to the Zoning Board variance that was granted. We'll need a sign-off letter from Pat Hines on his September 5th memo. I believe there is still a requirement that we do a field staking of the septic areas in the field because of their proximity to property lines.

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MR. HINES: It was the houses and the wells.

MR. DONNELLY: I'm sorry?

MR. HINES: Houses and wells.

MR. DONNELLY: And the septic?

MR. HINES: No.

MR. DONNELLY: Houses and wells. Let me write it down. Orange County DPW sign off for the common driveway easement and maintenance agreement. Parkland fee for the three new lots totaling \$6,000.

CHAIRMAN EWASUTYN: Would you prefer to hold it off until the 7th when you're in Town?

MR. LYTTLE: No. I'm okay with that. Thank you, though.

CHAIRMAN EWASUTYN: Thank you.

MR. LYTTLE: Have a good night.

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing for Gibson Estates four-lot subdivision.

Let the record show that no one was in attendance for the public hearing.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:30 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 23, 2013

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

----- X
In the Matter of

RIVERA CLEARING & GRADING
(2011-29)

Countryman Lane off Pressler Road
Section 6; Block 1; Lot 2.14
AR Zone

----- X

CLEARING & GRADING PERMIT

Date: October 3, 2013
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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MR. PROFACI: The next item is
Rivera Clearing & Grading, 2011-29,
Countryman Lane off Pressler, Section 6,
Block 1, Lot 2.14, located in the AR Zone.
It's a clearing and grading permit
represented by --

CHAIRMAN EWASUTYN: I'll leave this
for Jerry Canfield. Jerry, can you speak to
the Board on this?

MR. CANFIELD: This is an existing
application that was before the Board actually a
couple years ago. The Board granted the clearing
and grading permit for the property. Clearing
and grading permits have an expiration of one
year. This project has expired its permit.

We've also had some other issues with
the site whereas the applicant has exceeded
somewhat the areas of clearing. It started with
a complaint, an actual compliance action with the
Code Compliance Department. The applicant has
hired an engineering firm who is not here tonight
but they have submitted the necessary application
for resubmittal with new calculations which I
believe Pat will speak about in his review.

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We do have an enforcement action in place which does involve a court appearance which has been rescheduled for Monday evening. We're kind of on hold with the enforcement action to see the outcome of what the Planning Board's wishes are with this application.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have some technical comments. Along with this clearing and grading permit the project had a DEC Article 24 wetlands permit. Some of the area Jerry spoke of that has expanded a bit is within the hundred foot adjacent area for that, so we're requesting the status of that.

They did copy us, after getting our comments, on a letter to DEC requesting an extension of that permit and to cover the existing areas, but that's outstanding.

They shaded in the areas that have been cleared and graded outside the previous areas. It's depicted on the plans.

We're just requesting any changes in the topography be shown.

When this was originally before us

1
2 there was a request -- it had a barn proposed in
3 an upland area outside the wetland areas and
4 there still remains a note that says see barn
5 area. There's issues with that barn, including
6 zoning issues, because it's in a front yard --
7 it's in front of the primary residence which
8 isn't allowed. So they either need to take that
9 note off or clarify what it means. It may be a
10 remnant of the previous plans that wasn't removed
11 from the CAD.

12 There are some conflicts in the plan
13 and profile of the driveway regarding some piping
14 that we've identified. They need to clean that
15 up.

16 We're requesting that the erosion and
17 sediment control be shown rather than just the
18 details.

19 CHAIRMAN EWASUTYN: So the action
20 before us tonight is to schedule it for a public
21 hearing?

22 MR. HINES: Yes. It requires that.

23 MR. CANFIELD: Yes.

24 CHAIRMAN EWASUTYN: Then I'll move for
25 a motion to set Rivera Clearing & Grading permit

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for the 7th of November also.

MR. GALLI: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 8:33 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 23, 2013

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

----- X
In the Matter of

JPJR HOLDINGS
(2011-19)

To Add as a Board Business Item on the
Planning Board Agenda

----- X

BOARD BUSINESS

Date: October 3, 2013
Time: 8:34 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: Before we go on to the three or four items we have under Board Business, I'll let Mike Donnelly speak about JPJR.

MR. DONNELLY: At last month's meeting we had that project on for a public hearing. There were four members present, if I recall correctly. We closed the public hearing and the Board elected not to take action because the Orange County Planning Department had given a recommendation of disapproval. In order to override that recommendation, and you had valid reasons to do so, you need a majority plus one of your membership, or five votes. Rather than have the project disapproved you decided to adjourn it until you had more Members present.

You need to set that down for a date when the vote can be taken on the resolution.

CHAIRMAN EWASUTYN: So really the motion before us then would state what, Mike?

MR. DONNELLY: I think just to add it to your agenda.

CHAIRMAN EWASUTYN: We have to add it to the agenda.

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MR. DONNELLY: Under Board Business I think.

CHAIRMAN EWASUTYN: Not tonight?

MR. DONNELLY: I would have brought the resolution. I thought that matter we didn't --

CHAIRMAN EWASUTYN: Pat, would you remember to add this to Board Business for the 17th?

Does everyone remember, they had some design issues that they thought and we couldn't act on it?

MR. HINES: They stated that the size of the lots wasn't in harmony with the area, but it is consistent with zoning.

(Time noted: 8:35 p.m.)

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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

GOLDEN VISTA/MEADOW
(05-46)

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

----- X

BOARD BUSINESS

Date: October 3, 2013
Time: 8:35 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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MR. PROFACI: We have Golden Vista/Meadow, 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 think the only change in that --

MR. HINES: It's a one year and it's site plan, not subdivision. They're requesting a one-year extension from 29 September until September 29.

CHAIRMAN EWASUTYN: For site plan.

MR. HINES: For site plan.

CHAIRMAN EWASUTYN: Then I'll move for that motion.

MR. FOGARTY: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Tom Fogarty. 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 with Frank Galli.

MR. GALLI: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:36 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 23, 2013

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

----- X

In the Matter of

POTTERS RIDGE
(12-15)

Request for a Deferral of Recreational Fees, Update
of Conditions and a Ninety-Day Extension of
Conditional Final Approval

----- X

BOARD BUSINESS

Date: October 3, 2013
Time: 8:36 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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MR. PROFACI: The next item is Potters Ridge, project 12-15. The applicant is requesting deferral of recreational fees, updated conditions and a ninety-day extension of conditional final approval.

CHAIRMAN EWASUTYN: Mike, do you want to speak to us on this?

MR. DONNELLY: You'll remember the Town Board passed another resolution that allowed a partial deferral of the payment of recreation fees. That request was not made earlier. We would need for you to vote upon a revised resolution, and I've prepared one. It simply recites that the applicant has requested that.

There are certain map notes that are required that are set forth in the resolution condition.

What I'm a little confused on is how many lots there are in the subdivision. There are two. I thought one of the lots already had a house on it, so we're only talking about --

MR. HINES: It does. Also I thought that that lapsed, the ability to do that. There was a window.

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MR. DONNELLY: It goes to November 14th. So we're talking only about \$2,000 that can be partially deferred to the future. If that's what they want, I've prepared the resolution.

MR. HINES: It's only one lot.

MR. DONNELLY: One new lot. So the fee is \$2,000. I've prepared the resolution. It's separate from the extension. You can vote on that separately. If they've asked for the revised resolution, you can do that. They'll have to file I guess a certificate at that time that they'll comply. You can take action on it this evening.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: The update of conditions. The project had a condition. It had a lot line change with an adjoining lot as part of this, and that adjoining lot lost the ability to use its well upon filing of this map. It didn't comply. The Board required that the water line to that lot, the service lot, be installed prior to filing of the map because obviously there was no enforcement mechanism against the non party after

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that. They started that process and have located a lateral that was put in by the Town to service that lot, that extends to that lot. Now it's not into the lot itself. So they're requesting that that condition also be removed, that the water line to the adjoining neighbor, and I forget the name of the neighbor right now, be put in prior to final because there is a stub to that property line.

MR. DONNELLY: I think we put it in by you having a sign-off on your letter. If that's satisfactorily accomplished, we don't need to change the resolution.

MR. HINES: That's the update.

CHAIRMAN EWASUTYN: The first motion before us is to defer the recreation fee for the Potters Ridge subdivision for the one lot which it will be applicable for upon signing of the maps.

MR. PROFACI: So moved.

MR. FOGARTY: Second.

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

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(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Then we have a standard extension, a ninety-day extension for the conditional approval for Potters Ridge, to grant that extension.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich and 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. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

(Time noted: 8:39 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 23, 2013

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

----- X

In the Matter of

ROUTE 9W GAS & CONVENIENCE STORE
(09-14)

Request for a One-Year Extension of
Site Plan Approval

----- X

BOARD BUSINESS

Date: October 3, 2013
Time: 8:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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. PROFACI: The next item is Route 9W Gas and Convenience Store, project 09-14. The applicant is requesting a one-year extension of site plan approval which will run from 7 October 2013 to 7 October 2014.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. PROFACI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 8:40 p.m.)

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

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DATED: October 23, 2013

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

----- X

In the Matter of

SEQRA FORMS

Update to the Application Package

----- X

BOARD BUSINESS

Date: October 3, 2013
Time: 8:40 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: I'd like to move for a motion for Pat Hines to reach out to Gil Piaduadio, the webmaster, as far as updating our application package to show the new short form and long form.

MR. FOGARTY: So moved.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Mike, if you could reach out to Mark Taylor in reference to the escrow fee now may be being revised for the short form.

It was a productive night.

Motion to close the Planning Board meeting.

MR. GALLI: So moved.

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MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:41 p.m.)

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DATED: October 23, 2013