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

----- X

In the Matter of

ROUTE 300 CENTER  
(2012-05)

1413 Route 300  
Section 60; Block 3; Lots 40 & 41.22  
IB Zone

----- X

SITE PLAN

Date: November 1, 2012  
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

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

APPLICANT'S REPRESENTATIVE: JOHN CAPPELLO

----- 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 November 1, 2012.

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. PROFACI: The Planning Board employs various consultants to advise the Board on matters of importance, including 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 Department.

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

MR. COCKS: Bryant Cocks, Planning Consultant.

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MR. PROFACI: Thank you.

At this time I'll turn the meeting over to Tom Fogarty.

MR. FOGARTY: Would everyone please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. FOGARTY: Would you please turn off your cell phones. Thank you.

MR. PROFACI: The first item on tonight's agenda is Route 300 Center, project 2012-05, located at 1413 Route 300, section 60; block 3; lots 40 and 41.22, located in the IB zone. It's a site plan represented by Timothy Onderko, or someone else.

MR. CAPPELLO: John Cappello, actually, with Jacobowitz & Gubits. Tim is on his honeymoon.

We were here a few months back. The proposal is for property directly adjacent to the Newburgh Mall on Route 300. What we're looking to build is a ten-station gas station run by Stop & Shop with a 120 square foot kiosk. Stop & Shop generally builds these on the sites where Stop & Shop supermarkets are. The Stop & Shop

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supermarket on 300 just doesn't have enough room, so they have located the property here to do a ten-station facility. Stop & Shop usually offers points when you buy groceries there that you can redeem for lower priced gas.

So that would be the front of the site.

Also located on the site, we're proposing a 5,425 square foot Somerset tire service center. That would be located to the rear of the site.

You may recall, in our original proposal we also had a 6,000 square foot plus building that we were reserving for a bank. That's become a little more, you know, up in the air. So the developers have proposed not to construct that at this time and just to build the first phase. At the time when we have more detailed knowledge about if we have a tenant and who that tenant would be, we would come back to the Planning Board for site plan review for that.

MR. DONNELLY: What's the size of the building you are building now?

MR. CAPPELLO: This one is 5,425.

MR. DONNELLY: It's over 4,000, it's

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still unlisted. Okay.

MR. CAPPELLO: Yes. Since the last meeting the major change to the site is one we have now provided you with a detailed site plan approval. Last time we were here we were just here for a concept review. So the detailed plans are before you, which includes the grading plan, the stormwater drainage plan, some traffic analysis and all the other details necessary for the plan.

The changes to the site, we also -- we went to the ZBA, received a variance. We needed one because this property is located less than 1,000 feet from an existing gas station. In the Town of Newburgh you can't have two gas stations within 1,000 feet of each other. We did get relief from the ZBA from that requirement and also received a variance from the ZBA related to signage.

Also, since the last time we saw you, we were able to obtain a permit through the Army Corp of Engineers to build an access road. It would only be a one-way access, 18 feet in width, to the rear access road to the Newburgh

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Mall. The property does have an easement over this property. We didn't know if we'd be able to build it because of the wetlands issues. We were able to obtain a permit to construct at least an 18 foot wide driveway, and that would be one way so people would be able to leave the site -- instead of making a left-hand turn across 300, would be able to leave the site, go back through the mall, come out on Meadow Hill and make a left turn at the light. So that's the, you know, major revisions, like I said, other than the detailed, the landscaping and all the other details.

Really what we're here kind of is to reintroduce the project, obtain any comments from the Board and the Consultants, and then, based upon that, see how you would like to proceed and move forward with this.

CHAIRMAN EWASUTYN: Thank you, John. I'm going to open up the meeting with some important information for you to consider that we discussed at the work session. I'll have Jerry Canfield and Mike Donnelly talk to you about the proposed 18 foot wide access road.

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Gentlemen.

MR. DONNELLY: I'll start. It's in Ken Wersted's memo. There's a section of the code, 185-28, it's among the special provisions relating to certain uses, and it requires for all entrance and exit driveways for gasoline service stations, that the minimum width is 25 feet. It's not a waivable requirement by the Planning Board, and it seems, from the wording, to apply not to just driveways or two-way driveways but to entrance driveways and exit driveways. So I think it has application here. You either need to widen that or perhaps return to the Zoning Board for a further variance. Look at the section. Maybe there's a way to read it differently than what we see.

MR. CAPPELLO: I will take a look but I can tell you unfortunately I think we'd have to go back to the ZBA because while we could explore the possibility, I also saw Mr. Wersted's memo going to 25 feet. To go to 25 feet, just the level of disturbance, given the Army Corp's permitting, would put us into a different level of review which would make it time prohibitive

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ROUTE 300 CENTER

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and cost prohibitive to build the driveway. So, you know, I will go back.

MR. DONNELLY: It may be some part of your rationale as to why a variance is appropriate.

MR. CAPPELLO: Exactly. I didn't think we could do that but hopefully we can move forward with, you know, the other comments and do it simultaneously.

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: Jerry, do you have anything to add to that?

MR. CANFIELD: No. Basically, John, the last time you were here we didn't see that entrance drive.

MR. CAPPELLO: Right. We didn't know if we could do it at all.

MR. CANFIELD: Because it's a section of 185 zoning, it's something this Board doesn't have the authority to grant a waiver for. It's only the Zoning Board that can do that.

MR. CAPPELLO: That's, you know --

MR. CANFIELD: It does make you a good candidate with your concern with the Army Corp of



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ROUTE 300 CENTER

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Engineers.

CHAIRMAN EWASUTYN: Pat Hines, Drainage  
Consultant?

MR. HINES: I think it's a safety  
concern, too, that you're allowing that left turn  
to go out that way. The site would function  
without it but it's a benefit to the site, the  
rear access.

MR. CAPPELLO: That's why we, you know,  
explored it, because we knew that was a concern.  
It was what we thought and still think is, you  
know, a useful, you know, driveway to build.

MR. HINES: I have just a couple  
technical comments on the stormwater plan that  
the engineer has and I'm sure we can address as  
we go on.

The main one, the other one for the  
attorney here, they're showing a connection to a  
lateral, an existing force main that's on, I  
think, the Newburgh Mall parcel for their sewer,  
and that connection -- it's not on that map that  
you have there but I'm not sure it's part of the  
Town system that you're tying into. It may be  
the private lateral from the Newburgh Mall

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where the sewer is connecting. That's an issue. If it is part of the Town system, fine. If it's someone else's lateral you're tying into, you may have to have an easement or agreement with them for that to function.

The other comment is that the -- I didn't know there was an existing easement but we do require that, the Board, for the rear access --

MR. CAPPELLO: Sure.

MR. HINES: -- for review. That's all we have. I'll discuss the drainage comments with the engineer. He has them.

I just have a concern with their design, that they're using 150 foot long broad crested weir for discharge. It's a bit of a challenge to get 150 foot long straight, flat piece to discharge across the entire thing. There's usually a little drop somewhere that becomes an issue. I think I have a suggestion to resolve that but it does function so we'll work with them on that.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

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MR. COCKS: Yes. Mr. Cappello, did you have a copy of the letter from the Army Corp of Engineers? I don't have it in the file.

MR. CAPPELLO: I don't have it but I will provide it.

MR. COCKS: Thank you.

The parking space striping detail just needs to be revised to the Town of Newburgh double line striped.

The proposed bollards on site are yellow. I was just asking if they could possibly be white or match whatever color -- I didn't see what color the canopy was going to be so I didn't know if that was going to match or if you wanted that to really stand out, just because yellow is very --

MR. CAPPELLO: They probably took a design from one of their bollards. They do want people to see them.

The canopy we discussed at length with the ZBA. It's going to be the Stop & Shop color, the purple.

MR. COCKS: The lighting fixtures, the Town of Newburgh design guidelines require a

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ROUTE 300 CENTER

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maximum of 16 foot high lights in commercial site plans this size. The ones under the canopy are shown at 15 feet but the ones surrounding the tire center are 20 feet. The Planning Board can discuss if that is something that can be waived. We usually require 16 foot high lights. I don't know if the applicant is dead set on the 20 feet.

MR. CAPPELLO: I spoke to the engineers. I think we could put them at 16 feet but, what we've discussed, it would be more and there would be more intense. I'll I have them discuss, you know, directly with the Board as to how many more would be needed and what the additional intensity would be.

MR. COCKS: And just a request for when we do the ARB review, just to provide color and material samples for the Board to see.

That was it.

CHAIRMAN EWASUTYN: That's it.

Comments from Board Members. Tom Fogarty?

MR. FOGARTY: I just have one. Now that you have the new driveway which is going to allow a person to go out to Meadow Hill Road and

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take a left, have you ever thought about making that exit right turn only on 300, because that's one heck of a left-hand turn?

MR. CAPPELLO: One of the issues we have is as of now -- we'll have to explore it a little more -- I don't know if we can get even more than 18 feet on this, which would make it a one way. So you would still need a left into the site. Can we make another left turn out so people can go that way? I guess we can explore that.

CHAIRMAN EWASUTYN: Anything else?

MR. FOGARTY: No. That's it.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Just something that Pat had brought up. I don't know if you mentioned it with regard to the petroleum filter.

MR. HINES: That's one of the stormwater comments. They've put a proprietary device in the storm drain system to meet the requirements for a stormwater hot spot but the device they chose is really more for suspended solid removal and not for petroleum products. We'll address that comment. There are some

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different devices they could select that would act more as a filter for that petroleum for that stormwater hot spot.

MR. PROFACI: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: John, did you get the memo from Karen Arent on the landscaping?

MR. CAPPELLO: Yes, we did. I forwarded it to the applicant and they didn't see any problems with it. I'm sure we can address it.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I'm fine.

CHAIRMAN EWASUTYN: Okay. Mike, do you want to discuss with us the letter that we would be referring it to the ZBA?

MR. DONNELLY: I'll send a further referral letter, 185-28, with the driveway.

MR. CAPPELLO: 28 or 20-A?

MR. DONNELLY: 185-28.

CHAIRMAN EWASUTYN: I think the other action before us this evening is to refer this to the Orange County Planning Department?

MR. DONNELLY: Yeah. You had resolved

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to do it way back when but we didn't while we were waiting for the more formal plans. I think we should send it now so we don't lose time.

CHAIRMAN EWASUTYN: John, you'll get a copy to Bryant Cocks?

MR. CAPPELLO: Yes. I don't recall, did the Board coordinate lead agency?

MR. DONNELLY: We decided to do an uncoordinated review.

CHAIRMAN EWASUTYN: Just as a matter of policy, on any resubmission would you identify, your letters and correspondence, with the project number?

MR. CAPPELLO: Yes.

CHAIRMAN EWASUTYN: Anything else before us?

(No response.)

CHAIRMAN EWASUTYN: Does that satisfy --

MR. CAPPELLO: I was going to -- could we get permission to maybe go to the next consultants' meeting to work out some of these issues with the hope toward, you know, coming back to a public hearing on this if we could

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ROUTE 300 CENTER

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address --

CHAIRMAN EWASUTYN: Can we do a public hearing while it's before the ZBA?

MR. DONNELLY: Yes. You can't take action.

MR. GALLI: Does the ZBA have to do another hearing?

MR. DONNELLY: They'll have to.

MR. CAPPELLO: Unfortunately.

MR. HINES: You can waive it.

MR. DONNELLY: You could waive the public hearing.

MR. GALLI: We can waive it. They've already had one. They're going to have another one. It's going to be like the third public hearing for these people. It's all commercial. It's not like a lot of residential.

MR. CAPPELLO: Did the new law, I think it was aimed at one of my certain other clients, take effect regarding public hearings?

MR. DONNELLY: I don't think it's finalized yet.

MR. GALLI: I'd like to waive it if we could.



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ROUTE 300 CENTER

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CHAIRMAN EWASUTYN: Okay. I'll poll the Board Members. Do they want to have a public hearing on this?

MR. GALLI: No.

MR. MENNERICH: No.

MR. PROFACI: No.

MR. FOGARTY: No.

CHAIRMAN EWASUTYN: No. So that answers that.

Do you still want to have a consultants' work session?

MR. CAPPELLO: Yeah. I think it might be helpful just because I didn't have the consultant here.

CHAIRMAN EWASUTYN: What's the next available date, Bryant?

MR. COCKS: The Tuesday before Thanksgiving. So I think the 20th maybe.

MR. HINES: The 27th.

MR. COCKS: Is the 27th okay?

MR. HINES: It is the 27th.

MR. COCKS: Is the 27th good for you?

MR. CAPPELLO: Sure.

CHAIRMAN EWASUTYN: I'll move for a

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ROUTE 300 CENTER

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motion to set Route 300 Center for a consultants' meeting for November 27th.

MR. GALLI: So moved.

MR. FOGARTY: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

Bryant will let you know the time of that meeting.

MR. CAPPELLO: Okay. Great. Thank you very much.

(Time noted: 7:15 p.m.)

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

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

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DATED: November 26, 2012

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

----- X  
In the Matter of

ELM FARM  
(2000-09)

Wells and Fostertown Road  
Section 39; Block 1; Lot 12.44  
R-2 Zone

----- X

AMENDED 52-LOT RESIDENTIAL SUBDIVISION

Date: November 1, 2012  
Time: 7:15 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

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

APPLICANT'S REPRESENTATIVE: JASON PITINGARO

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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MR. PROFACI: The next item on tonight's agenda is Elm Farm, project number 2000-09, located on Wells and Fostertown Road, section 29; block 1; lot 12.44, located in the R-2 zone. It's an amended 52-lot residential subdivision being represented by Jason Pitingaro.

MR. PITINGARO: Good evening. This is Elm Farm. We were here about a month-and-a-half ago to review the project. We have 52 lots, previously approved 54 lots, on the corner of Fostertown and Wells Road.

At the last meeting we discussed some of the outstanding issues and the project was referred to County Planning for review.

Since we've received those comments, I believe the Planning Board has received those comments as well, and we've addressed what -- we felt we addressed the comments of the consultants and also provided some correspondence regarding the outside agency approvals and their status.

CHAIRMAN EWASUTYN: I'll turn to Bryant Cocks, Planning Consultant.

MR. COCKS: Jason mentioned we did receive a local determination from the Orange

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County Planning Department. They did have a couple comments but nothing binding.

My only other comment was just the inclusion of the 5,000 square foot buildable area on the grading plan, just to show that all lots meet the grading requirement. I know that they do but it needs to be demonstrated.

MR. PITINGARO: We can include that, certainly.

CHAIRMAN EWASUTYN: Pat Hines, Drainage Consultant?

MR. HINES: We didn't see correspondence from the DEC regarding the air permit. Is that still outstanding?

MR. PITINGARO: That's still outstanding but we have obtained consultants to go back out and verify everything, the wetlands and what not.

MR. HINES: You saw my comment on the DEC. I think we're okay, just give us a letter.

MR. PITINGARO: We have reviewed our previous report in regards to similar reports that have been approved in Newburgh since the 2008 regulations and we feel that it complies.

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MR. HINES: I do too, I just want something for the file because a couple years from now when someone says what have we done, we'll have a paper trail. I concur with you there.

The only other comment we have is at the public hearing, at the north side of Black Gum Court there was a comment on the swales there. We did look at that and are suggesting that that be installed, it's a closed pipe drainage system, to address that issue. Once it's in the pipe, it will keep it in the pipe and it will take that right away.

MR. PITINGARO: Certainly.

MR. HINES: That was the only other issue we had.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: We had a brief discussion at the work session. Is there any flood zone, flood plain?

MR. PITINGARO: I don't believe there's any flood plain on our property. We are generally sloped going upward from there.

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MR. CANFIELD: Lot 56, in that area?

MR. PITINGARO: I can check but I don't believe so. I would think that by this point we would have added that if it had been.

MR. DONNELLY: At the time of the first preliminary approval there was a condition requiring the flood plain development permit.

MR. HINES: In looking at the map, there was a stormwater detention pond previously on lands of New York Build, several versions ago, and I'm looking at the map now and the flood plain is shown right here. So I believe that that has been eliminated by removing the detention pond from there. It was before your time.

MR. PITINGARO: Okay.

MR. CANFIELD: We still need a permit for the disturbance there?

MR. HINES: There's no disturbance. I'm trying to see where that flood plain goes. It looks like they're okay. There was a detention pond there.

MR. PITINGARO: In the area of lot 56, I don't believe we'll have any disturbance across



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Wells Road there.

MR. CANFIELD: As long as there's no disturbance, then no permit is required.

MR. DONNELLY: Okay.

MR. CANFIELD: That's all I have, John.

CHAIRMAN EWASUTYN: Comments from Board Members. Tom Fogarty?

MR. FOGARTY: I remember at the public hearing there was a comment made about putting a light at the entrance into the project. I don't know if you've given that consideration at all.

MR. PITINGARO: We've given it some consideration but the fact is that if it was only affecting our residents, I guess it could be controlled. If it's affecting all the residents in the area, it would have to be included in the special district, the outside users would have to be included in that, then it would have to be approved by them as well, the existing lots.

MR. DONNELLY: That's a Town Board issue. If they were a lighting district and they benefited property owners, they would all have to be subject to notice.

MR. PITINGARO: We would -- I mean the

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adjoining owners would be subject to being part of that district and they would have to agree to be approved -- agree to that approval. I don't know exactly what percentage it is, but it would certainly affect these residents right along here.

MR. FOGARTY: If they wanted to pursue that they'd have to go to the Town Board?

MR. DONNELLY: Yes. It doesn't have to be resolved today. We could give the applicant direction to explore that with the Town Board and see what happens before final approval.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: I mean I know that -- I believe a couple people spoke to it. As I said, they seemed to be serious about it. How it impacts the other people in the area or how important it is to them, I don't know. I'm just going based off of what was said at the public hearing.

CHAIRMAN EWASUTYN: Suggestions from Board Members?

MR. GALLI: I don't know how -- they would have to go to the Town Board and get

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approval for a lighting district.

CHAIRMAN EWASUTYN: Tom, do you want them to move in that direction, they can talk to the Town Board?

MR. FOGARTY: I think they should be made aware. I think we have a record of that. They should be made aware that if they are serious about it, they would have to go to the Town Board to get those permissions.

MR. GALLI: They would have to chip in and pay for it also.

MR. DONNELLY: Do you want this applicant to go to the Town Board or mention to the Town Board there were neighbors that were concerned with the adequacy of lighting and they may wish to take it up?

MR. FOGARTY: I think that's the way it should be.

MR. DONNELLY: We don't need anything in the resolution, we could send a note to the Town Board.

CHAIRMAN EWASUTYN: We will prepare a note and send it to them?

MR. DONNELLY: That's certainly one way

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we could do it, yes.

CHAIRMAN EWASUTYN: All right. Joe Profaci?

MR. PROFACI: In that case, if you're going to consider a lighting district, the lighting district would be for the entire road? All of Wells Road?

MR. PITINGARO: I'm not sure but I think it would be for who all are benefited by that lighting district. So it would certainly be the residents in this general area and these existing dwellings here, and whatever other dwellings are within the --

MR. PROFACI: So you can have a lighting district with five houses, six houses?

MR. DONNELLY: You can probably have a lighting district of any size.

MR. GALLI: It would be very expensive, but the problem is if you're talking one light at the entrance -- I mean you're going to have to put lights down Wells Road. That one light at the entrance isn't going to light up Wells Road.

MR. PROFACI: That's what the complaint was, the whole road is dark.

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MR. PITINGARO: It may not be effective to place a light here, especially if the area of concern is down here or maybe more so off the frontage of our property where the turn really exists.

CHAIRMAN EWASUTYN: Well, we'll have Mike Donnelly prepare a letter to send to the Town Board.

MR. DONNELLY: I'll send them a copy of the minutes.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Mike, the action before us this evening?

MR. DONNELLY: What is before you is a resolution of amended preliminary subdivision approval. The applicant still has certain other agency approvals to obtain before you can grant final. You had granted or issued a negative declaration in October of 2004 on the original preliminary subdivision approval. I think you should reaffirm that negative declaration tonight

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before taking action on the preliminary --  
amended preliminary subdivision approval itself.

MR. MENNERICH: My notes show we did  
that at the last meeting.

MR. DONNELLY: Oh, you did?

MR. MENNERICH: September 6th.

MR. DONNELLY: 9/6. Okay, great.  
That's taken care of.

MR. PITINGARO: In regards to the  
County's comments, would the Board be willing to  
consider a reduction of the road width as  
requested by the County, comment number 3?

MR. HINES: You'd have to go to the  
highway superintendent and the Town Board for  
that.

MR. PITINGARO: Okay. We'll leave it  
as is then.

MR. DONNELLY: In terms of conditions,  
we'll need a sign-off letter from Pat Hines based  
upon the items in his September 4, 2012 memo. And  
more specifically, which came out at the hearing,  
adequate drainage along the adjoining Henderson  
lot must be demonstrated before final approval  
will be granted. We'll need a sign-off letter

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for the comments in Bryant Cocks' memo of November 1st. We'll need certain other agency approvals. Among them, the Orange County Department of Health, the DEC on the sewer main extension. There's going to be a notice of intent for a SPDES permit. There is a DEC wetland approval -- wetlands disturbance permit that will be needed. The highway superintendent on the roadway connection, the County DPW on the roadway connection. The Town Board will have to approve the names of the roads in the subdivision. The Town Board will have to approve creation of a drainage district. You will need to show street trees on the final plan. In terms of conditions, it will be built into the resolution of final approval there be a requirement that the cross grading easement be reviewed, sight distance maintenance and easement, a common driveway easement and maintenance agreement. The roads to be dedicated to the Town shall comply with the requirements of Section 161-38 regarding vertical and horizontal curb design. During construction you'll have to clearly mark the clearing limits in the field.

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There are more than ten lots here and you will need to comply with the non look alike provisions of Section 185-59 E of the architectural review section of the Code. You will need to file financial security and inspection fees for landscaping, stormwater, water main, sewer main and Town road. And of course you'll need to provide the Town, the Town Attorney, with offers of dedication of the roadways. And our standard condition regarding you may not build any outdoor fixtures or amenities not shown on the approved plan. Finally, as part of final approval you will have to pay fees in lieu of parkland for each lot totaling \$104,000.

CHAIRMAN EWASUTYN: Before I move for a motion from the Board to grant an extended preliminary approval subject to the conditions that Mike Donnelly just presented, I'm also going to make a suggestion that; Jason, when you believe you're coming close to seeking final approval, that you come back before the Board and we move to set this up for a consultants' work session to bring forward all the Town Board approvals and bonds and securities that have been



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spelled out in the resolution that Mike Donnelly has just discussed, because there always seems to be an absence of clarity on that and we're going to try a new policy to nip that in the bud.

MR. PITINGARO: Sure.

CHAIRMAN EWASUTYN: So with that being the case, I'll move for a motion to grant the extended preliminary approval subject to the conditions that Mike Donnelly presented for the Elm Farm 52-lot residential subdivision.

MR. PITINGARO: Is this -- just for clarification, this is going to read as an amended approval?

MR. DONNELLY: Amended preliminary subdivision.

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

MR. FOGARTY: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

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MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

CHAIRMAN EWASUTYN: And myself yes. So carried.

MR. PITINGARO: Thank you very much. Good night.

CHAIRMAN EWASUTYN: When he was talking about the wetlands and New York Build, it brings something to mind also. I got distracted. I got a call from -- there were two architects.

MR. HINES: Berg, Hennessy, Olson.

CHAIRMAN EWASUTYN: One of them, I think it was Olson, called recently. Il Cena Cola is going to come back before us, the restaurant on 52. I forgot that. They're now coming back.

MR. FOGARTY: They're going to do an expansion in the back.

CHAIRMAN EWASUTYN: There's the FEMA property, the parking.

I'll move for a motion to close the Planning Board meeting of the 1st of November.

MR. GALLI: So moved.

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MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

(Time noted: 7:30 p.m.)

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

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

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DATED: November 26, 2012