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

----- X

In the Matter of

DiCHIARO SUBDIVISION
(2014-20)

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

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION

Date: November 6, 2014
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

----- 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 6, 2014. At this time I'll ask for a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MR. DOMINICK: Present.

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

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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 off your phones or on vibrate. Thank you.

MR. PROFACI: The first 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: Tonight's public hearing is on a subdivision application that also has a site plan aspect to it. Whenever a subdivision application comes before the Board, the Board is required to hold a public hearing. The Board does so in order to hear from the public. When the applicant -- after the applicant makes it's presentation, the Chairman will ask those that wish to speak to raise their hand. We would ask you to come forward, give us your name, spell it if you would for the Stenographer, tell us where you live in relation to the project. The purpose of the public hearing is for you to bring to the

1
2 attention of the members of the Planning Board
3 issues that the Planning Board may not be aware
4 of or that the Town's consultants haven't
5 discovered either. If you have questions, direct
6 them to the Chairman. The Chairman will ask
7 either the applicant's engineer or the Planning
8 Board engineer to answer the question if it may
9 be easily answered.

10 MR. PROFACI: Thank you. The first
11 item tonight is the DiChiaro Subdivision, item
12 2014-20, located on Forest Road, Section 3,
13 Block 1, Lot 35.22. It's in the B Zone. It's a
14 public hearing for a three-lot subdivision and
15 it's being represented by Mercurio-Norton-
16 Tarolli-Marshall.

17 MR. MARSHALL: Good evening. My name
18 is Larry Marshall from Mercurio-Norton-Tarolli-
19 Marshall, the project engineers. This is a
20 proposed three-lot subdivision on the easterly
21 side of Forest Road, located in the AR Zoning
22 District.

23 The three lots are 2.198 acres, 2.476
24 acres and 7.534 acres.

25 All of the lots will be served by

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private wells and septic systems. The testing has been completed. All of the design has been completed in conformance with New York State and Orange County Department of Health regulations.

To access the lots, lots 1 and 2 will share a driveway. Lot 2 is a proposed two-family residence, so there will be three dwelling units on one private road -- private driveway. Lot 3 will be serviced by a single driveway alongside of the lot 1 and 2 driveway. We have submitted this to the Orange County Department of Public Works for review. We received initial comments. Sight distances are adequate, sufficient to meet AASHTO and DPW regulations. There are some minor clarifications and clean-up items that they've asked for.

CHAIRMAN EWASUTYN: Do you have copies of the ARB presentation?

MR. MARSHALL: Yes.

CHAIRMAN EWASUTYN: Why don't we make that part of your initial discussion.

MR. MARSHALL: Sure.

CHAIRMAN EWASUTYN: Maybe if you could adjust the easel for the Planning Board Members.

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MR. MARSHALL: Sure.

We've provided colored renderings of the -- I hope you got colored renderings.

CHAIRMAN EWASUTYN: We did.

MR. MARSHALL: Colored renderings of the proposed two-family house. The siding, there's two-tone siding. It will be all vinyl siding with natural clay and sandstone beige. The roof will be just standard thirty-year asphalt shingles, driftwood color. The green shutters are along the sides. White trim, vinyl trim around the windows as well as aluminum fascia. I think that's about it. This is the view from the front as you would drive up the driveway. The entrance to the second dwelling would be on the right side of the dwelling. Obviously the main dwelling would be located here so it appears to be a single family as you drive up.

CHAIRMAN EWASUTYN: I'll open it for discussion. Is there anyone here this evening for the public hearing, would you please raise your hand and give your name and your address?

(No response.)

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CHAIRMAN EWASUTYN: If there's no one here this evening for the public hearing, I'll turn to Pat Hines, our Planning Consultant.

MR. HINES: The Orange County Department of Public Works will have to issue a permit. That can be a condition of approval.

The plans we received have been revised per our September comments.

The Orange County Planning Department has submitted a Local determination.

A road name will be required, approval by the Town Board for the road name because of the shared nature of that driveway.

Then architectural review is needed, which you just did.

CHAIRMAN EWASUTYN: Any further comments from the Board Members?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion that we close the public hearing on the three-lot subdivision for the lands of DiChiaro.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: I have a motion by

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DiCHIARO SUBDIVISION

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Ken Mennerich, a second by Joe Profaci. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you. Myself yes. So carried.

Michael, would you give us the conditions for approval? Michael Donnelly, Planning Board Attorney.

MR. DONNELLY: The resolution is for subdivision, site plan and ARB approval. First, the applicant will need to file a stormwater SPDES NOI before construction begins. As Pat mentioned, the Town Board has to approve the name of the roadway in the subdivision. The next condition is the requirement that Pat mentioned as well, that the Orange County Department of

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Public Works will have to issue a permit for the roadway connection. I will need to review a common driveway easement and maintenance agreement for the shared driveway. The duplex unit is close to the building envelop, therefore we're going to require foundation staking in the field before the foundation is poured. Our standard ARB condition. There is no financial security required. There will be parkland fees required for the new units, for the four new dwelling units, bringing that total to \$8,000. And the standard condition that says that nothing on the site plan site can be built that isn't shown on the approved plan without amended approval.

CHAIRMAN EWASUTYN: Any questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to approve the three-lot subdivision, the site plan and ARB approval for lands of DiChiaro subject to the conditions presented by Mike Donnelly, Planning Board Attorney.

MR. DOMINICK: So moved.

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MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by
Dave Dominick. I have a second by John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Second by John
Ward. Any discussion?

(No response.)

CHAIRMAN EWASUTYN: Let us have a roll
call vote for approval.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Thank you.

MR. MARSHALL: Thank you very much.

CHAIRMAN EWASUTYN: So the Board
Members know, you're working for Webb Properties
now as far as the drainage report?

MR. MARSHALL: Yes, I am. I have been
retained by them. We began testing. We actually

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finalized the infiltration test today with
fantastic results. We'll have a much improved
drainage plan for that site.

CHAIRMAN EWASUTYN: Do you think
they'll be ready for --

MR. MARSHALL: The first meeting in
December.

CHAIRMAN EWASUTYN: Thank you.

MR. MARSHALL: That's the anticipated.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:10 p.m.)

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

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

DATED: November 19, 2014

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

----- X
In the Matter of

HUGGINS II
(2014-23)

7 Todd Lane/35 Cocoa Lane
Section 34; Block 2; Lots 24 & 90
R-2 Zone

----- X

INITIAL APPEARANCE
SUBDIVISION & LOT LINE CHANGE

Date: November 6, 2014
Time: 7:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- 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 Huggins II, project 2014-23, located at 7 Todd Lane/35 Cocoa Lane, Section 34, Block 2, Lots 24 and 90, located in the R-2 Zone. It's a subdivision and lot line change. This is the initial appearance, being represented by Charles Brown.

MR. BROWN: Thank you, Joe. This is an existing 10 acre lot that Huggins owns. The proposal is to cut off one lot for his sister. The new lot will be accessed -- instead of Todd Lane it will be accessed off of Cocoa Lane. To achieve that, the second Huggins got together with Ciacci and they made a land swap deal. So that's the lot line portion of this. They're gaining .04 acres, which gives them access to Cocoa Lane, and in return they're giving them .9 acres, the shaded portion here, to Ciacci.

The proposed residence will be serviced by an existing -- I mean a proposed well and septic. The septic is inground.

One minor correction I've got to tell the Board for the plan is the proposed lot 2 is actually 103,000 square feet, so it's actually

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HUGGINS II

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large enough and meets the requirements for a duplex, although at this time there's no proposed duplex for that lot. In response to that I will be placing a note on the plans to say that any duplex would require another trip to the Planning Board for site plan approval and architectural review.

That's it in a nutshell.

MR. GALLI: Charlie, what's going on with lot 1?

MR. BROWN: It's just going to stay the way it is.

MR. GALLI: It's not going to be subdivided further?

MR. BROWN: Not at this time. Mr. Huggins has no plans to do that. Are you referring to the extra 25 foot? That would permit him to do that in the future. However, after discussing it with Lynn Smith, my client, his sister, today, they're going to forego that. So he will not have 25 -- he will not have fee access to Cocoa Lane from his lot. They asked me today to make that change to the map.

MR. GALLI: The 25 foot access is going

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HUGGINS II

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to be --

MR. HINES: It's going to be 50 foot.

MR. BROWN: Let's do this and make it
50 foot.

MR. GALLI: He has no access to Cocoa
then?

MR. BROWN: Right. His driveway comes
off of Todd Lane.

CHAIRMAN EWASUTYN: Todd Lane is a Town
road?

MR. HINES: No.

MR. GALLI: A private road I think.

MR. HINES: I believe it's a private
road.

MR. BROWN: Yup, it is a private road.

MR. GALLI: It's not paved or anything.

CHAIRMAN EWASUTYN: Other comments from
Board Members. Cliff Browne?

MR. BROWNE: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe?

MR. PROFACI: No comments.

MR. DOMINICK: No.

MR. WARD: No.

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CHAIRMAN EWASUTYN: Pat?

MR. HINES: We reviewed the septic system design and found that to be acceptable.

The road maintenance agreement will have to be modified to include the additional lot on Cocoa Lane.

MR. BROWN: They've already been in discussion on that and they are in agreement. Apparently somebody, I guess participants in the Cocoa Lane maintenance agreement, thought she wasn't willing to participate. She definitely is. They met today.

MR. HINES: That may resolve the letter the Planning Board received.

MR. BROWN: Yes.

MR. HINES: The only other thing I have is I don't know if the Huggins' lot -- I can't determine whether it's within 500 feet of North Plank Road.

MR. BROWN: It's 400 feet plus or minus 10 based upon --

MR. HINES: So it's got to go to County Planning.

MR. BROWN: Right. I saw your comment.

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HUGGINS II

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I checked it. The GIS is wonderful now. 490
came up.

MR. HINES: It will need a County
Planning Board referral.

CHAIRMAN EWASUTYN: All right. Thank
you for being honest.

MR. HINES: I would've checked it
anyway.

CHAIRMAN EWASUTYN: So then the motion
before us this evening is to refer the Huggins
subdivision and lot line change to the Orange
County Planning Department. Anything else?

MR. HINES: No. We could recommend a
neg dec at this time.

Are you going to change the lot lines
and all that?

MR. BROWN: It's a minor change. I
didn't do it yet.

MR. HINES: I'm okay with a neg dec,
and then we can schedule a public hearing.

CHAIRMAN EWASUTYN: Schedule it for a
public hearing for the 4th of December?

MR. BROWN: Do you want to wait more
than thirty days just in case?

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HUGGINS II

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MR. HINES: They've been getting pretty close to the thirty days.

It is the 4th of December. Unless you want it to go to the 18th.

CHAIRMAN EWASUTYN: Do you mind waiting?

MR. BROWN: The 4th is better. I'll be in Florida on the 18th.

CHAIRMAN EWASUTYN: We'll declare a negative declaration and set it for a public hearing on the 4th of December. If anything, we won't be able to take action if we don't hear back from them.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: You'll get plans to Pat Hines to circulate to Orange County.

MR. HINES: As soon as you can revise that, give me a set to send.

MR. BROWN: Just one?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

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HUGGINS II

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CHAIRMAN EWASUTYN: Motion by Frank
Galli, second by John Ward. Roll call vote
starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

MR. BROWN: Thank you.

(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.

DATED: November 19, 2014

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

----- X

In the Matter of

G&M ORANGE, LLC
(2014-22)

Route 17K & Crossroads Court
Section 95; Block 1; Lot 73
IB Zone

----- X

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: November 6, 2014
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
CLIFFORD C. BROWNE
KENNETH MENNERICH
JOSEPH E. PROFACI
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MARK DAY

----- 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 G&M Orange, LLC, project 2014-22, located on Route 17K and Crossroads Court, Section 95, Block 1, Lot 73. It's in the IB Zone. It's an amended site plan. This is the initial appearance. It's being represented by M.A. Day Engineering, P.C.

MR. DAY: Good evening. Mark Day, Day Engineering. The plan we have before you tonight the Board has seen. What we're here tonight to discuss is an amendment to this plan to actually increase the building size by about 5,700 square feet. The reasoning is that there's an opportunity to leave this facility and move into this facility.

In doing so what we've done is provided parking calculations that would allow us to be able to use this site here which was originally dedicated for the restaurant in this location. In doing that, because of the stream, we're proposing to put a walkway over the stream. Generally the plan is, other than what I've just mentioned, pretty much what the Board had seen in the last go around.

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MR. GALLI: Who owns the building?

MR. DAY: GE I believe owns it.

MR. GALLI: GE Capital?

MR. DAY: Yeah.

MR. GALLI: Okay.

CHAIRMAN EWASUTYN: You did a nice narrative letter as to the proposed use of the interior of the building. For the record, can you describe that?

MR. DAY: Yes. I'm sorry. What we were proposing the last time the Board had seen this, we were going to go full basement and a first floor for retail and a second floor was going to be a restaurant. Because of the difficulty in doing that in slope, what we've done is we kept the same building height, we just created -- we got rid of the basement. We put everything on the main level, second level, and then there's a third level which again fits in the same height that we originally proposed but what we did was we moved the manufacturing bike assembly and such into this area. We were able to basically grade it better, get rid of the retaining walls and to create an area where that

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work would be separate from the rest of the building, which was mainly retail and the cafe.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. PROFACI: I don't have any.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: As you just described, the overflow parking area, the 75 spaces on the adjoining lot, I'm going to speak first and then let Mike Donnelly jump in, but that I believe was perpetually tied to the existing Orange County Choppers site and restaurant and now appears that you're intending on using that for this site, the new proposed site, based on your required parking calculations.

MR. DAY: To be candid, this is owned by Senior.

MR. HINES: Yup. But there was legal documents filed when the restaurant opened that --

MR. DAY: Which we're looking into that.

MR. HINES: -- connected the two. That's the only --

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MR. DAY: I actually brought -- when I got your letter, Pat, we brought that to their attention. Their attorney is looking into that. We agree, but the restaurant would be moving from this to this.

MR. HINES: Someone may want to open -- that's the issue.

MR. DAY: I understand.

MR. DONNELLY: Unless you were successful in getting GE Capital to execute recorded documents that would forego that use or any other use for which there was not adequate on-site parking and record that instrument, it's going to be difficult -- it's going to be impossible for the Board to allow you to use this that's already earmarked for the other site. It's not to say that it was exclusively for that other site but the counts overlap. There's not enough extra parking there to serve your site based upon what was dedicated to this site.

MR. DAY: Right. I agree. If the restaurant leaves, though, I think it does drop down.

MR. DONNELLY: There would have to be

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some kind of recorded instrument that permanently had that restaurant, or any other use, based upon the square footage that would need off-site parking. If that's doable then it can be released, but that site would have to acknowledge and record an acknowledgement of that restriction on it's future use. I don't know whether they're willing to do that.

MR. DAY: Yeah. Like I said, their attorney is working on it.

MR. HINES: Then we're just looking, not for a whole lot of detail but just the additional impervious surface, if any. If you could give us a quick analysis of the impacts on the stormwater. I know you have a pretty heavy duty stormwater system designed already.

Additional details on the emergency access road and the gate.

A confirmation from DEC -- that's a class A stream for the watershed, so just a confirmation whether or not a permit is required for what you're proposing. You may have expanded enough where they'll say it's not an issue, hopefully.

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I have a concern about the access to the generator and the HVAC units. They're kind of tucked in.

MR. DAY: I agree. We're going to move that. The generator is going -- you're going to need to be able to get all the way around that. We will relocate that.

MR. HINES: Just the dimensions of the drive aisles. You're saying the building is going to be 35 feet, so the drive aisles have to be 26 for the fire apparatus. I think they may be already.

MR. DAY: It is. We just didn't label it.

MR. HINES: That's all we have. It actually also needs to go to County Planning as an amended site plan because of the proximity to 17K.

CHAIRMAN EWASUTYN: Is it required to declare our intent for lead agency for this?

MR. HINES: Because of the coordinated review, yes.

CHAIRMAN EWASUTYN: Any other additional questions or comments?

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MR. DONNELLY: What other agency?

MR. HINES: County Planning. I don't think the traffic warrants another submission to DOT.

MR. DONNELLY: I don't think we have to do a notice of intent for lead agency. They're not an approval authority, they're just a recommending authority.

CHAIRMAN EWASUTYN: I'll move for a motion to refer this to the Orange County Planning Department.

MR. GALLI: So moved.

MR. PROFACI: Second.

CHAIRMAN EWASUTYN: A motion by Frank Galli. A second by Dave Dominick.

MR. PROFACI: That was Joe.

CHAIRMAN EWASUTYN: Joe Profaci. I apologize. Joe Profaci. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

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G&M ORANGE, LLC

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MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So
carried.

Pat, what would be the next step now?

MR. HINES: I think they have to have
that legal issue resolved and then bring back the
detailed plans, and we can take action from
there.

MR. DAY: Very good. Thank you very
much.

(Time noted: 7:23 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: November 19, 2014

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

----- X
In the Matter of

DISCUSSION RE: LOCAL LAW ALLOWING PERSONAL SERVICE
BUSINESSES IN THE IB ZONE

----- X

BOARD BUSINESS

Date: November 6, 2014
Time: 7:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. PROFACI: We have two items of Board Business. First is a local law allowing personal service businesses in the IB Zone.

CHAIRMAN EWASUTYN: Mike Donnelly.

MR. DONNELLY: The outline of the law is fairly simple. Right now personal service stores are allowed in the IB Zone but only when they are part of a shopping center. Personal service stores are allowed as a principal use within the B Zoning District. The intent of the law is to remove the "only in the event during shopping centers" restriction in the IB Zone so that personal service stores would be allowed in the IB Zone as they are in the B Zone without that additional provision.

The Town Board or Mark Taylor has sent it to both the Zoning Board and Planning Board for their comments before it's scheduled for a public hearing at the Town Board level.

As we've been through before, there are certain criteria that we are required to report on back to the Town Board, the first being whether such change is consistent with the aims

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and principles embodied in the Zoning Chapter as to the particulars district concerned. I'll read the others and then we can return to them.

Secondly, which areas and establishments in the Town will be directly affected by such change, and in what way they'll be affected.

Next, the indirect implications of such change and it's affect on other regulations.

And finally, whether such amendment is consistent with the aims of the master plan.

So the first report category is whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned. I can't tell you why there was a distinction made in the past between the IB and the B in terms of the use of personal service establishments, but some of you may have some history and reason to believe that -- to know that. Whether the change -- it isn't consistent because it is a change, but whether or not it changes any significant trends or uses or whatever you think is appropriate to report back to the Planning Board on that score -- to the

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LOCAL LAW

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Town Board.

Does anybody know why the distinction was made?

CHAIRMAN EWASUTYN: I don't, no. I think it occurred in 1991 when they did retuning of the master plan but I couldn't say for sure.

MR. PROFACI: Personal service businesses are defined as?

MR. HINES: Nail salons, hair cutting, that kind of smaller. What prompted this was the Meadow Avenue, a couple of houses in there that --

MR. WARD: Landscaping and all that stuff.

MR. DOMINICK: Was that that hairdresser?

MR. HINES: Yes.

MR. MENNERICH: The lots in there basically are broken up like they're in the B Zone.

MR. HINES: You have a lot of those pre-existing nonconforming houses that they're not big enough for an office or not laid out for an office but a small business could move into

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those.

MR. DONNELLY: I could say that the Planning Board is not certain why the distinction in the code exists, but, if I'm not putting words in your mouth, you see no continuing reason for the additional shopping center requirement. If that makes sense --

MR. MENNERICH: Yes.

MR. BROWNE: That's fine.

MR. HINES: It was similar to the bank use. You had a requirement banks in the IB Zone had to be in a shopping center and not independent. That seemed to be the way they went back then.

MR. DONNELLY: Next, which areas and establishments in the Town will be directly affected by such change and in what way they will be affected? That would really take looking at all of the IB areas and --

MR. HINES: It's a pretty extensive area. It would encourage the reuse of those smaller buildings that are currently pre-existing nonconforming, allow them to be utilized as a conforming use.

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MR. DONNELLY: Does that sound good?

CHAIRMAN EWASUTYN: Mm'hm'.

MR. PROFACI: Yes.

MR. DONNELLY: Third, the indirect implication of such change and it's affect on other regulations. Does it take away from the B Zone?

MR. GALLI: No.

MR. HINES: I don't think so. I don't know there is any indirect --

MR. DONNELLY: Personal service establishments tend often to be local, so it wouldn't necessarily take away from those because other areas of the Town would need --

MR. BROWNE: None foreseen.

MR. DONNELLY: None foreseen.

Lastly, whether or not such change or such amendment is consistent with the aims of the master plan.

MR. GALLI: Yes.

MR. BROWNE: It's got to be.

CHAIRMAN EWASUTYN: Developing hamlets by keeping small businesses within the hamlet.

MR. DONNELLY: So consistent.

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MR. GALLI: That sounds good. I like that.

MR. DONNELLY: I can add in any other comments. If that makes sense, I'll send that letter out.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:29 p.m.)

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

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

----- X
In the Matter of

GOODARD - SOUTH UNION PLAZA
ELECTRIC CAR CHARGING
(2006-41)

----- X

BOARD BUSINESS

Date: November 6, 2014
Time: 7:29 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. PROFACI: The second item under Board Business is Goddard, South Union Plaza, electric car charging, project 2006-41.

CHAIRMAN EWASUTYN: Pat Hines, your recommendation to the Planning Board?

MR. HINES: After reviewing at the work session and having that supplemental information provided by the applicant, we would recommend that that could be construed as a field change, more of a utility type installation. I don't particularly see any issues with it. It's kind of that green -- supporting that green use and the electric cars.

CHAIRMAN EWASUTYN: Okay. Mike Donnelly, for the record would you prepare a letter to Jerry Canfield, Code Compliance?

MR. DONNELLY: I will. Consistent with your earlier discussion, I'll inform him that you have authorized it as a field change and you have suggested that issuance of a building permit would be appropriate, however no certificate of compliance will be issued until the architectural renderings are submitted and found satisfactory.

CHAIRMAN EWASUTYN: Is the Board in

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agreement with that? May I have a motion?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

(Time noted: 7:31 p.m.)

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

----- X
In the Matter of

LANDS OF TARBEN
Revere Road
(2004-43)

----- X

BOARD BUSINESS

Date: November 6, 2014
Time: 7:32 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

----- X

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

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MR. PROFACI: And the third item on tonight's Board Business is the Lands of Tarben, Inc., located at Revere Road, Section 6, Block 1, Lots 18, 19, 21, 91 and 17 to 110. It's project number 2004-43.

CHAIRMAN EWASUTYN: I'll move for that motion.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion by Frank Galli.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. HINES: They're actually beginning construction on that, ten years later.

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MR. GALLI: Putting a road in or something; right?

MR. HINES: Putting a road in.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 6th of November.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: A motion by Frank Galli, seconded by Ken Mennerich. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:33 p.m.)

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