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

----- X

In the Matter of

TILSON LOT LINE CHANGE  
(2017-27)

North Plank Road - NYS Route 32  
Section 42; Block 1; Lots 2.22 & 3  
R3 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: November 16, 2017  
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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of the 16th of November. We have three items on the agenda this evening. One of them is a public hearing.

At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. DONNELLY: Michael Donnelly,  
Planning Board Attorney, Present.

MS. CONERO: Michelle Conero,  
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of  
Newburgh.

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

CHAIRMAN EWASUTYN: At this point I'd  
like to turn it over to John Ward.

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MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: Our first item on the agenda this evening is a lot line change. It's the Tilson Lot Line Change located on North Plank Road. It's zoned R3. Darren Doce of Vincent Doce & Associates will be making the presentation.

MR. DOCE: I'm Darren Doce, I'm representing Tilson Corp & Plank Properties. It's a lot line change between two parcels located on the west side of North Plank Road just north of Chestnut Lane.

The Plank Properties' parcel falls on both sides of Gidneytown Creek. The portion on the east side of the creek is going to be conveyed to Tilson Corp, and then Plank Properties is then donating the rest of their land to the County of Orange.

The Tilson Corp parcel is approximately 1 acre and it will become 2.4 acres. Plank

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Properties is 4.5 acres, becoming 3.3 acres.  
It's very simple. That's just about it.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We saw in the narrative  
it's getting transferred over to the County, but  
it looks like if that doesn't occur we'd be  
creating a landlocked parcel out of that. So  
there's a timing issue of when this gets filed or  
when the County takes ownership. I didn't know  
if it would be cleaner, whether the County  
becomes part of the lot line change and do it at  
that point. Mike suggested possibly holding the  
plans in escrow with one of the attorneys  
involved. So either way that could occur.

The 50 foot right-of-way to be  
extinguished also appears to be the only access  
to the parcel to the rear of what you have  
highlighted in blue.

MR. DOCE: Correct.

MR. HINES: Once that gets extinguished  
and the County has ownership, that will eliminate  
even the access by right-of-way which is shown as  
a proposed road on the Town's tax maps.

Somewhere in the past there was a roadway shown,

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and all of a sudden --

MR. DOCE: This at one time was a subdivision I believe. It never got built or the roads dedicated.

MR. HINES: Right. By doing this and eliminating that easement you're further restricting the ability to access that lot to the rear.

MR. DOCE: It becomes part of the County's parcel, it then would have access.

MR. HINES: No. The one behind that.

MR. DOCE: That's also getting donated to the County. Plank Properties owns this parcel and this parcel. They're giving those two parcels to the County.

MR. HINES: That's the first we heard that part.

MR. DONNELLY: Then it would be best, going back to Pat's first point, let's get that to the County and there will be a condition that there be a conveyance at the same time and a recording of the deed at the same time as the map.

MR. DOCE: So the County becomes part

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of --

MR. DONNELLY: That's the easiest way, otherwise we have to get into who is going to hold the papers to make sure it gets done.

MR. DOCE: We wouldn't have to survey Cronomer Hill Park then, would we?

MR. DONNELLY: No.

MR. DOCE: All right.

CHAIRMAN EWASUTYN: No freebies on that one.

I think also at this point we do have to send out the informational letter; correct? Or is it too soon to do that?

MR. HINES: If that rear parcel is going to get added we need to know that. That will significantly increase the radius that the mailing goes out to.

MR. DOCE: This parcel is definitely going to get donated.

MR. HINES: I guess what we're suggesting is the lot line change, if you involve the parcels and include the County at this point as part of a lot line change, when you file the map it's all clean, we're not creating -- if the

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County says no after this happens, we're creating more landlocked parcels.

MR. DOCE: I understand that.

CHAIRMAN EWASUTYN: How would you like to address that then?

MR. DOCE: I'll approach my client and we'll talk to the County to become part of the application, and I imagine we'll show this line being eliminated.

MR. DONNELLY: You don't have to show the whole thing.

MR. HINES: I don't think so.

MR. DONNELLY: If they won't we'll live with some method of getting the deed recorded. It would be helpful to show at least the other land to be dedicated. If the same issue is there, what happens if it falls apart and we've created now two landlocked parcels. We don't want to have that happen.

MR. HINES: I think you can do the lots by deed rather than having to survey the whole thing.

MR. DOCE: The County parcel.

MR. HINES: The County and the one to

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the rear.

MR. DOCE: We have this.

MR. HINES: If you have that surveyed,  
that's fine.

MR. DOCE: We just don't have a survey  
of the County's part.

CHAIRMAN EWASUTYN: So then at some  
point in time Darren will resubmit and it will  
become an agenda item again.

MR. HINES: We'll do the notices then.

MR. DOCE: Okay. That's it? Thank  
you.

(Time noted: 7:05 p.m.)



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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of November 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

BERETTA SUBDIVISION  
(2017-21)

Old Post Road & River Road  
Section 8; Block 1; Lot 38  
AR & I Zone

----- X

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: November 16, 2017  
Time: 7:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- X

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CHAIRMAN EWASUTYN: Our next item on the agenda is a two-lot public hearing. It's the Beretta Subdivision located on Old Post Road and River Road. It's in an AR and I district. It's being represented by Justin Dates of Maser Engineering.

Mr. Mennerich will read the notice of hearing.

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 376 of the Town Law on the application of Beretta two-lot subdivision, project 2017-21, for a two-lot subdivision located on Old Post Road (north) and River Road (south) in the Town of Newburgh, designated on Town tax maps as Section 8, Block 1, Lot 38.2. The public hearing will be held on the 16th day of November 2017 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

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Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 3 November 2017."

CHAIRMAN EWASUTYN: Mike, would you please let the public know the purpose of the public hearing.

MR. DONNELLY: The purpose of the public hearing is to allow those present to address the Board before any action is taken on the subdivision. After Justin gives his presentation the Chairman will ask those who wish to speak to raise their hand. You'll be recognized. Direct your comments and questions to the Board. If there are questions that can be answered by the various professionals on either side of the room.

CHAIRMAN EWASUTYN: Justin.

MR. DATES: Thank you, Mr. Chairman.

The applicant and I would like to thank the Board and it's Consultants for making this agenda work for us. Thank you again.

As the notice stated, the site is a 1.4 acre lot in the AR District. It's got frontage on the north to Old Post Road, on the

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south to River Road. Right now it's a single lot with two residential homes on it. The applicant is proposing to subdivide it into two lots and make it individual lots for each of the homes.

We did have seven area variances that were needed to achieve the subdivision. We went to the ZBA and received approval on all of those. We are back before the Planning Board to work through the final approval of the subdivision.

CHAIRMAN EWASUTYN: Is anyone here this evening that has any questions or comments on the presentation for the Beretta Subdivision that was presented by Justin Dates?

(No response.)

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: We have no outstanding comments. The variances that were required were received. The notices were sent out, published in the paper as appropriate.

There are two roadway dedication parcels that will have to be completed, but otherwise those are the only conditions that we would have.

CHAIRMAN EWASUTYN: Jerry, do you have

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BERETTA SUBDIVISION

14

anything to add?

MR. CANFIELD: Nothing additional.

CHAIRMAN EWASUTYN: Questions or  
comments from Board Members. John Ward?

MR. WARD: How many people responded?

CHAIRMAN EWASUTYN: How many people did  
we mail?

MR. WARD: Yeah.

CHAIRMAN EWASUTYN: Does anyone have --

MR. DATES: Fourteen.

MR. WARD: How many responded?

MR. DATES: We didn't get any response  
back.

MR. WARD: Thank you.

MR. HINES: They're not sent out  
certified anymore. The Town does the mailing, so  
they're assumed to be received.

CHAIRMAN EWASUTYN: Ken, do you have  
that?

MR. MENNERICH: I don't have the  
attachments.

CHAIRMAN EWASUTYN: Any comments or  
questions?

MR. GALLI: All good.

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MS. DeLUCA: No.

CHAIRMAN EWASUTYN: I'll move for a motion that we close the public hearing on the two-lot subdivision for Beretta.

MR. DOMINICK: I'll make the motion.

CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Second by Frank Galli. Roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

Did we declare a negative declaration?

MR. DONNELLY: Yes.

CHAIRMAN EWASUTYN: We completed SEQRA. Mike Donnelly, would you give us conditions for final approval for the Beretta subdivision, please?

MR. DONNELLY: There are three

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conditions. The first is we'll reference the grant of the ZBA variance and carry forth any conditions within it as conditions of our resolution of approval.

Secondly, the approval is conditioned upon delivery of the offers of dedication for the roadway parcels on either side.

Finally, the payment of parkland fees for the one new lot being created in the amount of \$2,000.

CHAIRMAN EWASUTYN: Any questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Justin, do you have anything you want to add or any questions?

MR. DATES: No.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: There were fourteen people notified.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Would someone make a motion for final approval for the Beretta Subdivision subject to the conditions presented



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BERETTA SUBDIVISION

17

by Mike Donnelly?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion carried.

MR. DATES: Thank you very much.

MR. GALLI: John, do they know about the parkland fees?

CHAIRMAN EWASUTYN: We mentioned that. You understand there's a \$2,000 fee that we would need before the maps are ready to be signed? It's called a parkland fee.

MS. BERETTA: This is in addition to what we've already paid to the Town? This is the first I heard about it.

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CHAIRMAN EWASUTYN: It's kind of part  
of the Town Code.

MR. DOMINICK: Just for the record,  
your name?

MS. BERETTA: Brenda Beretta.

(Time noted: 7:12 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of November 2017.

*Michelle Conero*

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MICHELLE CONERO

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

----- X

In the Matter of

GAYDOS/MARIANI LOT LINE CHANGE  
(2017-28)

Shady Lane & Friar Lane  
Section 64; Block 3; Lot 1  
R3 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: November 16, 2017  
Time: 7:13 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

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CHAIRMAN EWASUTYN: The final item on the agenda is the lot line change for Gaydos/Mariani. It's located on Shady Lane and Friar Lane in an R3 Zone. It's being represented by Darrin Scalzo.

Darrin, please.

MR. SCALZO: Mr. Chairman, thank you very much, Members the Board. My name is Darrin Scalzo, I'm here tonight representing the Gaydos/Mariani lot line change.

As the Chairman had mentioned, the Gaydos parcel is at the northeast corner of Shady Lane. The Mariani parcel is on the west side of Friar Lane. Ms. Mariani intends to transfer a 10-foot strip along her southerly most property line to the Gaydos family.

As mentioned, the project is in the R3 Zoning district. Each lot contains an existing single-family dwelling. The Gaydos lot utilizes municipal well and sewer while the Mariani lot is serviced by municipal water. There are no proposed improvements at this time other than just a transfer conveyance of the 10-foot strip.

The Gaydos lot contains preexisting

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nonconforming zoning features. Front and side yards were granted an area variance in 2009 during construction of a front porch and a dwelling addition.

The proposed lot line change will increase the Gaydos' lot and it will be in conformance with the R3 district for that area.

For some history on this, Mark and Debbie Gaydos reside at 16 Shady Lane, they have for over twenty years. Their lot is contiguous with the Mariani lot which is 1.59 acres. In April of 2009 when they were here petitioning the ZBA for their area variance, Mariani supported the actual variance which was granted to the Gaydoses. At that time it was recognized by Mr. Mariani how close the property line was to the existing dwelling. At the time they had many conversations about Mr. Mariani donating the strip. There will be no compensation in exchange for this. Mr. Mariani has since passed but Mrs. Mariani has continued her support for the conveyance of that 10-foot strip for an additional buffer between the home and her lot. The proposed lot line change will bring the

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Gaydos lot into conformance with the lot area.

          If I could call your attention to the map, all of the lots on Shady Lane during the construction and in the `50s, all of the lots or the homes seem to be offset a little bit. Most of them on that lot don't meet the side yard requirements on the left-hand side. So we're trying to right a wrong here as well.

CHAIRMAN EWASUTYN: Thank you.

MR. SCALZO: Thank you.

CHAIRMAN EWASUTYN: I got lost going back there finding these places.

MR. SCALZO: It's nice and quiet back there.

CHAIRMAN EWASUTYN: It sure is.

Pat Hines?

MR. HINES: We discussed at work session the 2009 variances are still valid and the protections that they granted are not affected by the lot line.

          There needs to be a note on the plans stating the lot line doesn't cause any encroachments for utilities on the site. The Town has a standard note that can be added.

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There's an accessory structure to the rear of the Gaydos parcel that's proposed to be moved to be in compliance with the setbacks for accessories structures. That will have to be done before the map is signed so that we're not filing that with a bulk table issue with the accessory use.

It will have to comply with the notice procedures. The Town has a streamlined lot line change procedure, so there's no public hearing but there is a required notice that goes out ten days prior to the next meeting that you have. I will provide that notice, or the assessor's office will provide me with a list and I'll provide you. That has to get mailed. It was the Town supervisor but now Charlene Black in the personnel office will do that mailing.

CHAIRMAN EWASUTYN: When that time comes would you give Charlene a day's notice that you're coming just out of courtesy?

MR. SCALZO: Certainly.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing. Just a matter of record, we also, at the work session,

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discussed the blacktopping, Darrin. It may be construed of some type of encroachment from either neighbor, although I don't believe there's any requirement for anything to be done other than just making aware that that encroachment exists, which you did the plan, I'm sure you're aware of it.

MR. SCALZO: This would be for the Ferguson lot to the --

MR. HINES: Yeah.

MR. SCALZO: Okay.

MR. CANFIELD: I have nothing further, John.

MR. HINES: There seems to be some kind of easement associated with that but it doesn't encompass the whole area.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave?

MR. DOMINICK: It just seems like the shed and the back deck were on or over the property line. Is this kind of the driving force behind most of this?

MR. SCALZO: I don't believe so. I



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believe it was the original 2009 variance for them to do the addition that instigated this really. As I say, Mr. Mariani recognized that at that meeting. They had gone back and forth on how much of a conveyance they were going to grant.

MR. DOMINICK: I see.

MR. SCALZO: This is almost ten years old, this conversation.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: So now the lot area is 15,000 square feet with water and sewer. That's what is needed.

MR. SCALZO: Yes. Gaydos proposed will be over 16,000. Correct.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No questions.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: I'm good.

CHAIRMAN EWASUTYN: Pat, we can't take any action tonight?

MR. HINES: We have to do that notice

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requirement.

MR. SCALZO: Thank you very much.

MR. DONNELLY: Darrin, do you have a  
card with your e-mail address so I can send you  
that?

MR. SCALZO: Yes.

(Time noted: 7:19 p.m.)

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

I, MICHELLE CONERO, a Notary Public  
for and within the State of New York, do hereby  
certify:

That hereinbefore set forth is a  
true record of the proceedings.

I further certify that I am not  
related to any of the parties to this proceeding by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of November 2017.

*Michelle Conero*

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MICHELLE CONERO

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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)

Request for a Six-Month Extension of  
Preliminary Subdivision Approval  
from November 16, 2017 to May 16, 2018

----- X

BOARD BUSINESS

Date: November 16, 2017  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHAIRMAN EWASUTYN: We have one item of Board Business. Ken Mennerich.

MR. MENNERICH: It's a letter to John Ewasutyn, Chairman, Town of Newburgh Planning Board, 308 Gardnertown Road, Newburgh, New York 12550, dated November 2, 2017, regarding Patton Ridge Subdivision, Patton Road and New York State Route 52, Town of Newburgh, tax ID 47-1-44, our project number is 05191.0, Newburgh Planning Board task number 2012-18. Dear Chairman Ewasutyn, kindly let this letter serve to request a six-month extension of the preliminary subdivision approval that was granted to the Patton Ridge project on November 7, 2013. We are still in the process of securing sewer main extension approval from the New York State Department of Environmental Conservation, a process that has been painfully slow. As indicated when requesting the last subdivision extension, the Orange County Department of Health approvals will fall into place upon the sewer main extension being secured. The applicant had hoped to break ground on this project this year, however that seems unlikely at this time. The

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extended subdivision approval would take effect on November 7, 2017 and remain in effect through May 7, 2018. Should you have any questions or require any additional materials, please feel free to contact our office.

Respectfully, Kirk Rother, PE.

CHAIRMAN EWASUTYN: Mike, I have a question for you. We would be granting two 90-day extensions?

MR. DONNELLY: No. This is preliminary approval so you can give a six-month.

CHAIRMAN EWASUTYN: Thank you.

Would someone like to make a motion to grant the six-month extension?

MR. WARD: So moved.

CHAIRMAN EWASUTYN: Motion by John Ward.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Second by Frank Galli. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. Motion  
carried.

If someone would make a motion to close  
the Planning Board meeting of the 16th of  
November.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank  
Galli. Second by Stephanie DeLuca. Roll call  
vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:22 p.m.)

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*Michelle Conero*

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MICHELLE CONERO