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

----- X

In the Matter of

CAPITAL TELECOM - NEWBURGH  
(2014-25)

17-19 Orr Avenue  
Section 95; Block 1; Lot 40  
IB Zone

----- X

INITIAL APPEARANCE  
WIRELESS APPLICATION

Date: November 20, 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  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: THOMAS PUCHNER  
SCOTT VON REIN

----- X

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

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CHAIRMAN EWASUTYN: I'd like to welcome everyone to the Planning Board meeting of the 20th of November 2014.

We'll open the meeting with a roll call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

CHAIRMAN EWASUTYN: With us this evening we have an attorney, we have a consulting engineer and we have our telecommunication consultant. I ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

MR. MUSSO: Mike Musso with HDR Wireless Telecommunications.

CHAIRMAN EWASUTYN: At this time I'd

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like to turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: We have six items on this evening's agenda. The first one is Capital Telecom - Newburgh. It's the initial appearance for a wireless application, it's located at 17-19 Orr Avenue, Section 95, Block 1, Lot 40, it's in the IB Zone and it's represented by Phillips Lytle.

MR. PUCHNER: Correct. Would you like me to stand, sit?

CHAIRMAN EWASUTYN: Why don't you stand, that way the audience can hear you also.

MR. PUCHNER: My name is Thomas Puchner, I'm an attorney with Phillips Lytle appearing on behalf of Capital Telecom Acquisition, LLC. I have with me Scott Von Rein who is Capital Telecom's senior director of site development. We're here to introduce Capital Telecom's application for a telecommunications

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tower at 17-19 Orr Avenue, which is a site that's used by NFI Distribution for trucking and warehousing and a distribution facility.

Capital Telecom is a telecommunications tower company. They construct towers for their clients who are wireless carriers. In this case the anchor tenant is Verizon Wireless that has a need for a tower in this area.

What I'd like to do is briefly outline the proposed tower, the purpose for the tower, the alternatives that we've looked at, or that Capital Telecom has looked at, and then talk about the procedure.

The tower is proposed to be 130 foot monopole tower which is just one pole as opposed to a guide tower or a lattice tower. The top of the tower is 130 feet. Verizon is proposing twelve antennas at the 130 foot center line height. The top of Verizon's antennas will be 134 feet because they're right at the top and they're eight foot antennas. The top of the lightning rod would be 135 feet. There would be space for four additional carriers on the tower below the Verizon equipment with enough space

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between each center line height that there wouldn't be any interference between the carriers.

There is proposed to be a sixty-by-sixty foot fenced compound. The proposal is for a wooden board-on-board fence. It will look very nice. I've seen them at other facilities. A twelve-by-thirteen foot equipment cabinet with a back-up generator inside the shelter, and it's proposed for the parking lot in the rear of the facility from Orr Avenue so it's sort of setback from the road.

This project requires a special use permit and site plan from the Planning Board. Otherwise it meets all setback and height requirements. It's in the Interchange Business District and the Airport Overlay Zone. It meets the height requirements of both and the setback requirements of both. So it's a one-Board project as it were. No variances or -- use variances or other variances are required.

In terms of the purpose of the project, as I mentioned Capital Telecom's client or tenant on this is Verizon. Verizon has a capacity

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problem in this area. There are two towers that are all ready at their capacity for usage and there are several others that are expected to exceed capacity in 2015, which we're almost at, and 2016. When capacity is exceeded you end up not being able to make calls or you can't get data on your phone. The solution is to provide a tower to relieve the capacity on the network.

In terms of alternatives, there are no tall structures or towers -- existing telecom towers in the search area. There was an attempt to site it on the Finkelstein building which is a little bit to the north. It's also kind of a tall structure. An agreement couldn't be reached on that. One of Capital's main clients, their focus is commercial real estate, Home Depots is an example of one of their clients, marketing that to the telecom industry. The Home Depot's site building isn't high enough. There is a Home Depot nearby. They couldn't find a location that would work either with setbacks or where Home Depot wanted to site a tower. We also looked at the Guardian Self-Storage site which is a little bit to the south. That didn't meet the RF that

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the engineer for Verizon wanted. We also looked at the oil tanks at Stewart Airport which were not high enough. And also, oil tanks aren't the best idea, but we did look at it. So that's the alternatives that we've looked at.

In terms of application requirements, the code has a very extensive list of requirements for a new telecom tower. We've been working with Mike Musso at HDR. We had a site visit with him this summer. I think what we've submitted meets all the requirements there but we're willing to work to make sure that it's a complete application.

And then in terms of procedure -- we also, by the way, had a meeting in 2013 with the Town supervisor, Town attorney and Town engineer as sort of a preliminary meeting on this.

So the next step is really to talk about all the procedures. One of the biggest requirements is the balloon float in the Town's code. As part of its due diligence, Capital Telecom prepared a balloon float earlier this year, and that's in your submission. If the Board would like to go through an additional

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balloon float because public notice wasn't done, we're open to that. The next step would be is that something that you want to do and talk about scheduling for that.

MR. GALLI: I think the one was over a year old.

MR. PUCHNER: I believe that's correct.

MR. VON REIN: I think it was earlier this year. Essentially a year. The better part of a year.

MR. PUCHNER: The tower hasn't grown in that time, for what it's worth.

But that's the next step. And then because that's required -- if it's going to be held, it's required to be done before the public hearing. That's where we're at with that.

CHAIRMAN EWASUTYN: Okay. Mike Musso, as you mentioned earlier, has been working with you on this -- leading up to this initial appearance, so I'll ask Mike to come forward and we'll go through a checks and balance of what was discussed and how we can proceed further with the applicant, and we'll discuss the balloon float and the necessary notice.



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MR. MUSSO: Mr. Chairman, Members of the Board and members of the public, thanks for having me back again. Mike Musso with HDR working on behalf of the Town of Newburgh.

You heard a good summary about a new application that's come forward. I think this is one of the first new conventional towers in front of the Planning Board in quite a number of years here in the Town. We have an awful lot of information submitted to review. You have a large packet in front of you going through Code Section 168-6. There's twenty-four items normally that are covered or required to be submitted. HDR is in the process of reviewing those. We are putting together some comments for the applicant.

Additional information needs, such as some changes to the drawings, some more information on the visual simulation. That was in the memorandum, the clarification needs, that will go out to the applicant.

Procedurally, I very much do advocate a balloon float. The previous one that was done for purposes of developing photo simulations that

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are in the application package, that wasn't noted. I think balloon floats are very important for the community. They would be noticed as per our code, in the local paper seven to fourteen days prior with a weather date. Certainly from HDR's perspective, and I think the Planning Board Members too, have the ability to drive around, go to different neighborhoods, see where there is visibility and where there's not.

It's important to note that the photo simulations that you do have were done in the summer months during leaf-on season if you will. So something to be scheduled within the next coming weeks or months would be great because then we'll have really the worst-case scenario in terms of visual impact when the leaves are down. We'll have clear views to that balloon when floated.

As part of our info request or clarifications we may ask for some additional photo simulations based on that and some other comments in terms of due diligence, including Verizon's need for the site. It's a very robust discussion that's given in terms of the capacity.

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A number of things that we're still reviewing and looking at. Also knowledge that there are some things that would be needed further down the road in this process as the review evolves in terms of the property, in terms of alternate site analysis. Ultimately there's a lot of details to look at, but I think with the balloon test it would get us focused to really look at the site and its viability.

So I think that's where we're at with this.

CHAIRMAN EWASUTYN: The lead time on the notice for a balloon test?

MR. MUSSO: I believe there's two notices that are required.

MR. DONNELLY: It has to be advertised twice, seven and fourteen days in advance of the test.

By the way, the provision is mandatory that the advertising be done. I believe the second balloon test has to be done.

MR. PUCHNER: No problem.

MR. MUSSO: Mike, is that Mid-Hudson Times, or is there more than one paper?

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MR. DONNELLY: That's the official newspaper.

MR. HINES: We have two, Mid-Hudson and The Sentinel.

MR. DONNELLY: Section 168-6, Subdivision Z sets forth the procedure.

MR. PUCHNER: Capital has no problem doing that. We just wanted to see what the temperament of the Board was.

It looks like with the timing of getting the notice in, the paper's lead time, at least with Mid-Hudson, the 13th of December would be about the earliest that it could be done.

CHAIRMAN EWASUTYN: Pat, would you speak on behalf of who manages the notice?

MR. HINES: Typically my office would prepare the notices and submit them to the newspapers. The 13th is a Saturday I believe.

MR. PUCHNER: The 13th is a Saturday. I think the code requires the first try date would be a weekend, and then if there's a rain date, that can be another day of the week.

MR. DONNELLY: The primary day shall be a weekend, the second date --

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MR. HINES: I'm just concerned with the holiday this week, that the notices aren't going to fall on the 14th and the -- I'm not sure what the publications are.

MR. PUCHNER: Okay.

MR. HINES: The Thursday holiday. It might be better to push it to the next week to make sure that we have adequate notice.

MR. DONNELLY: It would be published fourteen days before would be the 30th. That's another week away; right?

MR. HINES: The publication date. Those papers don't come out every day. They're a weekly paper.

MR. GALLI: They come out on Tuesday I think, Pat. Tuesday and one is Thursday.

MR. PUCHNER: We're happy to work with you to figure out kind of offline what is the best date.

MR. HINES: The 30th is a Sunday. I think they come out Tuesday -- it's only once a week.

MR. GALLI: One comes out Tuesday. I think it's The Mid-Hudson Times.

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MR. HINES: So if that was in there on the 2nd, fourteen days later would be the 16th at the minimum. That next weekend would be Saturday, the 20th.

MR. MUSSO: Optimistically that's probably the soonest.

MR. DONNELLY: That looks doable.

CHAIRMAN EWASUTYN: Saturday, December 20th?

MR. HINES: As you get into rain dates or weather dates, now you're pushing towards the next holiday. I would guess the next Tuesday or something would be the weather date, or Monday.

MR. PUCHNER: That gets into the couple days before Christmas.

MR. DONNELLY: Everybody is going to think you're advertising a sale.

MR. MUSSO: A red or orange balloon.

CHAIRMAN EWASUTYN: So we'll define the mailing and the dates between Thomas and yourself, Pat.

MR. HINES: I believe the earliest date that would be a weekend date would be the 20th. I think the 13th is going to be pushing the

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envelop to get something.

CHAIRMAN EWASUTYN: Michael, are you in agreement?

MR. MUSSO: I'm in agreement with that. We can probably give you some comments on the existing photo sims that would go into the balloon testing. That makes sense. The 20th makes sense.

MR. PUCHNER: Does it make sense to have the 20th and maybe the 22nd as the backup?

MR. HINES: I think we'll do that, the Monday after that as the backup date.

CHAIRMAN EWASUTYN: Comments from Board Members at this time?

MR. GALLI: No.

MR. DOMINICK: Could you explain the security fence or perimeter fence? Is it a stockade fence?

MR. VON REIN: It's basically a board-on-board front and back, eight foot fence, one-by-six boards, twelve foot wide gate, six feet each swing. The facility itself is already gated with a chain-link fence. So essentially there's double security into the compound.

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MR. MUSSO: It will be eight feet tall;  
correct?

MR. VON REIN: Yes.

MR. DOMINICK: I just wasn't  
comfortable with a wooden stockade fence around  
this. Is there any way we can modify that?

MR. VON REIN: We can do whatever you'd  
prefer. Typically we offer the wood fence  
because we think it's more aesthetically  
pleasing. It covers any of the -- ninety percent  
of the equipment inside the facility. But if a  
chain-link fence --

MR. GALLI: Back there you have a  
trucking company.

MR. HINES: It's a pretty industrial  
site.

MR. GALLI: Chain link would probably  
be sturdier.

MR. WARD: With screening.

MR. VON REIN: With slats?

MR. DOMINICK: Please.

MR. VON REIN: Eight foot. Barbed  
wire?

MR. WARD: No barbed wire.



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MR. MUSSO: I see you have bollards proposed with the truck traffic in the back.

MR. VON REIN: I don't believe we do at this time. We can certainly add some, which we've done in the past.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: So we do have to circulate to the Orange County Planning Department.

Michael, do we declare intent for lead agency?

MR. DONNELLY: There's no other agency that has approval authority I don't think, so it's not necessary. And I don't think you're ready to issue a declaration of significance. You certainly can declare yourself to be lead agency if you choose.

CHAIRMAN EWASUTYN: Okay. We'll make it a two-part motion, a motion to circulate to the Orange County Planning Department and to declare the Town of Newburgh Planning Board as

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lead agency.

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thomas, if you could see that Pat Hines' office receives a copy of the information, --

MR. PUCHNER: Yes.

CHAIRMAN EWASUTYN: -- then we can circulate to the Orange County Planning Department. We'll work on the mailing.

Any other questions at this time?

MR. PUCHNER: Yes. There is a notice to adjoining neighbors within 500 feet. That's also in the code.

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MR. HINES: I also prepare that. I'll get that to you.

MR. PUCHNER: Great.

MR. HINES: I prepare it, you do the mailing.

MR. PUCHNER: We can do that.

And I think there's a discretion -- the Board has discretion whether you want to do notice to adjoining municipalities, too. It's in the same provision.

MR. HINES: You're about smack center -- New Windsor would be the closest but they're several thousand feet away.

MR. MUSSO: Definitely more than 500.

MR. HINES: It's definitely more than that. And you have Wal-Mart in between.

MR. PUCHNER: So we'll work with you for the mailing of those.

The other question I had was the General Municipal Law, but you've got that covered.

There were a couple of waivers that we talked about in our application. We can talk about those now or later. One of them is there's

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a requirement for all utilities to be underground. Again, this is a pretty industrial site. There's an existing pole setback from the road already. The proposal we'd like to do is to add another pole to get it back to the area -- the back of the lot and then underground it from there for, I think it's like six or ten feet. There's really no visual impact from doing that. Again, it's already a condition. You go there and there's nothing but trailers and a warehouse facility. That's one waiver that we talked about.

The other two were the performance security and liability in terms of timing, to put those -- when we have a viable project it's approved as a condition of approval.

CHAIRMAN EWASUTYN: So the monies would come forth, Michael, at the time of approval?

MR. DONNELLY: At the time of signing of the plans. Is that what you're suggesting?

MR. PUCHNER: Correct. Subject to agreement as to form with the Town Attorney.

CHAIRMAN EWASUTYN: That sounds reasonable.

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Okay. Do you want a motion on the waiver of the pole for utilities now or do you want to make that part of the later meeting?

MR. PUCHNER: We were just raising it now. We can do whatever you want to do.

CHAIRMAN EWASUTYN: What would you like to see?

MR. GALLI: It doesn't matter to me.

MR. MENNERICH: We can waive it.

CHAIRMAN EWASUTYN: I'll move for a motion to waive the requirement for the new application of Capital Telecom - Newburgh to not require them to install underground utilities to service the new cabinets but that they can work off an existing utility pole to supply the necessary power to that point on the site.

MR. PUCHNER: As described in the submitted plans.

MR. MENNERICH: There will be a pole that will terminate before your fenced area and you'll go underground?

MR. PUCHNER: Correct. One of the detail sheets in the plans show it. There's a pole that's --

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MR. VON REIN: It's on Orr Avenue.

MR. PUCHNER: It's on Orr but it's setback a little bit into the lot, and there will be one more, and then from there it's basically perpendicular right to the compound.

CHAIRMAN EWASUTYN: So from Orr to one on site and then underground?

MR. PUCHNER: Correct.

CHAIRMAN EWASUTYN: Okay. We'll take a roll call vote from Board Members. Frank Galli?

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

So let the record show that was waived. And the rest is going to be procedure at this point.

MR. PUCHNER: Great.

(Time noted: 7:17 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: December 3, 2014

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

----- X

In the Matter of

VALLEY SEPTIC  
(2014-27)

444 South Plank Road  
Section 52; Block 8; Lot 2  
B Zone

----- X

INITIAL APPEARANCE  
SECTION 185-56(B) WAIVER

Date: November 20, 2014  
Time: 7:18 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  
DAVID DOMINICK  
JOHN A. WARD

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

----- X

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CHAIRMAN EWASUTYN: The next item we have is Valley Septic. It's located on 444 South Plank Road, Section 52, Block 6, Lot 2, it's in the B Zone.

Pat, would you describe the activity, please?

MR. HINES: Sure. This project is before you, it's an existing structure approximately 1,225 square feet on South Plank Road, formerly known as Rick's Auto, I believe a couple years ago. There's a provision in your Code, Section 185-56(B), that allows for waivers of site plan approval for existing structures less than 2,500 square feet. I know the Board has some photos of the existing site condition. The Board has issued this waiver before on similar smaller projects, Rick's Auto being one, Sophie's Ice Cream reconstruction being another. The Board can condition the waiver on any appropriate requirements they see fit. We take no exception to the request and leave it up to the Board to determine.

It's an active site right now being utilized for that small contractor yard type use.

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CHAIRMAN EWASUTYN: And it's 1,225 feet?

MR. HINES: 1,227 actually.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Are we going to limit any kind of like what they can store there as far as like no material, the type of business they're in or the amount of trucks or trailers?

MR. HINES: The Board has the ability to do that.

MR. GALLI: It's a small site. If they grow they can put a lot of equipment there and material like stone and stuff like that, they can store it there.

MR. DONNELLY: The outdoor storage of materials provision is in the Code, which is in the nature of a performance standard that would apply with or without site plan approval, which would require screening of certain materials and what not.

MR. GALLI: That's the only concern I'd have.

MR. DONNELLY: We can include that standard condition that those provisions apply.

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MR. GALLI: I'm okay with that.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'm okay with that.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I'm fine.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I'm fine.

CHAIRMAN EWASUTYN: Okay. Mike

Donnelly, would you specify the reason why we're granting the waiver for Valley Septic for 444 South Plank Road, the building that currently is 1,227 square feet?

MR. DONNELLY: As Pat mentioned, Section 185-56(B) authorizes you, in cases where use of a site that would normally require site plan approval, in accordance with the provisions of the Chapter for buildings of under 2,500 square feet may be waived by you. There is no particular standard set forth when there's no impact on the surrounding neighborhood.

Our resolution will recite that section. We'll note that this is a Type II action under SEQRA due to the size of the building. The resolution will grant the waiver

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under Section 185-56(B) and it will carry a single condition and that is a reminder that the outdoor material storage limitations of the Code apply.

CHAIRMAN EWASUTYN: I'll move for a motion to approve the waiver subject to the conditions present by the Planning Board Attorney, Mike Donnelly.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

(No response.)

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

(Time noted: 7:21 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: December 3, 2014

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

----- X  
In the Matter of

POND VIEW TWO-LOT SUBDIVISION  
(2014-19)

921-965 State Route 32  
Section 10; Block 1; Lot 50  
RR Zone

----- X

TWO-LOT SUBDIVISION  
SITE PLAN

Date: November 20, 2014  
Time: 7:22 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: MICHAEL BODENDORF

----- X

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

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POND VIEW

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CHAIRMAN EWASUTYN: The third item on the agenda this evening is Pond View. It's a two-lot subdivision and site plan located at 921-965 State Route 32, Section 10, Block 1, Lot 10, it's in an R Zone and it's being represented by Hudson Land Design.

MR. BODENDORF: Good evening. Mike Bodendorf, Engineer for the applicant.

We made some plans in response to McGoey's and Dutchess County -- I'm sorry, Orange County Planning office comment letters.

Just to summarize the changes we made, we've updated some curbing on the site with respect to where our lot 2 driveway crossing is at the culvert crossing; we've moved lot 1 driveway further away from lot 2 to avoid having a shared driveway; we've provided pump chamber calculations in terms of the septic designs. Aside from that, just general plan cleanup in response to the comments.

CHAIRMAN EWASUTYN: Pat Hines, we discussed this during our work session.

MR. HINES: We concur that the applicants have addressed our previous comments

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POND VIEW

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and provided revised design of the culvert and the actual field topography we had requested.

Orange County Planning comments have been received regarding the driveways and the wetlands. The driveways are under the jurisdiction of the New York State DOT. We will require that the applicants receive a letter from DOT approving the two separate driveways based on the close proximity of those. The code enforcement officer did mention some issues with speed enforcement and some accident history on that portion of the road during the work session. He's not here now. We need something definitive from DOT that they will approve those.

A public hearing is required.

We would recommend a negative declaration and scheduling of that public hearing.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No comment.

MR. MENNERICH: No comment.



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POND VIEW

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MR. GALLI: No additional.

CHAIRMAN EWASUTYN: I'll move for a motion to declare a negative declaration and to set the 18th of December for a public hearing.

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Mike, you'll work with Pat Hines as far as the mailing.

MR. BODENDORF: Yes.

CHAIRMAN EWASUTYN: Thank you.

MR. BODENDORF: Thank you very much.

(Time noted: 7:25 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: December 3, 2014

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

----- X  
In the Matter of

POLHAMUS  
(2014-24)

Chestnut Lane & Balmville Road  
Section 43; Block 3; Lot 34.2  
R-1 Zone

----- X

INITIAL APPEARANCE  
TWO-LOT SUBDIVISION & LOT LINE CHANGE

Date: November 20, 2014  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JUSTIN DATES  
TAYLOR PALMER

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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POLHAMUS

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CHAIRMAN EWASUTYN: The fourth item on this evening's agenda is Polhamus. It's a two-lot subdivision located on Chestnut Lane and Balmville Road, Section 43, Block 3, Lot 34.2, it's in an R-1 Zone and it's being represented by Justin Dates.

MR. PALMER: Mr. Chairman, good evening. My name is Taylor Palmer, I'm with the law firm of Drake, Loeb in New Windsor, New York. I am joined tonight by Justin Dates of Maser Consulting. Tonight we are representing the applicant, Polhamus, for a minor subdivision and a lot line change. I heard you mention, Mr. Chairman, it is for a minor two-lot subdivision, and it's also for a lot line change.

There's an existing residence on the site which is to be located on lot 1. I'll let Justin give you a better idea of the two lots and what is proposed here. There's also a proposed single-family dwelling to be located on lot 2.

Tonight we'll go through the plans, if the Board sees fit, and ultimately we'll be seeking referral to the Zoning Board of Appeals for some area type variances, which again Justin

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POLHAMUS

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will be able to go through with the Board this evening.

CHAIRMAN EWASUTYN: Thank you.  
Justin.

MR. DATES: Good evening. Justin Dates from Maser.

Just to take everybody through the plan that you have before you, to orient everybody to the plan, the bottom of the page is Balmville Road on the east side. On the left is Chestnut Lane. That's on the southern side of the property. The site is kind of an L shaped, so it has frontages on both of those streets. It's about 1.3 acres in size in the Town's R-1 Zoning District.

The applicant has an existing one-story residence fronting on Balmville Road. There's an existing driveway, well and septic. Then at the rear of that, or kind of in the center of the property here there's an existing clay tennis court. He's also got a gazebo with a paver area there, and there is a wood shed on the northern side of the property just behind the existing house as well. The lot is also in the

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consolidated water district.

The applicant is seeking to subdivide this piece into two parcels. Parcel 1 or lot 1 -- proposed lot 1 would strike a lot line just behind the house, about seventy feet behind the existing house, and that would encompass the existing home and patio, driveway. Then he would look to tie in to the Town water out in Balmville Road, eliminating his existing well. He would still have -- he would still maintain his existing septic system on that lot.

Then lot 2, which would have frontage out on Chestnut Lane, would be looking to construct a new single-family home there. That would have the tennis court and gazebo and a paver area there on that lot 2. The driveway would go out into Chestnut Lane, and that would have a water service connection to the existing Town water in Chestnut and would have a proposed septic system on that lot.

Now the bulk requirements. The R-1 Zoning District has a minimum lot area of 40,000 square feet. This is where I'll break down the variances that the applicant is looking for.

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Lot 1 again is the lot with the existing residence on it. That would have a lot area of 22,923 square feet, so it is deficient of the 40,000 requirement. We would seek an area variance on that. Lot width in this zone is 150 feet. The lot itself right now is just over 109, so we do not meet that 150 foot requirement so we'd seek a variance for that. Then our side yards in the zone, one side yard is 30 feet where combined is 80 feet. Right now the existing home is only 8.7 feet off the northern property boundary, that side yard, and 29.8 feet on the southern side of the house. So we are deficient in both the side yard setback, single and both in that case. Then the lot building coverage in this zone is 10 percent and we are at 14.8. Again, we exceed the maximum on that. Then also lot coverage is 20 percent and we're at 32.3 percent. So those are the six variances that they'd be seeking for lot 1.

Lot 2 again is the proposed single-family dwelling, tennis court, gazebo and pavers. That again, the lot area is below the 40,000 square foot requirement. We're at 34,275. So

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POLHAMUS

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we're seeking a variance for that. Again the lot width is 150 feet, the existing condition of the parcel there is 127. So we're just below the minimum there. And then also lot surface coverage, 20 percent is the max and we're at 34 percent. A big chunk of that is the tennis court. The tennis court alone is about 19.5 percent, so that almost eats up the full 20 that would be the maximum for the lot. So that's where the overage comes into the driveway, the house itself, sidewalk, deck and that area. So those are the three variances that lot 2 would also be seeking.

CHAIRMAN EWASUTYN: Thank you.

Pat Hines.

MR. HINES: I concur with the variances that were just described. There was one more at work session. The property has some history, it's been before the Board before. The tennis court use requires screening. Take a look at that portion of the code. You may require a variance for that unless you can provide that screening. The new structure will serve to screen it substantially more than it is screened



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POLHAMUS

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today.

The paver area, was that a former pool? There was an issue with a pool in the past and it has that kidney shape.

MR. DATES: Yeah, I think in the past it was.

MR. HINES: The pool may have gone away.

Also, just on lot 2, the proposed house site where you're going for your lot surface coverage, make sure you have the worst case house size. I know you have a typical house shown there. If someone wanted to building something larger within the building envelop it could require a return to the ZBA. Make sure whatever house size you show there is adequate for what you really intend to build.

MR. DATES: Okay.

MR. HINES: And then we have some technical comments should you be successful at the ZBA. I know you have those.

MR. DATES: Yes.

MR. PALMER: Mr. Chairman, there was some history again with the site. The applicant

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POLHAMUS

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has gone forth and sought certificates of -- COs in order to remove a storage tank that was on the property as well as a shed that had previously been before the Zoning Board of Appeals. Those have been granted to remove the tank and the shed.

CHAIRMAN EWASUTYN: Thank you, Taylor.  
Comments from Board Members?

MR. WARD: No comments.

MR. DOMINICK: No comment.

MR. MENNERICH: No.

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Mike, do you want to give a presentation on the letter to the ZBA for the variances?

MR. DONNELLY: I will send the ZBA a referral letter. The applicant of course will have to apply directly.

I won't recite all the dimensions, but for lot 1 the Planning Board would refer it for consideration of lot area, lot width, one side yard, both side yards, lot building coverage and lot surface coverage. For lot 2, variances for lot area, lot width and lot surface coverage.

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POLHAMUS

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MR. HINES: And potentially that screening issue.

MR. DONNELLY: Tennis screening. That's Section 185.43, if you want to look.

MR. PALMER: Would the screening require an area variance or that would ultimately be the determination of the Planning Board or Zoning Board at the time when the variances were sought?

MR. DONNELLY: I don't think it's a Planning Board call. I think it's a Code provision in the Zoning Code.

MR. PALMER: Thank you.

CHAIRMAN EWASUTYN: Thank you.

MR. DATES: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion for the Board to refer the lands of Polhamus to the Zoning Board of Appeals subject to the variances required that were presented by the Attorney, Mike Donnelly.

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Frank Galli. I'll ask for

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POLHAMUS

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a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. Thank you.

MR. DATES: Thank you.

(Time noted: 7:34 p.m.)

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

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

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DATED: December 3, 2014

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

----- X  
In the Matter of

DIXON SUBDIVISION  
(2014-15)

85 Forest Road  
Section 3; Block 1; Lot 103.31  
AR Zone

----- X

TWO-LOT SUBDIVISION

Date: November 20, 2014  
Time: 7:34 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The fifth item on the agenda this evening is the Dixon Subdivision. It's a two-lot subdivision located on Forest Road, Section 3, Block 1, Lot 10 3.31. It's in the AR Zone and being represented by Charles Brown of Talcott Engineering.

MR. BROWN: Thank you, John.

Since the last time we were before the Planning Board we've added a note to sheet 1 that the proposed well that would service the existing house would have to be drilled prior to filing of the map.

In addition to that, based upon Mike Donnelly's determinations on common driveways, we've realigned the common driveway so that portions of it are on all three lots where it is servicing all three lots, and then portions of it are on both lots where it's servicing the two lots.

We do have an error in the setbacks. It is 10 feet and 15 feet. Pat, they were snapped actually to the -- the lines were snapped to the stone pillars. We do have 15 feet on one

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access and 10 foot on the other. The reason that we took 2 1/2 foot off of one, from 12 1/2 and 12 1/2 to 15 and 10 was so that we could center the driveway on the 10 feet. And again, a portion of the driveway would be on all three lots, servicing all three lots. That's where we're at.

MR. DONNELLY: Do you have a consent of the other landowner? They're not an applicant here. Did you present the Board with some consent to relocate that driveway?

MR. BROWN: Yeah, we have no problem getting that. A letter form would be fine?

MR. DONNELLY: I think so for our purposes.

MR. BROWN: A notarized letter?

MR. DONNELLY: Sure.

CHAIRMAN EWASUTYN: Now that we have seemed to resolve that, what do we have before us?

MR. HINES: We got beyond my first one. There's a note on the map stating that the well will be constructed prior to filing, and we believe that's going to be prior to stamping

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of the plans.

MR. BROWN: I'll reword it.

MR. HINES: Once we stamp them we have no control over whether they're filed or not.

MR. BROWN: Understood.

MR. HINES: Orange County DPW approval for the driveway is required. It fronts on a County highway.

Again, concurrence of the lot owner of 103.32 as we've just discussed.

You're going to need to go to the Town Board for three lots on a private roadway. It's going to need a road name at that point addressing in accordance with the 911 system. So that's a process you have to go through with the Town Board to allow three lots on a common driveway.

MR. BROWN: We're prepared to do that.

I don't think we referred this to the County yet. Right?

MR. HINES: No.

CHAIRMAN EWASUTYN: That's what I was thinking.

MR. HINES: It needs to happen.



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CHAIRMAN EWASUTYN: So then the motion before us would be to refer this to the Town Board for three lots on a common driveway, and at that time you may begin to present road names for Town approval, and to circulate to the Orange County Planning Department.

Is that correct, Pat?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Any other additional comments or questions from the Planning Board Members?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: At this point I'll move for that motion.

MR. GALLI: So moved.

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.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWN: Thank you.

Pat, do you need another set for the County?

MR. HINES: Yes.

MR. DONNELLY: Is this ready for a negative declaration and a public hearing or not yet?

MR. HINES: I don't know what it's going to come back from the Town Board with. I think that action needs to get taken.

MR. DONNELLY: Right.

MR. BROWN: Thank you.

(Time noted: 7:38 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: December 3, 2014

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

----- X  
In the Matter of

LANDS OF SERRA & GIDDENS  
(2014-26)

108 & 118 Meadow Hill Road  
Section 60; Block 1; Lots 11 & 12.2  
R-3 Zone

----- X

INITIAL APPEARANCE  
LOT LINE CHANGE

Date: November 20, 2014  
Time: 7:39 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: DARREN STRIDIRON

----- X

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

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CHAIRMAN EWASUTYN: The last item that we have, item number 6, is the lands of Serra and Giddens. It's a lot line change located on 108-118 Meadow Hill Road, Section 60, Block 1, Lots 11 and 12.2 in an R-3 Zone. It's being represented by Darren Stridiron, Land Surveyor.

MR. STRIDIRON: Good evening. My name is Darren Stridiron, I'm the project surveyor for this proposed lot line change between Mr. Serra and Mrs. and Mrs. Giddens on 108 and 118 Meadow Hill Road. The property is due east of the Meadow Hill School on the north side of the road.

What we are proposing is a 30 by 150 foot strip of land at the back of the property to be conveyed from the Serra property on the east to the Giddens' property on the west.

There are no utilities or structures within this area. There are no proposed structures to be placed in the area.

All of the zoning requirements are met for the existing and proposed conditions.

At this point if there are any comments or questions, I'd be happy to answer them.

CHAIRMAN EWASUTYN: Okay. Questions or

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comments from Board Members. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No comment.

MR. WARD: No comment.

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: The only comment we have is there's a gazebo depicted in the front yard of lot 11 -- tax lot 11.

MR. STRIDIRON: Yes.

MR. HINES: That's an accessory structure in the front yard which is not permitted. The building department does not have a building permit on that structure, so it either needs to go to the ZBA for approval of that accessory structure in the front yard or it needs to be removed.

MR. STRIDIRON: Could it be moved behind the house?

MR. HINES: It could be removed to the rear yard with a building permit. The code enforcement officer suggested you contact him or

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have your client contact him to work on resolving that. It can be moved to a rear yard or a side yard, it's just not permitted in the front yard, and it doesn't have a building permit to be there in the first place.

Those were the only issues.

CHAIRMAN EWASUTYN: Mike Donnelly, would you give us conditions for approval for the lot line change before us this evening?

MR. DONNELLY: Yes. It's the standard lot line change. You will have to issue a negative declaration before taking action. There's no requirement of a referral to the Orange County Planning Department because it's a lot line.

The first condition will be a letter from the code compliance department saying there's been a clarification of the status of the gazebo. You mentioned that there are no buried utilities in the area but we want to see a map note to that effect on the map that will be signed by the Chairman. The rest of the conditions relate to the requirements of the Code. A reproducible mylar, the necessary number

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of prints. You must file a map, as you know, with the Orange County Real Property Tax Service. We'd like to be copied on your letter. And you must transfer the properties simultaneously by deed and copy us on the letter, delivering that deed for recording with the Orange County Clerk.

CHAIRMAN EWASUTYN: Thank you.

Then I'll move for a motion to declare a negative declaration for the lands of Serra and Giddens and to grant final approval subject to the conditions presented by the Planning Board Attorney, Mike Donnelly.

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. WARD: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself yes. So



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moved.

(Time noted: 7:41 p.m.)

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

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DATED: December 3, 2014

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

----- X  
In the Matter of

GODDARD/TESLA  
SOUTH UNION PLAZA  
(2006-41)

Architectural Review  
Electric Charge Station

----- X

BOARD BUSINESS

Date: November 20, 2014  
Time: 7:41 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  
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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CHAIRMAN EWASUTYN: We have one item under Board Business, that's the Goddard/Tesla architectural review for the electric charge station.

Pat Hines, I think you have --

MR. HINES: I was actually awaiting a more detailed submission. We received a set of plans from the folks at Tesla. The proposal now for the electric charging station -- they had originally stated that they were going to make it a hardy board and stone type frontage, but the plans we received show -- I don't know whether this is just a standard of theirs -- show cement block, CMU block, split-faced block type units. I think it was an oversight on their part. They might have just submitted a generic set of plans. They stated at the meeting they were going to have the structure look similar to the existing building with the fieldstone and then the hardy board. I still think they intend to do that, but the plans we received from them electronically show a split-faced block with wooden doors. It almost looks like a dumpster enclosure rather than what I think they intended to show the Board

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it was going to look like.

MR. GALLI: We have to --

CHAIRMAN EWASUTYN: Wait.

MR. GALLI: -- tell them to give us the right ones or tell them we voted yes and this is how you're going to do it.

CHAIRMAN EWASUTYN: They were supposed to have a sample before us. I think they are just not prepared this evening for us to really -- the purpose of this was to have something visual to look at to approve.

MR. HINES: Unfortunately I wasn't in my office. I can show you the submission on my phone. It looks like a dumpster enclosure. It's got a couple of wood doors and just some CMU. It doesn't specify split-faced block. It certainly wasn't what they intended to show us. I don't think it's what they want. I think they grabbed something off -- it didn't get from here to California, or wherever it was.

CHAIRMAN EWASUTYN: When we hear back from them we'll set it up under Board Business in December.

MR. HINES: It looks like a dumpster

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GODDARD/TESLA

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enclosure. I don't think it would look appropriate in front of the corner intersection there.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 20th of November.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

(Time noted: 7:43 p.m.)

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DATED: December 3, 2014