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

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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

PUBLIC HEARING  
TWO-LOT SUBDIVISION

Date: December 18, 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  
GERALD CANFIELD  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: MICHAEL BODENDORF

----- 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 December 18, 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. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

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

MR. RUGGIERO: Paul Ruggiero, Town of  
Newburgh Town Council.

MR. PROFACI: 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: Before the Planning  
Board takes action on all subdivisions and  
certain site plans it holds a public hearing.  
The purpose of the hearing is for you, the  
members of the public, to bring to the attention  
of the Planning Board issues or concerns that the  
Planning Board itself may not have recognized or  
that the consultants for the Town have not  
brought to the attention of the Planning Board.

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After the applicant in the public hearing gives its presentation, the Chairman will ask those who wish to address the Board to raise your hand. He will recognize you. We'd ask you to step forward if you would. Please state your name, spell it if you would for our Stenographer to make sure we get it down correctly. Tell us where you live in relation to the project so that the Board can better understand your perspective. We would ask you to direct your comments to the Board. If you have a question that can be easily answered, the Chairman may ask the applicant's representative, or the applicant himself, or one of the Town's consultants to answer the question.

MR. PROFACI: Thank you, Mike.

I'll ask Ken Mennerich to 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 276 of the Town Law on the application of Pond View Subdivision, project 2014-19, for a two-lot

1 subdivision known as Pond View on premises  
2 921-965 New York State Route 32 in the Town of  
3 Newburgh, designated on Town tax map as  
4 Section 2, Block 1, Lot 50. The project involves  
5 a two-lot subdivision on a 10.21 acre parcel of  
6 property with access off a New York State  
7 highway. Said hearing will be held on the 18th  
8 day of December 2014 at the Town Hall Meeting  
9 Room, 1496 Route 300, Newburgh, New York at  
10 7 p.m. at which time all interested persons will  
11 be given an opportunity to be heard. By order of  
12 the Town of Newburgh Planning Board. John P.  
13 Ewasutyn, Chairman, Planning Board Town of  
14 Newburgh. Dated November 25, 2014."

16 MR. HINES: Just for clarification,  
17 that was re-published and the correct tax ID --  
18 it is Section 2. You did read the correct one.  
19 It was published one time with Section 10 but it  
20 is Section 2.

21 MR. PROFACI: This is a public hearing  
22 for a two-lot subdivision, Pond View Two-Lot  
23 Subdivision, project 2014-19, located at 921-965  
24 State Route 32, Section 10, Block 1, Lot 50,  
25 located in the RR Zone and being represented by

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Hudson Land Design.

MR. BODENDORF: Good evening. My name is Mike Bodendorf, Hudson Land Design, engineer for the applicant of this subdivision of a 10.2 acre vacant parcel located on the west side of Route 32. It's just south of Cherry Top Ice Cream.

We're subdividing this into two residential lots, just slightly over 5 acres in size. Each lot will have its own driveway accessing from the west side of Route 32.

There is a wetland that bifurcates the two lots. Lot 1 will be located in the front of the parcel, lot 2 will be located in the rear of the parcel. The wetland flows from south to north and there's an existing channel that flows towards the north. We have designed a culvert to allow for drainage of that wetland. Because we've located the lot 2 driveway as far north along the northerly property line as possible to minimize the impacts to the wetland.

That's pretty much it.

And there's no water and sewer in the area so each lot will have its own well and

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septic system.

CHAIRMAN EWASUTYN: Is there anyone here this evening? Give your name and your address please, sir.

MR. WELLMON: My name is Russell Wellmon, I live at -- W-E-L-L-M-O-N. I live at 1001 State Route 32 which is just north of the access or the subdivision, down the grade.

We have a concern. For some time now we have been fighting a tremendous water problem that exists that starts on this property. I believe, although I'm not an expert in civil engineering, it's a result of a beaver dam that was built, but it appears to be a result of a lot of issues over periods of years. We've involved and talked to the New York State DEC. They advised us to talk to the Building Department. We've talked to the Town of Newburgh Building Department. They kind of said it was on private property, they couldn't do anything. It's affecting Route 32 and ultimately our property.

I brought with me today a couple of pictures that I stopped this afternoon and took from Route 32. As you can see just looking from

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the highway, there's a large body of water that just a few years ago was not there. Now, I can't tell you, I haven't surveyed it, I couldn't tell you how many gallons. What I am going to tell you is it's a lot of water and it's caused tremendous problems. We've been in a relatively dry period of time. Last week was sort of a little rainy. This summer was relatively dry, and there's that much water.

As you can see, last year, as a result of the water, I had some pictures that I took then. January 7, 2014, cold day, you can see in the background there's grass, snow piles, and this water is running across Route 32, creating an ice problem that created a traffic nightmare. It culminated in that night a roll-over accident as a result of all the water on the road. It was so bad last winter that at least on two separate occasions New York State Highway Department kept the salt truck parked at Cherry Top Ice Cream, one time for three days, and every fifteen minutes he ran up and down the road salting the road. What you see are the results of -- that's what he was able to get to after salting it. So



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it's costing the taxpayers a small fortune to continue to let this problem fester. It's causing environmental problems because you can't convince me with all the issues we have, dumping all that salt is not running into somewhere. It just seems that the problem is going around. Part of the problem might be drainage on subsequent property.

But as we move forward I'd like the Board to consider, before granting subdivision, let's solve the problems. I'm not against them doing the subdivision. I like to see taxes -- you know, property be bought. I don't want to continue the problem as we move forward.

I'm providing you with documentation. We have a number of people else with me today that have written letters to various people and it's going nowhere. Essentially what people are saying is you have to go pay for a lawyer, you guys go sue them. Guys, guess what. It's an expensive process that we shouldn't have to go through. Now we're faced with an opportunity to fix a problem. I would ask the Board to consider that before approving this.

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MR. BROWNE: On the first set of pictures that you showed us, can you show us on the map where about, approximately, that was looking at?

MR. WELLMON: Where is 32 on here?

MR. BODENDORF: This is Cherry Top parking lot right here. I believe where you're talking is right around here.

MR. WELLMON: So at the end of Cherry Top parking lot, okay, there's a pin in the road. The first picture I gave you is standing on that pin on the white line of the road just on the edge of the highway. The second one --

MR. BROWNE: Looking which way?

MR. WELLMON: Looking into the property. From 32 looking west down into the property. I then move down and right in where the -- you'll see there's -- in one of the pictures you'll see the flag from the surveyors. I just wanted to show that's the survey flag just sitting essentially right here looking at the property. Everything was shot directly from the curbside of Route 32.

MR. BROWNE: We're looking at what

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looks like a pond.

MR. HINES: It's identified as a wetland area on the map.

MR. WELLMON: I think that was originally a wetland, but after living here for many years I would tell you that in the last four to five years, I don't know if it's a beaver.

Pam Mott is here. They live on the property behind Cherry Top. They've kind of said it's a beaver dam. I'm not walking through people's private property investigating what it is. I can tell you it's grown. You can see in the summertime there is a mass number of trees that have died as a result of now being buried underwater as opposed to before in dry property. That property from Route 32, when you look in, it immediately falls down probably about a three to four foot ledge, then runs downhill and hits where all this water is. Beyond that I know it kind of runs -- again, it ledges down, it runs into a stream that ultimately is feeding Chadwick Lake. So that stream, I believe the right term is a class A stream, that's feeding into Chadwick.

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CHAIRMAN EWASUTYN: Mike, are you familiar with the description that Russell just presented?

MR. BODENDORF: Well I'm familiar with the wetland, obviously. The condition across Route 32 I have seen. I do travel that way to work. I believe the condition across 32, though, might be a seepage issue. It just originates out of the middle of that parking lot and, you know, over time just keeps flowing and the ice keeps growing. I'm not too sure what's going on with that. I mean there could be some drainage that runs along the edge of Route 32, in this direction, which could contribute to that, but I'm not sure.

As far as, you know, the drainage from this parcel, it all goes towards this wetland and then goes north.

MR. WELLMON: To answer that, we -- in the fall of last year we had Jerry -- Jim from your office --

MR. CANFIELD: Jim Campbell.

MR. WELLMON: Yeah. He came up and met with us. We met with the highway superintendent

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from State to try to come up there and say look guys, here's the problem, let's figure this out, we're all intelligent people here presumably. They walked around. It was Jim and the State representative's opinion that that wetland drains through an open drainage in the property behind Cherry Top. There's a small blue house that sits in there that's owned by Mr. Dave Callus. That then runs to a pipe under the driveway and subsequently under two existing access driveways and goes down to a sluice box, drainage box, whatever we want to call it, north on 32 prior to really the hill starting. According to the State, that box is not theirs. It was never approved to be put there. They could find it on no plans. So some homeowner, at some point in time, before we all started enforcing and looking at things, put that in. It's their opinion that that drainage -- two things occurred. Number one, the beaver dam built up damming up the water. This is what the animals do. The second part is that pipe has subsequently collapsed over years and years and years of being in the ground and is no longer flowing. So the concern has

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been if you go in there with a backhoe and just rip that beaver dam out, my house on the bottom is going to flood and all the houses in between are going to get water.

There is tremendous water pressure under the road. When the water is heavy, when we had Hurricane Sandy and what not come through, I'll tell you on the hill north of Route 32, you're talking about -- you know, you guys have driven this, this is a significant hill. There was six to eight inches of standing water running across the highway. Cars were stalling out. They would come down 32, hit it, stall out. It's not a low spot. You're on a hill. And it was bubbling. You could see it shooting up out of the roadway.

Just the whole drainage area needs to be fixed. I don't know that the entire problem exists on this property, it's just an opportunity to let's fix a problem.

CHAIRMAN EWASUTYN: Pat Hines, are you looking at this?

MR. HINES: I am. There's not a lot this Board can do about the beaver dam issue.

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2 It's outside the scope of this Board. The  
3 project here is -- doesn't require -- because of  
4 the scale of the project, doesn't require a  
5 drainage analysis based on the Town's  
6 regulations. The amount of impervious surface  
7 added to the watershed is insignificant compared  
8 to the size of the watershed. This site alone  
9 has almost a 5 acre wetland, which now appears to  
10 be a pond in your photographs, which may be the  
11 result of the beaver activity. It's not unusual  
12 to experience that issue throughout the County  
13 lately.

14 I think it sounds to me, based on the  
15 elevations on this map, there's 20 feet of  
16 elevation difference between Route 32 and the  
17 pond that is depicted in your pictures. So  
18 although there obviously is a problem on the  
19 State highway downstream of this project, I don't  
20 know that it's this project creating that issue,  
21 or will it make it any worse based on the small  
22 amount of driveway and pavement and roof areas  
23 that are proposed. Certainly that will be  
24 attenuated in the on-site wetland upgradient of  
25 the proposed culvert pipe. I think it may be an

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issue with DOT, if it's the State highway, rather than this Board's issue. It certainly sounds like there's a significant issue there, and the pictures show that.

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

MR. DONNELLY: Maybe the suggestion might be that we pass along to the Town Board or request to have the DOT come discuss it with the Town as opposed to the private citizens. I'm not saying that the Town necessarily has more clout, but maybe if it's a concern enough some action could be taken by the DOT.

MR. BODENDORF: I'd like to talk about the culvert design a little bit. It may ease some of the concerns of the downstream properties. We designed this culvert so that it would hold back some of that flow slightly without increasing the depth of that wetland, because you really don't want to change the fluctuation of the wetland too much. Just to put it in numbers, we're reducing the rate of flow coming out of that wetland by anywhere between 45 and 55 percent depending on what storm we're



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2 looking at. So for instance, the one-year storm,  
3 which is a pretty frequent storm, we're reducing  
4 the rate of flow by 55 percent for that storm  
5 versus the one hundred year storm which is 8  
6 inches in 24 hours, we're reducing that rate of  
7 flow by 45 percent. Your rate of flow coming  
8 onto those northerly properties is going to be  
9 much less than what it is today, regardless of  
10 the beaver dam, because that culvert is  
11 controlling that outflow.

12 MR. DONNELLY: If we assume you  
13 contribute to the problem, your contribution to  
14 the problem will be reduced by between 45 and 55  
15 percent.

16 MR. BODENDORF: Correct.

17 MR. WELLMON: Can I ask the Board, as  
18 you look at that, certainly -- again, I'm not a  
19 civil engineer, but where is that culvert  
20 draining water to? I can tell you the water  
21 right now is draining -- goes to that sluice box,  
22 supposedly goes under 32 and goes to a pond  
23 that's located on the eastern side of 32,  
24 essentially at the corner of Tea Kettle and Route  
25 32. That wetland that I'm depicting there by

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your own estimation is 20 feet elevation below that pond. So that pond to me -- you can't flow water uphill.

MR. HINES: 20 feet below the State highway.

MR. WELLMON: Right.

MR. HINES: It is tributary to what you're discussing. It goes to the drainage ditch behind -- it's actually on the Cherry Top Ice Cream parcel.

MR. WELLMON: Again, Cherry Top is much higher. I mean they're a relatively small parcel, much higher and flat compared to where that water is.

MR. HINES: Right. But down gradient of this culvert.

MR. WELLMON: Okay.

MR. HINES: In other words, this culvert discharges in a northerly direction towards Cherry Top there.

MR. WELLMON: Again, I just think we need to solve it as we add two houses. I get it, they're not adding, but are you going to mix septic into this water now. Now you put septic

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2 down field. The pictures you're looking at  
3 literally were taken at 4:00 this afternoon. As  
4 you talk about the one-year storm or hundred-year  
5 storm, I know we're not planning for Hurricane  
6 Sandy. That's once in a lifetime we all may see  
7 that. We certainly do get heavy rains here. Are  
8 we going to flood out these septic tanks and start to  
9 carry that down through? I think we need to  
10 consider that.

11 CHAIRMAN EWASUTYN: Mike, do you want  
12 to respond to that question?

13 MR. BODENDORF: Again, you know, we've  
14 done pretty much all we can to try to quell the  
15 rate of flow coming out of there. Our septic  
16 tanks are located more than 100 feet from the water  
17 surface elevation, so, you know, by many years of  
18 studies of health departments, that's the  
19 standard and, you know, it's proven to, you know,  
20 not cause a problem to water surface bodies.  
21 That's why they have that standard of 100 feet  
22 away from any water surface.

23 MR. HINES: They're also six to ten  
24 feet higher in elevation than the existing water.

25 MR. BODENDORF: Right. So there

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shouldn't be any -- you know, we did deep tests out there. We didn't see any groundwater in our deep tests. And the way septic systems are designed today, they're a lot bigger than they used to be. So there shouldn't be any issues with septic effluent going into any body of water here.

CHAIRMAN EWASUTYN: Ma'am, your name and address, please.

MS. MOTT: Thank you. My name is Pam Mott, I'm at 957 Route 32. I'm adjacent to the property that's under current consideration for development.

I do have many concerns, as Mr. Wellmon had pointed out, just in general for that whole area. And his property is north. We're adjacent.

Any time that that water does flow, and right now it is being held back, our leach fields are being compromised. So my concerns are when this property is developed, what are you going to do to protect us from having our septic and our leach fields just washed out by the development?

And we're not high. Our property is actually lower than Cherry Top. It was approved

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2 by the Town at the time of our house being built.  
3 They approved where the septic was going to go,  
4 they approved the leach fields, and we're lower  
5 than Cherry Top. Each time that water flows we  
6 have a problem. We brought it to the Town. We  
7 had a lawyer bring it to the Town. We brought it  
8 to the homeowner, Mr. Callus. I don't know what  
9 else we can do. My husband has been in  
10 correspondence with Mr. Zolof about the issues.  
11 If and when the development happens and the  
12 beaver dams are compromised because of it, what  
13 happens to us? Are you going to be insured so  
14 that we're not washed out?

15 And you're talking about water going  
16 across Cherry Top. I've never seen the water go  
17 across Cherry Top in the storms.

18 MR. HINES: No.

19 MS. MOTT: No. So when the water flows  
20 even in the wintertime and freezes, it's not  
21 going across Cherry Top. It goes through 955  
22 Route 32, which is the property below us, and  
23 goes across because the pipe there is broken.  
24 That was also brought to the Town's attention.  
25 Again the Town did nothing.

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Also, if there's any blasting being done at the time of construction, what are you going to do to protect my house?

MR. KASSESA: No blasting.

MS. MOTT: No blasting. Promise?

MR. KASSESA: Yes.

MS. MOTT: Okay. And will there still be buffer zones or buffers with regard to the trees or are they all going to be wiped out?

MR. KASSESA: There's a limit of tree clearing.

MR. BODENDORF: We do have a limit of disturbance.

CHAIRMAN EWASUTYN: For the record would you identify yourself?

MR. KASSESA: I'm sorry. My name is Jerry Kasses, I'm here for Matt Zolof.

MS. MOTT: I know. My husband has met you and spoke to you. Yes.

MR. KASSESA: That's what we did with Mike's design, we raised that culvert, like Mike had said, the best we could do on our property to alleviate your problem.

MS. MOTT: And you saw our problem.

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MR. KASSESA: Right. We're limited to the boundaries of our property line, so what we did was we designed what we felt, as Mike designed something that would help, not worsen the problem, and he's assured me that his design will lessen the amount of water that flows off this property. So by putting this driveway and this culvert in, we can't stop all the water, obviously --

MS. MOTT: You have some kind of insurance that's not going to wipe us out? Wash us away?

MR. BODENDORF: We have insurance on the construction of our driveway that it's not going to wash out. That's all we can do.

MS. MOTT: The same as the Wellmons, we want new homes, we want the tax base, but I don't want to lose my property as a result of it.

MR. KASSESA: I'm just a builder, I'm not an engineer, but I would tell you that --

MS. MOTT: Well maybe the Town has an answer for me --- --- -

MR. KASSESA: Well I would just say that whatever we can do, the fact that we're --

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the undertaking that we're doing to the property is going to help. It's going to substantially reduce the water flow. That's to our property line. Downstream of that and pipes that are clogged and catch basins that are incorrect we have no control over. So what we're doing as the neighbors is building the best possible system at the cause or at the beginning where it is, and that's all we can do on our property.

MS. MOTT: Okay. Can the Town help with the existing problem that's there?

CHAIRMAN EWASUTYN: You're being represented -- when you say the Town this evening, the Planning Board?

MS. MOTT: Planning Board. Yes, sir.

CHAIRMAN EWASUTYN: You're correct in what you're saying. I'm not correcting your statement. The Planning Board is represented tonight by McGoey, Hauser & Edsall. They look at drainage and they represent the Town, they represent the Planning Board, they represent yourself. At this point I'll turn to Pat Hines.

MR. HINES: There are beaver dams in this watershed, is that what we're hearing?



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MS. MOTT: I have to say yes. More than one.

MR. HINES: I tend to think that's what's causing the backup of the water.

MS. MOTT: That's the backup. It's not flowing. Once it gets to a certain point it's not flowing because that's where the pipes are blocked. That won't flow north, instead it goes east/west and then goes over 32 and back into our property.

We've tried to get someone to have the homeowners fix the pipe and it falls on deaf ears.

MR. HINES: It's their driveway crossing pipes that are blocking it?

MS. MOTT: Mm'hm'. If that got fixed, even with the flow of the water from the beaver dam, it would still flow and would go under 32 and across to -- what's the name of that pond over --

MR. WELLMON: On the corner of Tea Kettle and 32.

MS. MOTT: There. It flowed when we first moved in. It did for three years until the

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pipe got broken. That's when the problem started.

MR. RUGGIERO: This pipe runs under Route 32?

MS. MOTT: Yes, but it's blocked at private property under the private property driveway, and then it goes into some kind of a drain, and that drain then has more water that goes under Route 32 and into the pond at Tea Kettle.

MR. HINES: The scope of this project doesn't warrant a full-blown drainage study. What I'm suggesting is that I take a walk and walk this watershed and see if I can identify what the situation is, whether it's beaver dams or collapsed pipes, and I can report that back to the Board.

MS. MOTT: You're welcome to even come to our house and you can look from our windows at the water that's being held back now. If it's not a beaver dam, then there's a road that's actually holding back the water on your property.

CHAIRMAN EWASUTYN: Comments from Board Members?

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I see your hand but what I'd like to do is acknowledge one person at a time. The lady right now is speaking, she has the floor. When she's done then we'll call you, otherwise there's no forum here.

MS. MOTT: I'm done, sir.

CHAIRMAN EWASUTYN: Okay. Now I'd like to turn to the Planning Board Members, if you don't mind --

MS. MOTT: Sure.

CHAIRMAN EWASUTYN: -- to receive their comments --

MR. GALLI: I would like to see Pat investigate it to see what the solution is. It might not fall on this particular owner of the property but maybe to eliminate it in the future. Somebody is blocking something.

MR. BROWNE: It seems reasonable to me because if that is the case we can make a strong recommendation to whoever they have to go to, the Town Board, the State or whoever.

MR. MENNERICH: I agree.

MR. PROFACI: I also agree.

CHAIRMAN EWASUTYN: -- Dave Dominick?

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MR. DOMINICK: I agree as well, have Pat investigate it.

MR. WARD: I agree, too. This way you know whether it's the property owner, beavers, whatever. One way or another it's solving the problem for everybody, not just the neighbors, the right way.

MS. MOTT: Right.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have anything to add?

MR. DONNELLY: No. I think that's a logical solution. Is it one that will require the return of the applicant for approval or would it be a condition of approval that Pat provide a report, just so I know where you're going?

CHAIRMAN EWASUTYN: Okay. Ma'am, you want to give your name and your address, please.

MS. WELLMON: My name is Jacqueline Wellmon, I live at 1001 Route 32. Russell is my husband.

I met with Glenn Harris from DOT and Jim Campbell. I met with them as well as Dave Callus and we walked the culvert. We walked it to identify the problems. Glenn said that it is

1  
2 definitely a culvert problem, although he  
3 acknowledged the beaver dam above -- in the pond  
4 that was created. He felt that the beaver was  
5 not really the problem, although there was a  
6 significant amount of water increase. The  
7 problem, he said, was the pipe. I was standing  
8 there with him and Jim and we identified the  
9 numerous problems along the pipe as we walked it.  
10 Jim was supposed to, you know, follow through,  
11 because now it became more of a code enforcing  
12 problem. We kind of left it at that, and there  
13 was no follow up for that because it wasn't  
14 important I guess. Until the winter came and, as  
15 my husband said, it became, you know,  
16 babysitting, ice and accidents and everything  
17 like that.

18           You know, like I said, I spoke with  
19 Glenn, Glenn said that the problem was the  
20 culvert pipe. The pipe is on private property.  
21 I believe it runs through three private  
22 residential properties and it does go underneath  
23 the driveways. And, you know, that's -- it  
24 seemed to be an issue that nobody could put their  
25 finger on. I mean honestly, it seemed to go to

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Dave Callus. I spoke with Dave. He was not interested in doing anything about the problem, so he wasn't cooperating, although he was very cooperative in letting Glenn and Jim come on the property and try to identify the problem. So as far as research on identifying the problem, that has already been done by DOT and Jim Campbell.

CHAIRMAN EWASUTYN: So Pat Hines is going to go out and do a field inspection. What authority we have as far as enforcement on other's property, I'll have Mike Donnelly, the Planning Board Attorney, advise us and speak to you on behalf of that.

Mike.

MR. DONNELLY: Well, a lot depends upon where it is. If it's a driveway culvert that's right within the State's right-of-way, then it clearly is the State's responsibility. If it is in a larger stretch of pipe and a series of property owners, that may well be what's called a nuisance. If it affects only a handful of properties, that would be called a private nuisance and the right of enforcement belongs to

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the property owners that are damaged by the water trespassing on their land. The Town would not have authority to do anything about that. If the damage were great enough to a large enough segment of the Town of Newburgh, it might be called a public nuisance. A public nuisance is something the Town could do something about. So until we know the extent of the problem and what level of Government has the authority to do something about it, I'm not really in a position to say what could happen. I suspect that unless it's within the DOT's control where they can either clean the culvert themselves, the pipe, whatever we call it, or require a land owner to do it, it sounds to me like it's likely to be a private nuisance. But we'll find out.

CHAIRMAN EWASUTYN: Any additional questions or comments?

MR. WELLMON: I guess to that point, and again I'm not a lawyer and I haven't read the law -- I will, though -- where you talk about a private nuisance or public, when State Route 32, which many, many people travel every day, looks like that, that's a public nuisance in my

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opinion. It's a safety hazard. It's creating a problem, not only for us as homeowners but for everybody that travels that road.

MR. DONNELLY: If in fact this is the cause of that, I would agree, and the State would then have the responsibility to do something to alleviate that problem.

MR. CANFIELD: John, if I might add something. From what I'm hearing tonight, and as Pat, our engineers, and the applicant's engineer has displayed, this project will not -- will not contribute to the problem. The existing issue that you have appears to be more of an enforcement issue. As Mike has explained, at this point it's up to the Code Compliance Department. And the Planning Board has just authorized Pat's firm to assist, or I will assist him, vice versa, in ascertaining whose responsibility this is and to what level of enforcement that the Town does have.

I can assure you that we do have access to all the records that the State has come in, their reports and what their findings are and we'll work with Pat's office and we'll continue



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the investigation.

MR. WELLMON: Okay.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a motion to close the public hearing on the two-lot subdivision for Pond View and have Pat Hines from McGoey, Hauser & Edsall, along with Jerry Canfield representing the Town of Newburgh Building Department, do a field inspection of the subject properties and report back to the Planning Board in a manner such that the conditional final approval will state the recommendation for that approval based upon the adverse impacts of the water.

MR. PROFACI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Joe Profaci, I have a second by Dave Dominick. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a

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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.

Mike, would you want to elaborate that for the public one more time?

MR. DONNELLY: Sure. I take it you won't take action now until you've received the report. Once the report is received, whatever recommendation it makes, the Planning Board will, as a condition of its approval, require the transmittal of that report to the appropriate agency, if any, with enforcement authority. That will of course be done through Jerry's office locally, and perhaps at the Town Board level, to the New York State DOT if they have the jurisdiction and ability to alleviate the problem.

MR. WELLMON: Thank you.

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MR. DONNELLY: By the way, just so the applicant is aware, one of the conditions that will be imposed at the time of approval is a DOT approval for the two driveway locations, and the condition will state if the DOT does not approve both you're going to have to come back for amended approval for the consolidation.

MR. BODENDORF: Correct.

CHAIRMAN EWASUTYN: All right. Thank you.

(Time noted: 7:35 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: January 8, 2015

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

----- X  
In the Matter of

ELM FARM SUBDIVISION  
(2000-09)

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

----- X

FIFTY-TWO LOT SUBDIVISION

Date: December 18, 2014  
Time: 7:36 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  
GERALD CANFIELD  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: RYAN MCGUIRE

----- X

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

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MR. PROFACI: The next item on our agenda is Elm Farm Subdivision, project 2000-09. It is a 52-lot subdivision here for final approval, located at Wells Road and Fostertown Road, Section 39, Block 1, Lot 12.44, it is located in the R-2 Zone and is being represented by KC Engineering & Land Surveying.

CHAIRMAN EWASUTYN: Just introduce yourself for the record please.

MR. MCGUIRE: My name is Ryan McGuire from KC Engineering. We're the applicant's engineer.

CHAIRMAN EWASUTYN: Thank you.

MR. MCGUIRE: Would you like me to give a description?

CHAIRMAN EWASUTYN: Why you're here tonight and how far along you are, what bonds you've posted or are ready to post. You're here tonight for? What's the action you're seeking this evening?

MR. MCGUIRE: Okay. We were before your Board a few months ago, I believe it was in June. We provided the Board all of our outside agency approvals on the project. We've gone

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through and gotten our outside agency approvals.

We also requested the elimination of the requirement to include sidewalks on the project due to the distant nature of any adjoining sidewalks, and also due to the presence of sidewalks in some of the public improvements. So I went before the Town Board. I also requested relief from that requirement for the subdivision which was granted in August.

Since that time we've reviewed some of Pat's comments, we've supplied some additional information on those. We prepared a cost estimate which I did transmit to Pat a few days ago. I copied Jim Osborne on that as well.

We are prepared to file the subdivision subsequent to your approval, and post bonds for those public improvements as well.

There are some additional comments on here that we're requesting become conditions in the approval to the satisfaction of your consultants with some of the agreements and offers of dedication and legal paperwork.

We're here tonight requesting conditional final approval for the subdivision,

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Elm Farm.

CHAIRMAN EWASUTYN: For the record, how many lots is this and how many lots do you propose?

MR. MCGUIRE: There is 51 lots --

MR. HINES: 52.

MR. MCGUIRE: -- in the subdivision. 52 lots. I'm sorry. So we're proposing 52 new lots off of Fostertown and Wells Road.

CHAIRMAN EWASUTYN: Pat, do you want to bring us along further on this?

MR. HINES: Sure. This project has a long history. It's got a 2000 job number so it's got a fourteen-year history with the Board.

In 2005 or early 2006 it did receive conditional final approval, which the applicants turned back in, basically to go back to preliminary because of the economy at that time, they didn't feel that they could support this project.

So it's back before us now. We had a public hearing in 2012 for the project. It's gone through some changes, as the applicant's representative just stated. It had the sidewalks



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eliminated.

One of the other things that was eliminated when it was before you before was a three-phase project. It's now a single phase project. It's seeking approval for all 52 lots.

It also then requires bonding for the public improvements associated with the project, which we have received a revised bond estimate which my office is reviewing.

There are some procedural matters that are still outstanding, offers of dedication and other legal documents needed for the dedication, or subsequent dedication, once constructed, of the public improvements.

The stormwater management ponds, the Town has required those to be fenced now. That is a relatively new requirement, the last several years. The details of that fencing are being worked out.

A note has been added to the plans, which we discussed previously, three of the lots require individual pump stations to convey the sewage to the proposed sewer lines. Easements and notes to that effect have been added to the

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plans.

There's existing two driveways which will be -- are located in the right-of-way right now for the proposed Black Gun Court, a road accessing this, and we need documentation from the applicant that those driveways will be connected to Black Gun Court. The plan shows that, we just want to make sure that the individual homeowners there have the rights and the requirement to connect to that.

The grading plan for the lots -- for the subdivision is across all the lot lines, so we require a note that the individual plot plans for the lots must be submitted if any of the grading changes so that changes to the grading don't impact the ability to develop on adjoining lots. That note needs to be added to the plans.

There's a DEC wetland permit that has been issued for the project. That requires deed restrictions be incorporated in those lots that have regulated wetlands or adjacent areas, and that is a condition of approval as well.

There was some discussion at work session, the Board Members recalled that when the

1  
2 project was last before the Board for a public  
3 hearing there was some discussion of whether a  
4 streetlight should be placed at the new  
5 intersection of proposed Black Gun Court, and we  
6 don't have a resolution of that but that's going  
7 to be something that needs to get discussed. I  
8 believe the applicant offered that. At least  
9 that's our recollection, that that was offered by  
10 the applicant and its representative at the  
11 public hearing. So the details of that need to  
12 be shown on the plans as well.

13           There's a drainage district that has  
14 been established. There's several -- I think  
15 three detention ponds that are proposed on the  
16 site that are also going to be required to be  
17 bonded. I just noted those aren't included in  
18 the stormwater bond when I was looking at it  
19 earlier.

20           With that, those conditions have been  
21 identified in the proposed resolution with the  
22 exception of the streetlight which we talked  
23 about at work session.

24           CHAIRMAN EWASUTYN: Jerry Canfield,  
25 Code Compliance?

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MR. CANFIELD: We have nothing additional. I believe the notes and the requirements with respect to fees to be collected will be covered by Mike. We had discussed that at the work session as well.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: The entrance going from down below, --

MR. MCGUIRE: Wells Road.

MR. WARD: -- that's where we were talking. With the public hearing they were saying the street is very dark, they speed a lot. Plus if you have an entrance there, you were looking at it to put some type of lighting at that entrance for safety reasons, people going in and out, because of the development.

MR. MCGUIRE: Sure. The applicant will be willing to put a streetlight at that intersection if that is the Board's determination.

MR. WARD: All right. At the time you were on board with it. We didn't see it on the plans.

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MR. MCGUIRE: I can include that on the plans. If you guys have a typical detail, we can include that as well. We want to supply what you guys are looking for. I don't know if you want an Orange and Rockland cobra head or a decorative fixture or something along those lines. We can include that to the satisfaction of yourself or Mr. Hines.

MR. HINES: It's going to be whatever Central Hudson requires. They're the public utility there.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No comment.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing further.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The ARB on the houses themselves, because it's more than ten lots, are we going to handle that individually or --

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MR. DONNELLY: They'll handle it at building permit time.

MR. CANFIELD: It's required.

CHAIRMAN EWASUTYN: Do you have an idea at this point in time --

MR. GALLI: What you're going to build?

CHAIRMAN EWASUTYN: -- what you may be building on this site?

MR. McGUIRE: I can't speak for the applicant on exactly what they are looking for. I assume it would be something along the lines of like a colonial, 2,300 to 2,500 square feet. Other than that, I couldn't grasp what exactly they're looking for. They will meet your guys requirements and satisfactions and code compliance.

CHAIRMAN EWASUTYN: Mike, do you want to give -- Jerry, do you have anything to add to that as far as ARB?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Mike, do you want to give us the conditions?

MR. DONNELLY: Sure. As you're aware, this is a very old project. It has been subject

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to a preliminary approval, a final approval, a new preliminary approval, and now a request for a second conditional final approval. Along the way you've held two public hearings and you've complied with the dictates of SEQRA.

I have used largely the existing preliminary resolution and I've stricken the conditions that have been satisfied. Those that are remaining are as follows: First, we'll need a sign-off letter from Pat Hines on the items he outlined in his memo of November 26, 2014. We're going to need a demonstration, before the maps are signed, that you have made arrangements for the installation of a streetlight and demonstrate that there's a mechanism in place for the payment of it's use. I don't know what your proposal is in that regard. You have to file a -- the approval is subject to proof of filing of a notice of intent for stormwater discharges before any construction begins. You'll need to get a -- receive a flood plain development permit from Jerry's office. You have obtained a City sewer flow acceptance letter from the City of Newburgh. We will mention that permit and tie in to it's

1 conditions. A wetlands disturbance permit that  
2 you receive, we will reference a note that you  
3 must comply with it, including the provision  
4 requiring certain language in the deeds of  
5 conveyance for all lots. There are three lots in  
6 the subdivision that have individual sewage pump  
7 stations. We'll require you deliver to the Town  
8 Attorney an easement authorizing the Town to  
9 enter onto those three lots for the purpose of  
10 inspection and maintenance so if those pumps --  
11 the easement will provide the right but will not  
12 impose the duty on the Town to make those  
13 inspections or carry out that maintenance.  
14 There's a sight distance issue. I received a  
15 draft of a sight distance easement. I will have  
16 to review that but it will -- approval is  
17 conditioned upon delivery and recording of a  
18 satisfactory sight distance easement. You are  
19 going to need to get an agreement from the two  
20 property owners of parcels 39-1-12.1 and  
21 39-1-12.2 whose driveways are proposed to be  
22 relocated on Black Gun Court, and there must be a  
23 mechanism for how that's going to be accomplished  
24 and provision for those two lot owners to  
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maintain access during construction. We will need to see cross grading easements satisfactory to myself, and they should mention, as the map note will need to, if grading for any lot is amended, a revised building plot plan must be submitted to the Building Department before a building permit is issued. I believe we need one common driveway easement and maintenance agreement for a shared driveway, if I'm not mistaken.

MR. HINES: Yes.

MR. DONNELLY: Construction of all roadways to be dedicated to the Town shall comply with Section 161-38. You will be required to post a stormwater management and inspection fee before the plat is released for filing. Clearing limits shall be clearly marked in the field with protective fencing before the commencement of any construction. We mentioned ARB approval. Because you have more than ten lots you will need, at the time of building permit review, to submit to the Building Department the elevations in order to ensure that there's not too consistent a design and the models of the homes

1  
2 are spread out. We will need a landscape  
3 security and inspection fee, a stormwater  
4 improvement security and inspection fee, a water  
5 main extension and inspection fee, a sewer main  
6 extension security and inspection fee, a Town  
7 road security and inspection fee, and offers of  
8 dedication for both the roadbeds and the various  
9 stormwater facilities that are made part of the  
10 drainage district. The Planning Board earlier  
11 made a determination that there is not adequate  
12 or appropriate land for creation of parklands in  
13 this subdivision, and therefore you are permitted  
14 to pay a fee in lieu of parkland. 52 lots at  
15 \$2,000 a lot comes out to \$104,000. You are, if  
16 you act before the expiration in May, permitted  
17 to make that in installment payments. Forty  
18 percent of that amount would be due before map  
19 filing. My math will have to be checked by the  
20 Building Department. It says that \$41,600, and  
21 the remaining \$62,400 will need to be paid on a  
22 per lot basis. My quick arithmetic tells me  
23 that's at \$1,200 per lot at the time of building  
24 permit application. I think that's it.

25 MR. HINES: The only change is the

1                   landscaping bond. Because this is a subdivision,  
2                   not a site plan, the street trees will be  
3                   included in the street bond and the stormwater  
4                   management plantings will be included in that  
5                   bond.  
6

7                   MR. DONNELLY: We don't need landscape  
8                   security.

9                   MR. HINES: This is one of the first  
10                  ones we're trying that experiment on.

11                  CHAIRMAN EWASUTYN: Any questions or  
12                  additional conditions?

13                  MR. GALLI: No additional.

14                  CHAIRMAN EWASUTYN: Then I'll move for  
15                  a motion to grant conditional final approval for  
16                  the 52-lot subdivision of Elm Farm subject to the  
17                  conditions that were just presented by the  
18                  Planning Board Attorney, Mike Donnelly.

19                  MR. GALLI: So moved.

20                  MR. WARD: Second.

21                  CHAIRMAN EWASUTYN: I have a motion by  
22                  Frank Galli. I have a second by John Ward. Any  
23                  discussion of the motion?

24                  (No response.)

25                  CHAIRMAN EWASUTYN: Then I'll move for

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a roll call vote starting with John Ward.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye. The motion is  
carried.

Thank you.

MR. McGUIRE: Thank you so much.

(Time noted: 7:50 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: January 8, 2015

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

----- X  
In the Matter of

HUDSON VALLEY PERSONNEL SUPPORT  
CENTER OF JEHOVAH'S WITNESSES  
(2014-17)

1292 Route 300  
Section 97; Block 2; Lots 30.1, 30.22 & 33  
IB Zone

----- X

SITE PLAN & LOT CONSOLIDATION

Date: December 18, 2014  
Time: 7:50 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  
GERALD CANFIELD  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: DOMINIC CORDISCO  
ANDREW FETHERSTON  
PHILIP GREALY

----- X

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

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MR. PROFACI: The next item is Hudson Valley Personnel Support Center of Jehovah's Witnesses, project 2014-17, for site plan and lot consolidation, located at 1292 Route 300, Section 97, Block 2, Lots 30.1, 30.22 and 33. It's located in the IB Zone and being represented by Andrew Fetherston and Dominic Cordisco.

MR. CORDISCO: Good evening. It's good to see you all again. For the record, I'm Dominic Cordisco with the law firm of Drake, Loeb. It's my pleasure to be representing the Watchtower Bible & Track Society. As you mentioned, I'm here tonight with Andrew Fetherston as well as Phil Grealy, our traffic consultant with Maser, as well as key representatives of Watchtower as well.

Without any further ado, I would like to turn it over to Andrew to provide you with an update as to the plans since the last time we were before you. Thank you.

MR. FETHERSTON: Good evening, Mr. Chairman, Members of the Board. Andrew Fetherston from Maser.

The site -- the location of the site is

1                   Route 300 just north of Palmerone Farms. It's an  
2  
3                   8.6 acre site. Presently it has the diner and  
4                   the former Hampton Inn site.

5                   The site -- the former diner is  
6                   undergoing renovations. That is going to serve  
7                   both facilities.

8                   The existing hotel at 115 rooms is  
9                   being occupied at this time.

10                  The proposal is for a 100 room  
11                  complimentary facility for the personnel.

12                  We are proposing 125 parking spaces for  
13                  that facility. What we got onto the plans at a  
14                  later -- just before we submitted was the  
15                  indication for an emergency access, which Phil  
16                  could go into some greater detail for the Board.

17                  I know that Jerry and the fire  
18                  department took a look at the access and the fire  
19                  hydrants on the site.

20                  We also put a note on there. Another  
21                  concern was about the vans that were parking  
22                  originally out by the diner parking lot. They  
23                  are going to be put in the pocket, if you will,  
24                  of the existing hotel. 25 of the vans could be  
25                  stored in there.



1  
2 We had other comments from Pat's office  
3 on the diner seating. We calculated the amount  
4 of parking spaces required originally on the  
5 square footage. It required approximately 75  
6 parking spaces. We did it then again also based  
7 upon the actual layout, and by code it requires  
8 75 spaces as well. I have those drawings also  
9 which I could submit or provide to the Board.

10 The property was originally three  
11 separate lots, a very slim strip along 300, the  
12 main parcel housing the restaurant and the hotel  
13 and then the third parcel was the rear. We're  
14 proposing a lot consolidation. Some of that I  
15 believe has been accomplished. I'll let Dominic  
16 clarify any questions that the Board may have on  
17 that.

18 We prepared a set of grading, drainage  
19 and utility plans. Our biggest concern was in  
20 the rear of the property the slope that drops  
21 down toward what is the I-87 off ramp and also  
22 the drainage basin that serves Palmerone Farms  
23 and this facility. We reviewed the original  
24 drainage reports for the Hampton Inn, the diner,  
25 and also the subsequent reports that your Board

1 reviewed for Palmerone Farms. There was a space  
2 set aside for a certain amount of development on  
3 this site. I believe it was 1.8 acres of  
4 impervious surfaces. It was accounted for in  
5 this detention basin. This site went slightly  
6 over that, so that's the reason that we're  
7 showing some additional stormwater facilities in  
8 addition, to meet the latest stormwater permits  
9 which require water quality and runoff reduction.  
10 That's why we have those additional facilities.  
11

12 Water is going to come from a tap off  
13 of the main and service the building directly.

14 There's three fire hydrants on the  
15 site, two actually on the access road and one in  
16 the corner between the diner and the existing  
17 hotel facility.

18 Sewer. There is a pump station  
19 servicing the restaurant and the hotel presently  
20 at this location, firing up to Route 300, and  
21 then beyond there's a -- we're proposing a  
22 separate pump station because the property grades  
23 down such that we couldn't hit this original pump  
24 station or upsize it so we're going to put a  
25 separate pump station, force main to force main,

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and that will discharge out to Route 300.

We got the original plans for the restoration of Route 300, the expansion of Route 300 and Palmerone Farms, coordinated our work with what Jim Osborne had in his files.

We did an erosion control and -- erosion and sediment control plan. We gave a sequence of operations. One of the questions was could we possibly leave the rear access road and full access to all of the parking, including that that's surrounded by the three building sites. I believe we can. Around the back of the building there is a curb line that closes the parking, if you will, and the drive aisle around the rear of that. I believe that curb and that drive aisle can stay throughout the construction of this facility. And the last thing that could be done would be removal of that curb, adjusting the drains and doing the final paving job there. So I think that we could keep access to all of this parking throughout the construction but for the time that we're doing that parking -- that pavement work.

We did a landscaping plan. My

1 landscape architect, Justin, did the plan. We  
2 listened to the Board where the Board was looking  
3 for some additional green on the existing site.  
4 There's not a lot of available space in the  
5 islands in green space on the site. What we  
6 decided to do was where the trees exist, there  
7 was a row of four here, then there was a gap.  
8 Perhaps those trees died over time. We're going  
9 to replace those trees in kind with what's there.  
10 Justin thought the best thing to do was put some  
11 trees in where there were gaps missing, some  
12 holes in the landscape that was maybe once there,  
13 some additional greening down by the diner. Then  
14 Route 300, the access road into Palmerone Farms  
15 and into our site, we put some additional  
16 greening on an island here. Not a lot of  
17 vehicles are going to make the motion from  
18 Palmerone Farms down into our rear entrance, but  
19 that will screen that portion of the hotel as  
20 well. That's about as much as we did on the  
21 existing site. There's maybe seven or eight pine  
22 trees in the area where we're looking to do that  
23 access. Right now we're calling it emergency  
24 access. But some of those trees are going to  
25

1  
2 have to go also if that's chosen to be built. We  
3 did a full landscape plan on the building, the  
4 landscaping of the stormwater pond for the  
5 requirements of the stormwater management manual.  
6 Our biggest thing was to stay off of that slope,  
7 not touch that slope. It's a steep slope and we  
8 don't want to go near it.

9 Finally, we did a lighting plan for the  
10 entire site. That's about it.

11 CHAIRMAN EWASUTYN: Andrew, would it be  
12 all right if we called Phil Grealy to talk about  
13 the emergency access?

14 MR. FETHERSTON: Absolutely.

15 MR. GREALY: Good evening. Philip  
16 Grealy, Maser Consulting.

17 I believe we should talk just a little  
18 history on emergency access and then I'll get  
19 into the particulars.

20 The Palmerone Farms, when it was  
21 constructed, had originally contemplated another  
22 access point to Route 17K. There were some  
23 complications because of the Thruway land  
24 ownership which precluded that and it never  
25 materialized. When this project came before the

1  
2 Town early on, it was clear that it was something  
3 that we would have to address. We looked at the  
4 possibilities, but because we don't have any  
5 rights of access across that area, we pursued  
6 another method of providing emergency access.  
7 I'll describe where it is, and how it functions,  
8 and how it would also provide emergency access to  
9 the Palmerone Farms if there was a blockage on  
10 the main access road. So basically that's a  
11 little bit of the background.

12           Where we are now -- again for bearings,  
13 this is the main access road, this is the feed  
14 into Palmerone Farms, this is the diner property.

15           We are proposing emergency access which  
16 will extend up and connect to Route 300. The  
17 alignment of that is such that it would be  
18 approaching about a 10 percent grade because the  
19 property drops off significantly from Route 300.  
20 In terms of where the connection is to Route 300,  
21 we would likely have a mountable curb there so it  
22 doesn't appear that it's a driveway that people  
23 would use under the current proposal. It would  
24 be a fully developed access road, approximately  
25 twenty feet. I believe that the review with the

1 emergency services people has advanced. Maybe  
2 Mr. Canfield can weigh in on where that actually  
3 is. But we feel we're in a good position to now  
4 provide this emergency access. It would allow,  
5 if there was a blockage on the main access road,  
6 emergency vehicles to get to each of these  
7 buildings, and it would also give the ability,  
8 depending on where that blockage was, to get to  
9 Palmerone Farms, you know, through either the  
10 existing parking area here, or if there was a  
11 blockage a little further in, we would have the  
12 ability to get emergency vehicles in and out that  
13 way. So it not only provides a benefit for these  
14 three properties, it provides a benefit to  
15 Palmerone Farms in terms of that.

17 We also had prepared a detailed traffic  
18 study to look at the affect of the additional 100  
19 rooms. As part of that what we did was we  
20 surveyed the existing facility because the  
21 support center is already using that. One of the  
22 items -- we looked at some of the historical  
23 traffic counts when the diner was in full  
24 operation and the former Hampton Inn. It  
25 actually generated higher traffic volumes than

1 what's being generated there today with the  
2 existing facility. The reason that we surveyed  
3 this was to see how the traffic generation for  
4 the facility is for that building as compared to  
5 just a typical Hampton Inn hotel operation to see  
6 what kind of variation there might be and to  
7 apply that trip generation to the new building.  
8 So we counted based on 115 rooms, calculated a  
9 trip rate and applied that to the new facility.  
10 In terms of peak hours, the facility would  
11 generate somewhere on the order of 30 to 40  
12 vehicles entering and exiting. I'm sure the  
13 Board is aware we do have plans. In terms of  
14 operation, people come in, the vans help  
15 distribute to the various locations where the  
16 support personnel are working off site, and what  
17 that does is cut down on single vehicle trips  
18 pretty significantly -- single occupancy trips.  
19 In terms of in comparison to a hotel, the trip  
20 generation is less. It's a little bit different  
21 distribution. With a hotel you have in the  
22 evening a lot more inbound flow. Here it's more  
23 of a split because you have people coming in but  
24 there's also some outbound trips. On a Saturday  
25



1                    HUDSON VALLEY PERSONNEL SUPPORT CENTER                    65  
2                    -- again a little bit higher on a Saturday  
3                    because the hotel traffic is a little bit more  
4                    spread out.

5                                       In terms of traffic conditions, we not  
6                    only looked at the access point here but we were  
7                    asked to also look, by your consultant, at Route  
8                    300 and 17K, and also to look at the Thruway ramp  
9                    at Unity, primarily on Saturday. In terms of the  
10                    additional traffic, it is not a very significant  
11                    number in the context of the lines that are  
12                    already out here and what's being anticipated in  
13                    terms of other developments. One of the other  
14                    components of our study was to include traffic  
15                    for all the approved projects and the pending  
16                    projects that are in this corridor. They range  
17                    anywhere from the Loop project, the former  
18                    Marketplace traffic which will materialize, some  
19                    projects that are built or now under construction  
20                    that will generate traffic. So we took a look at  
21                    the real future conditions. There's actually an  
22                    amendment to that that will have to be done based  
23                    on comments from your consultant. There's the  
24                    Webb Properties proposal which at the time we did  
25                    our study we didn't have the information but that

1  
2 will be incorporated, and also The Shoppes at  
3 Union Square that's being updated.

4 In terms of the look at traffic, we  
5 looked at not only this facility, which again,  
6 you know, in terms of the amount of volume that's  
7 on this roadway today, we're anywhere between  
8 2,500 and 3,000 vehicles moving through this  
9 area. So we're talking about 30 vehicles  
10 entering and exiting. Not a big number in the  
11 whole picture. In terms of the future volumes  
12 that will be going through there, even a small  
13 percentage. But we did come up with some  
14 recommendations in terms of some signal timing  
15 improvements to better coordinate over time I  
16 think what has materialized now that Palmerone  
17 Farms is fully occupied and, you know, the  
18 movements here. We've made some recommendations  
19 so we'll be advancing those. Your consultant  
20 asked us to move along now with DOT on that.

21 I think that's pretty much an overview.  
22 The emergency access will help all the properties  
23 here. I'll be happy to answer any question.

24 CHAIRMAN EWASUTYN: Comments from Board  
25 Members?

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MR. GALLI: I don't have one really on the traffic. I do have a couple comments on the actual site plan itself. Do you want to do that now?

CHAIRMAN EWASUTYN: You have the floor.

MR. GALLI: I realize now the unit that's up there already, the Hampton Inn, they're using that now. When they put up the other facility in the back, what happens when all the construction projects are done in the Hudson Valley? What's going to happen to those two buildings? Are they going to be used constantly every day still like they are today or are they going to be there on weekends when they bring them in for whatever they bring them in for?

MR. GREALY: I think someone from the applicant should answer that.

MR. CORDISCO: Richard Devine is here.

MR. DEVINE: Richard Devine representing the Watchtower Bible & Track Society.

What we're doing is right now the 84/87 interchange is directly in the middle of all three of our headquarters facilities. So right

1  
2 now the emphasis is on construction of our  
3 headquarters. We do have ongoing needs at all  
4 three sites for different groups to come in  
5 temporarily. We have missionaries coming from  
6 overseas for healthcare here in the States. We  
7 have human rights legal seminars that we conduct  
8 on a regular basis. We have a symphony orchestra  
9 that comes in on a regular basis to record. We  
10 have other construction projects, maintenance  
11 projects at our facility, students that are  
12 coming out. So it will be an ongoing use after  
13 construction. That's our vision for it.

14 MR. GALLI: It will be used all week  
15 long?

16 MR. DEVINE: Right. It has no direct  
17 relation to our facility on Unity Place. That's  
18 a regional place of worship. It has no direct  
19 bearing.

20 MR. GALLI: So they won't be commuting  
21 from there over to Unity Place?

22 MR. DEVINE: No. Right now we are  
23 using some dining facilities there in the  
24 morning. Once the diner is renovated it will  
25 pretty much for the most part cut off the direct

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relationship.

MR. GALLI: You call it a diner. It's actually a dining hall. It's not open to the public.

MR. DEVINE: Right. It would be a dining hall.

MR. GALLI: Also on the trip generation on the traffic, I know you also took over the Hilton Inn, the Hilton Garden in the Town also. Did you include that into the trip generation?

MR. GREALY: In terms of background projects, we included The Marketplace, the Hilton Garden and the restaurant proposed there, the Crystal Run Healthcare building which is under construction, Britain Plaza, a couple projects in the Town of New Windsor. We just think -- what else?

MR. GALLI: The whole corridor?

MR. GREALY: Basically everything that was there. The ones that weren't in the study that was submitted on November 19th are -- the November 19th report, your consultant has provided us with the trip generation for the Webb Properties, and we are also going to be including

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The Shoppes at Union which is still, you know, a potential development.

MR. GALLI: When they're staying at this site will they be coming out in vans to go to these other locations, the Thruway and wherever they're heading, or will they be taking their own vehicles?

MR. DEVINE: It will be a combination. Typically most will fly in and won't have their personal vehicles and we'll provide transportation. Some will drive depending on their proximity. It will be a combination, much as it is now.

MR. GALLI: Okay. That's all I have right now, John.

CHAIRMAN EWASUTYN: Any questions on the site plan or traffic circulation?

MR. BROWNE: Phil, on the emergency entrance, you said you're approaching 10 percent. Are you approaching from 8 or 9 or from 11 or 12? The reason I'm asking is I understand --

MR. GREALY: I think we're around 10 percent.

MR. FETHERSTON: It won't be greater

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than 10.

MR. GREALY: It won't be greater than 10 percent.

MR. FETHERSTON: That existing -- just for reference, the existing driveway is 10 at some points.

MR. BROWNE: Okay. The other thing is has anyone done modeling as far as with the size of the fire equipment that has to access this? Has that been done yet, turning radiuses and that kind of thing?

MR. GREALY: We did run some turning tracks. You're talking about internally or coming in off the --

MR. BROWNE: Coming in.

MR. GREALY: Coming in off 300, they have to swing to get in if they're coming from the south. Internally we did look at movements getting through this area. We can provide those to the Board.

MR. BROWNE: Was that done with the size units that would be servicing that unit?

MR. GREALY: I believe so. I can verify it. I know we went through the turning

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track. We'll verify the proper equipment.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Any other Board Members with questions or comments, please?

MR. MENNERICH: Just a comment. I think the p.m. emergency entrance is an excellent idea for that corner, basically from there and 17K.

The other question is more on the fire protection, and I don't know at what point Jerry is going to address that.

CHAIRMAN EWASUTYN: Can we do it now?

MR. MENNERICH: Sure.

CHAIRMAN EWASUTYN: Jerry, do you want to discuss that?

MR. CANFIELD: Absolutely. First on the access road, I think Phil did a great job with his presentation, and the applicant did for providing the second means of access. It's also commonly known that it's a great interest to the Town that it's here.

The road width, 20 feet, is acceptable for an access road. There is a maximum grade requirement of 10 percent, which I think they've



1 indicated that they can comply with. Down on the  
2 site itself with respect to the new building, we  
3 do have some fire protection concerns with  
4 accessibility. At the last meeting we had  
5 discussed the aerial access road requirement,  
6 which is 26 feet in the vicinity of a building  
7 that's over 30 feet. Now the drawings that we  
8 have, they do not depict elevations but on the  
9 table there was a portion of the building that is  
10 over 30 feet, and that's where you proposed to  
11 put 26 feet. The issue with that is that  
12 proximity to the building is approximately 50, 60  
13 feet from the building. So the point is the  
14 jurisdictional fire department, the capabilities  
15 of their ladder truck is 95 feet. You're already  
16 50, 60 feet away from the building. It's going  
17 to be rendered ineffective. You may need to  
18 shorten that distance up.

20 Also, in addition to the fire code  
21 requirements, I'm going to recommend to the Board  
22 that that driving lane in front of the building  
23 be maintained at 26 feet throughout.

24 Andrew, you can look in the fire code  
25 in appendix D when they do talk about aerial

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access roads, and they talk about local authority having jurisdiction and the highest point of the building. There's a relationship there. I must say that we're going to take the position that we're going to want to see 26 feet across the front.

MR. FETHERSTON: That's not going to be a problem, Jerry. Absolutely. We have the landscaped areas in the front. Just to pull it back two feet, that won't be a problem.

MR. CANFIELD: Very good.

On the water for fire protection, you show where the service line will just tap the existing main that's on the entrance road. We're going to look for additional hydrants, probably in the northwest corner of that. So it could be -- yes, it could be accessed through the emergency access road. You mentioned that there is a hydrant up in the -- up by the diner.

MR. FETHERSTON: Here.

MR. CANFIELD: How you interconnect that back portion, that's an engineering issue, how you do that. We can further discuss that, how that can be achieved.

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MR. FETHERSTON: We might stretch a line straight up. We'll see which one is shorter.

Just while we're here, Jerry, would you rather have the hydrant on the opposite side of the building or --

MR. CANFIELD: Yes. On the opposite side.

MR. FETHERSTON: Got you.

MR. CANFIELD: The last place you want a hydrant to be is up against the building when the building is on fire.

MR. FETHERSTON: Sure. I'm thinking about crossing hoses with vehicles. Okay. Got you.

MR. CANFIELD: I think that's it on accessibility and fire protection. I think if we reexamine those issues, maybe we can move forward with that.

CHAIRMAN EWASUTYN: Jerry, while we have you at this time, early on I was talking about the calculations for seating and parking. Do you agree with the methodology that was presented earlier?

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MR. CANFIELD: I do. The parking calculations, the Zoning Code provides the Planning Board with an option whether you choose to go with the one parking space required for every 40 square feet or one on 4 for seating. There's also a provision that permits the Board to accept parking calculations based on the occupant load. As Phil and Andrew both have stated, the hall -- it will be a dining hall and not necessarily customarily restaurant seating. Occupant load is generally figured on 15 square feet per person, and that's a net, and that's how you come up with the occupant load, and then you can apply the 1 on 4. Mathematically if you use the 1 on 4 code as opposed to the 40 square feet for the 3,000 square feet of dining, the greater of the two is the 75 spaces that have been provided. Pat has asked that the applicant display actually the seating capacity. I think at that time then you can make a more accurate determination if the parking is adequate.

MR. FETHERSTON: We actually have that. Can I show it to Jerry or do you want me to submit it?

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CHAIRMAN EWASUTYN: Why don't you submit it. Then we should also have a copy for our records also.

MR. FETHERSTON: Great.

MR. CANFIELD: Just one other point. I think Frank had touched on it. When you're looking at parking calculations, and we're looking at what's in front of us at this time, but there will be, at some point in time, a future for these buildings, whether they get turned back into a public motel or what not. So I think the Board may want to take that into consideration, the future of what these buildings may be.

CHAIRMAN EWASUTYN: Okay. We heard from Ken Mennerich. Moving down the line. Joe Profaci?

MR. PROFACI: Nothing further, John.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: On the emergency access road toward 300 there, is that entrance going to be chain linked or fenced in or some type of control device to prevent anyone from driving down it, trying to cheat the system?

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MR. FETHERSTON: I think that would probably have to be. Like Phil was saying, some type of a mountable curb that an emergency vehicle could negotiate.

What do you think, Phil?

MR. GREALY: I think we'll work with the Town on that. Typically there would be a control so you don't just get vehicles trying to come in and out that way. The State has certain requirements also in terms of how far that gets setback just so that if someone did come in they are not sticking out onto the State highway. But we will get, you know, more details for you on that.

MR. DOMINICK: Okay.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: First I have what you keep calling a diner. It's not a diner any more. If you can, clarify what it is. It's, for the record, instead of keep saying diner because it's totally not a diner.

MR. GREALY: Former diner. Yes.

MR. WARD: Is there going to be sidewalks connecting from the building you're

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going to do, say up to the next building or the diner? You know what I mean? I had to throw it in there. I planned it that way.

MR. FETHERSTON: It catches. I apologize.

Right now probably the easiest way through from the entrance of this building, sidewalks to the entrance to the rear of the building here or this corner, walk through the building, the sidewalk that takes you up. Presently there's really no sidewalks on the outside of the building here surrounding the existing hotel facility. So that would be on the pavement or through the building depending on the weather conditions.

MR. GREALY: There are multiple connections through the existing building. The plan is to use that, for two reasons. It's covered. The personnel that will be staying in the new building will have access because there are security cards that are given. So moving back and forth, the idea is to bring them through the facility. It's really two separate buildings but the relationship is there. And there are

1 multiple corridors to traverse through. So that  
2 is what the plan is, to bring the people from the  
3 dining hall through the existing building.  
4

5 MR. FETHERSTON: I'm holding the  
6 architectural plans for the original building.  
7 So the U shape that's facing the Board if you  
8 will, this is that U shape. There's one, two,  
9 three, four -- five points of entry, more or less  
10 on the rear, on the eastern side of the building  
11 if you will.

12 MR. WARD: Your current islands I'd  
13 like to see landscaped instead of painted areas.

14 MR. FETHERSTON: That's not a problem.  
15 We had that comment. Not a problem.

16 MR. WARD: Heard it before. And at the  
17 same time your access road, I just want to make  
18 sure it stays as an access road. Is it going to  
19 be retaining walls with the elevation?

20 MR. FETHERSTON: We haven't worked it  
21 out yet. I don't think so. I think we have  
22 enough room to grade that out. We haven't done  
23 the grading yet.

24 MR. WARD: All right. You mentioned  
25 when it was a hotel, with the volume compared to



1 what you're going to have, hotels aren't full all  
2 the time.

3 MR. GREALY: Correct.

4 MR. WARD: This is going to be more  
5 filled than a hotel.

6 MR. GREALY: That's correct. I think  
7 the comment that I was making really was in terms  
8 of the traffic flow in and out of the diner --  
9 the former diner and the hotel combined in terms  
10 of the generation that was on the site  
11 previously, because the diner had traffic flow in  
12 and out throughout the day. Not the the hotel  
13 alone, the combination of the former diner and  
14 the hotel is what I was referring to.

15 MR. WARD: All right. The reason why  
16 I'm saying that is because the businesses next  
17 door. With that volume --

18 MR. GREALY: Absolutely.

19 MR. WARD: Last is the radius in the  
20 back for fire equipment going around, is that --  
21 Jerry?

22 MR. DONNELLY: They're going to show  
23 us.

24 MR. CANFIELD: Just one thing. We  
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talked at the work session. And Phil, you talked about it also. Providing a fire apparatus turning --

MR. GREALY: Track.

MR. CANFIELD: -- analysis. I do have here for you the specifications on the Winona Lake aerial device, that's the jurisdictional fire department, and those specifications will give you the information that you need to plug in. It's wheel base, angle of descent and overall length. You can take that.

MR. GREALY: Thank you.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: On your buildings now that they're, I'll call them not hotels anymore. I'm not sure what you call them. I'm sure this question Jerry has already figured out. The new addition is 100 rooms. How many people is that actually in the building for rooms? Two to a room? Do they figure four per room, two per room? Is there a calculation on that, Jerry ,for a CO?

MR. CANFIELD: The occupancy load,

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there's formulas, there's calculations for every type of occupancy. I don't have that calculation in my head.

MR. GALLI: How many to a room?

MR. CANFIELD: There is a total occupant load that is permitted to be in the building based on the occupancy. The provisions of the building, such as exiting, distance of travel of exiting, sprinkler systems and what have you.

MR. GALLI: Maybe the gentleman in the back can --

MR. DEVINE: I can say one thing. It is transient occupancy so it's never going to be a hundred percent full. Typically we would never assign more than two to a room. So I would say maximum, a hundred percent occupancy, is two hundred people. It's going to be seventy percent of that.

MR. GALLI: I was just curious how many per room and things like that.

CHAIRMAN EWASUTYN: Any additional questions from Board Members?

(No response.)

1  
2 CHAIRMAN EWASUTYN: Pat Hines, Andrew  
3 Fetherston made a presentation on drainage. Are  
4 you prepared to discuss that?

5 MR. HINES: We completed our review of  
6 the stormwater report two weeks ago. When we  
7 generated the comments it was under review. We  
8 found the drainage report to be acceptable. They  
9 have done the green infrastructure and runoff  
10 reduction requirements. The majority of the  
11 drainage is discharged to the existing detention  
12 pond facility. As Mr. Fetherston said, when this  
13 parcel or these parcels were developed there was  
14 accounting for impervious surface on what was a  
15 3-acre parcel at the time. So the stormwater  
16 management report as prepared is acceptable.

17 Do you want to keep going on the  
18 comments?

19 CHAIRMAN EWASUTYN: Please. Thank you.

20 MR. HINES: The DOT approval for the  
21 revised emergency access drive is required.

22 Jerry's comment regarding the twenty  
23 foot width being acceptable addresses our comment  
24 two.

25 The plans have been revised to show

1 that twenty-five of the thirty-one parking spaces  
2 in the courtyard, or in the center of the U  
3 shaped existing building, would be used for  
4 transport vans. I made the assumption there was  
5 going to be twenty-five of those vans on the site  
6 but I did hear tonight that there could be more  
7 of those. I assumed that all of the vans on the  
8 site are going to be parked in there to address  
9 the Planning Board's concern.  
10

11 MR. DEVINE: That's the case, yes.

12 MR. HINES: We can probably revise that  
13 note. Rather than saying twenty-five, that all  
14 van parking will be within that area, to make  
15 sure the site looks and functions like -- I don't  
16 want to say a diner and a hotel but a diner and a  
17 hotel.

18 Parking calculations, we discussed the  
19 only thing that raised a red flag is they were  
20 approximate in that the calculations. We would  
21 like to remove the approximate and get the actual  
22 calculations.

23 Just noting that there is a lot  
24 consolidation plan in the set and the three lots  
25 will become one.

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Again, the twenty-six and twenty-four foot wide driveways, which Jerry discussed.

We're requesting that the applicant evaluate the placement of guide rails to the rear. There's several parking areas that are relatively close to the existing embankment. So if you can do an evaluation of where those guide rails will be placed.

John Ward had mentioned the painted islands on the site that are proposed for the future. If those could be incorporated as landscape features, that will reduce the runoff on the site and add to the landscaping.

Mr. Fetherston addressed the construction sequence. We need that revised. We had a concern that the current construction sequence may have blocked off rear access and access to the courtyard of the existing facility. We'll be looking for that.

Our comment regarding the water lines was discussed and the fire flow calculations that will be required by code enforcement.

The Board had, early on, identified a concern, the existing structure is probably over

1  
2 twenty years old -- it is over twenty years old  
3 and the landscaping around that existing  
4 structure is also over twenty years. It appears  
5 that some of the landscaping may have outlived  
6 it's useful life or exceeded the life that would  
7 be. If you could take a look at the existing and  
8 -- this is more for the Board, it's going to be  
9 their decision on how much landscape work needs  
10 to be done at the existing facility, although  
11 that building isn't changing how it's going to  
12 function.

13 I just noted the twenty foot high  
14 lighting fixtures are proposed, and that seems  
15 appropriate based on the use of the facility.

16 A City of Newburgh flow acceptance  
17 letter is required. I know that has been sent  
18 but the Board can take no action until that is  
19 received from the City of Newburgh. That's the  
20 status.

21 Again, turning movements. Just for the  
22 Board; Mr. Grealy, you had identified that there  
23 would be some traffic recommendations. If you  
24 could just provide those for the Board's files  
25 also. I know you just recently determined what

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those were. Those need to be submitted also.

The project is a site plan, so a public hearing can be held. The Board should determine whether or not a public hearing is going to be held, and that may be appropriate tonight to discuss.

CHAIRMAN EWASUTYN: Okay. Jerry Canfield?

MR. CANFIELD: One other thing, John. In the future, submittals should address the architectural review.

CHAIRMAN EWASUTYN: Are you working on the ARB, Andrew?

MR. FETHERSTON: There's an architect on board, and we'll have some discussion. Absolutely.

MR. DEVINE: We're ready for that I believe.

CHAIRMAN EWASUTYN: I'm sorry?

MR. DEVINE: We're ready for that at any time. We have the elevations, colors, materials, all of that.

CHAIRMAN EWASUTYN: At this point I'll poll the Board Members to see if they want to



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have a public hearing. John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Okay. Let the record show that the Planning Board moved to hold a public hearing.

MR. CORDISCO: Mr. Chairman, just to clarify, I'm not sure it will affect any of your votes one way or the other in connection with this. This application did require area variances from the Zoning Board of Appeals. We did have a mandatory public hearing on September 25th and there was only one person that spoke, that was Mr. Ronald Hughes, and of course the Zoning Board granted the variances that evening.

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That was a fully noticed public hearing. There was no other comments apart from Mr. Hughes.

CHAIRMAN EWASUTYN: Thank you. Having heard that from Dominic Cordisco, the Attorney for the Planning Board -- for the applicant, I'll motion one more time. Does the Planning Board want to hold a public hearing. John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Yes.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Was it noticed the same way the Planning Board would have been noticed?

MR. CORDISCO: Yes.

MR. GALLI: No.

CHAIRMAN EWASUTYN: All right. Then let the record show that the Planning Board rescinded the motion to hold a public hearing,

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and the reason being was there was a public hearing held by the Zoning Board of Appeals for an area variance on September 25th, and at that time only one public person attended that, so that's the reason for not holding it. Okay.

MR. DONNELLY: Two issues if I could.

One is --

MR. MENNERICH: Another issue on that is the location of the project and the properties that surround the project. I think that's another reason why the public hearing really wasn't needed.

CHAIRMAN EWASUTYN: Okay. So the second reason being as stated by Ken Mennerich. Would you add that to the records, please.

MR. DONNELLY: As Pat mentioned earlier, you can't take action until the flow acceptance letter is received. In addition, we have not -- there are two agencies involved. We allowed the Zoning Board to handle the uncoordinated review as a Type II. However, here we had the DOT and Planning Board. We need to issue a notice of intent to serve as lead agency to see whether the DOT wishes to challenge that.

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2                   Secondly, although we had sent the  
3 matter to the Orange County Planning Department  
4 for their report, they claim not to have received  
5 that. It's a little odd because they responded  
6 to the ZBA one with a Local determination. Given  
7 that we have to wait out the notice of intent, I  
8 think out of respect to the claim of the Orange  
9 County Planning Department, we should send it to  
10 them again. Given that we can't act until the  
11 flow acceptance letter is received, I don't think  
12 we're disadvantaging the applicant.

13                   MR. HINES: We sent out a notice of  
14 intent to September 29th, both to the DOT and  
15 Orange County Planning.

16                   MR. DONNELLY: All right. We still  
17 need the flow acceptance letter. We can note our  
18 lead agency is finalized as of this evening.

19                   CHAIRMAN EWASUTYN: Okay.

20                   MR. HINES: When we sent Orange County  
21 Planning it consisted of the sketch plan  
22 application, which is all we had at that point.  
23 We sent both the 239 referral and the lead agency  
24 coordination letter at that time.

25                   MR. DONNELLY: Since we did the flow

1  
2 acceptance letter, out of respect to that  
3 department I suggest we send it again. We'll  
4 need to schedule this for a meeting that's at  
5 least thirty days away, though.

6 CHAIRMAN EWASUTYN: Okay. Would you  
7 coordinate, Andrew, with Pat Hines to see we have  
8 maps to circulate to the Orange County Planning  
9 Department?

10 MR. CORDISCO: Certainly. Thank you,  
11 Mr. Chairman.

12 CHAIRMAN EWASUTYN: The map that you  
13 now have for parking calculations, --

14 MR. FETHERSTON: I have one with me.

15 CHAIRMAN EWASUTYN: -- if you can make  
16 it a point of giving that to Jerry Canfield, get  
17 a copy off to Pat Hines and one to the Planning  
18 Department, that will work well.

19 MR. FETHERSTON: Sure.

20 CHAIRMAN EWASUTYN: -- then I'll move  
21 for a motion from the Board to circulate plans  
22 under 239 of the Municipal Law to the Orange  
23 County Planning Department.

24 MR. GALLI: So moved.

25 MR. MENNERICH: Second.

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CHAIRMAN EWASUTYN: I have a motion by Frank Galli, 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. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Andrew Fetherston, any comments you wish to add?

MR. FETHERSTON: No, sir. Thank you.

(Time noted: 8:36 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: January 8, 2015

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

----- X  
In the Matter of

RESCHEDULING OF PUBLIC HEARINGS TO 1/8/15  
FOR THE FOLLOWING APPLICATIONS:

- SPRINT NEXTEL (2014-28)
- PETRICK TIMBER HARVEST (2014-29)
- WEBB PROPERTIES (2014-10)
- BIRKS/WEBB (2014-30)

----- X

BOARD BUSINESS

Date: December 18, 2014  
 Time: 8:36 p.m.  
 Place: Town of Newburgh  
 Town Hall  
 1496 Route 300  
 Newburgh, NY 12550

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

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

----- X

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



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BOARD BUSINESS

MR. PROFACI: We have a few items under Board Business. The following want to reset their public hearings to 8 January 2015: Sprint Nextel, project 2014-28; Petrick Timber Harvest, project 2014-29; Webb Properties, project 2014-10; and Birks/Webb, 2014-30.

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 take 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 yes. The motion is carried.

(Time noted: 8:37 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: January 8, 2015

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

----- X  
In the Matter of

CAPITAL TELECOM  
(2014-25)

BALLOON TEST SCHEDULED FOR 12/20/14  
RAIN/INCLEMENT WEATHER DATED - 12/22/14

----- X

BOARD BUSINESS

Date: December 18, 2014  
Time: 8:37 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  
GERALD CANFIELD  
PAUL RUGGIERO

----- X

MICHELLE L. CONERO  
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MR. PROFACI: The next item is Capital Telecom, project 2014-25, a balloon test to be conducted December 20, 2014 with a rain or inclement weather date of 22 December 2014.

MR. HINES: That's for the Orr Avenue site. I just put that on there to remind the Board Members that that will be for eight hours on the 20th, this Saturday. The inclement weather date is Monday.

CHAIRMAN EWASUTYN: I think that's about 1:30; correct?

MR. GALLI: 8:00 in the morning.

MR. HINES: It has to be up for seven or eight hours per your code. That was published in the newspaper also on two separate occasions.

(Time noted: 8:38 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: January 8, 2015

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

----- X

In the Matter of

NEWBURGH TOYOTA  
(2009-15)

REQUEST FOR A PARKING EXTENSION

----- X

BOARD BUSINESS

Date: December 18, 2014  
Time: 8:38 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  
GERALD CANFIELD  
PAUL RUGGIERO

APPLICANT'S REPRESENTATIVE: KEITH WINTER

----- X

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MR. PROFACI: The next item is Newburgh Toyota, project 2009-15, regarding a parking extension. Engineering Properties, I guess it's not Ross Winglovitz.

MR. WINTER: My name is Keith Winter with Engineering & Surveying Properties.

Just to give the Board a brief explanation on the project, the owner of the site looked to expand his current inventory and needed to provide parking for that, so we entered into a lease agreement with the adjoining property owner, Manheim Auto Auction. He leased out two portions of Manheim's property in order to provide access for just the vehicle storage. Not open for the public or for displaying the vehicles, just strictly there to have inventory at hand.

We've gone through and identified a small area of wetlands. A delineation was performed by Pete Torgensen. It's actually a manmade drainage ditch about three feet wide and a foot in depth. It's basically there to convey stormwater from Manheim's area to their stormwater facility.

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Other than that, there's really no other major impacts to the property. The composition of the parking area is going to be gravel in nature, light grading, just there to basically provide a little bit to -- to provide drainage back into the ground so there's no impervious -- no runoff coming off the site, and also so it's not a physical impact to the adjoining property owners. In the event that the lease agreement is then rescinded or they come to another agreement, they could -- there's no major investment into that parking area.

CHAIRMAN EWASUTYN: Pat Hines, you had the opportunity to do a field inspection?

MR. HINES: We were out on the site actually probably two months ago at this point when the issue first arose. We're recommending that a metes and bounds description for the lease areas be placed on the plans so that they are defined such that the area doesn't grow or change, so you have the lease line areas depicted on your plans. We're suggesting that those be identified by metes and bounds.

We're requesting a note be added to the



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plan requiring that the site operate as a unified site plan. I believe Mr. Donnelly's office can provide those standard notes, tying in the approvals to this current property use, and that any change in use of this property would eliminate the approval for the off-site parking areas on the adjoining property.

The narrative identified that it would be for employee only access and not for showroom type or public access to the vehicles. Normally this Board would require any public access areas to be paved and curbed. Since this is proposed to be gravel, we're suggesting that signage be provided restricting access to these lots, to employees only, such that you don't have the general public wandering around in this gravel parking area, and the possibility that a fence or gate be considered to restrict the public's access to the gravel parking area proposed.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything to add or suggest?

MR. CANFIELD: Nothing to add. I think this is -- hopefully if the Board approves this,

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this will bring this enforcement action to conclude. The applicant has provided the information and done what the Town has asked.

CHAIRMAN EWASUTYN: I think similar to -- not so much -- I think we do have to circulate this to the Orange County Planning Department.

MR. DONNELLY: It is a site plan, it is located within 500 feet of a State highway. We can't take action until the County Planning Department is given a chance to report. We need to send it.

CHAIRMAN EWASUTYN: Mike Donnelly, do you have any recommendations or comments at this point?

MR. DONNELLY: One of the conditions will be that that lease be recorded. We want to make sure that any property owner that buys either parcel is aware of it's existence. I have no problem with the lease term saying this lease -- I'm sorry, this use will have to stop when the lease expires, but obviously your adjoining property owner has the incentive to make sure that happens. In case the other property is sold, we want to see that lease or a memorandum

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NEWBURGH TOYOTA

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of the lease recorded so there is some recorded indication of the restriction.

MR. WINTER: Okay.

CHAIRMAN EWASUTYN: Comments from Board Members. John Ward?

MR. WARD: I agree with Pat for access being closed off to the public, somehow with going back there, walking on the gravel.

MR. WINTER: In regards to that, in the actual lease agreement it does prohibit any public access in order to protect, you know, Manheim. It would be in violation of their own lease agreement if they did allow the public to access onto the property.

MR. DONNELLY: All the more reason you should put up some kind of barrier.

MR. WARD: They see cars in there, let me buy that one.

MR. DONNELLY: Could you send me a copy of that lease?

MR. WINTER: Sure.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

MR. PROFACI: No.

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MR. MENNERICH: No.

MR. BROWNE: No.

MR. GALLI: I'm fine.

CHAIRMAN EWASUTYN: All right then.

Keith your name is?

MR. WINTER: Yes.

CHAIRMAN EWASUTYN: Keith, you'll get copies of the plans to Pat Hines, he'll circulate to the Orange County Planning Department. Given the fact that today is the 18th of December, we will have a meeting on the 22nd of January. If the Board is willing, we'll set this up for Board Business on the 22nd of January 2015.

I'll move for that motion.

MR. GALLI: So moved.

MR. WARD: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote, please.

MR. GALLI: Aye.

MR. BROWNE: Aye.

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NEWBURGH TOYOTA

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself.

(Time noted: 8:43 p.m.)

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

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DATED: January 8, 2015

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

----- X

In the Matter of

DOMINGUES - HICKORY HILL SUBDIVISION  
(2011-17)

REQUEST FOR A NINETY-DAY EXTENSION OF  
CONDITIONAL FINAL APPROVAL FROM 12/18/14 TO 3/18/15

----- X

BOARD BUSINESS

Date: December 18, 2014  
Time: 8:43 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  
GERALD CANFIELD  
PAUL RUGGIERO

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DOMINGUES - HICKORY HILL

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MR. PROFACI: We have one other item.  
Domingues - Hickory Hill Subdivision, project  
2011-17. The applicant is requesting a  
ninety-day extension of conditional final  
approval from 18 December 2014 to 18 March 2015.

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 John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. PROFACI: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

(Time noted: 8:44 p.m.)



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DATED: January 8, 2015

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

- - - - - X

In the Matter of

REQUEST OF THE TOWN BOARD FOR RECOMMENDATION ON THE  
FOLLOWING PROPOSED LOCAL LAWS:

- 1. LOCAL LAW ADDING ARTICLE 17 ENTITLED SOLAR  
SITING TO THE ZONING CODE
- 2. AMENDMENT TO CHAPTER 185.

- - - - - X

BOARD BUSINESS

Date: December 18, 2014  
 Time: 8:44 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  
 GERALD CANFIELD  
 PAUL RUGGIERO

- - - - - X

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MR. DONNELLY: John, did you want to discuss the two proposed local laws?

CHAIRMAN EWASUTYN: Thank you for reminding me.

MR. DONNELLY: The Town Board sent to you for a report two proposed local laws. The first is entitled Local Law Adding an Article 17 Entitled Solar Siting to the Zoning Code. This law is intending to make allowable the use of certain types of solar facilities and placing restrictions on them. What it is not governing is the use of solar panels on rooftops on residential homes, which is permitted under the Code. It's designed to address solar equipment that's erected on structures, the solar farm that we were talking about.

So the law overall intends to allow solar energy systems, not the farms, as accessory uses subject to setback, size, height and related regulations in all zoning districts, except the densest residential R-3 district, and to allow solar farms, which are more widespread low facilities, and power plants as a principal use only in the I district.

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There's a series of detailed bulk table setbacks within the law. For each district they have a side yard and a front yard setback. There are height restrictions and a number of fairly lengthy regulatory provisions governing how and where they may be placed.

As is typically the case, you're required, under Section 185-60 of the Code, to report back to the Town Board on four specific factors.

The first is whether a change in the Code proposed by the local law is consistent with the aims and principles embodied in the chapter as to the particular districts concerned. Obviously solar facilities were not envisioned at all in the Zoning Code. I don't know what your take is. Certainly solar farms in the Industrial Zone doesn't seem to be at odds. I don't know what other items you may wish to report to the Town Board in regard to that criteria. I'll happily take notes and transmit that.

CHAIRMAN EWASUTYN: Any additions or comments?

MR. PROFACI: I don't see a problem

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with having solar farms in the I District.

MR. HINES: Your I District is only down by the power plants and tank farms on the northern end of Town.

MR. DONNELLY: What about the allowance of other facilities, ones mounted on structures in the residential zones other than the R-3? I assume ones like that would more likely be accessory to a residential structure for private use and not for solar farm use like the larger ones would be. Not troublesome, consistent with the aims, or some other opinion?

CHAIRMAN EWASUTYN: Any other opinion?

MR. BROWNE: Basically until we actually see something out there and have time to digest what their restrictions and codes and all that stuff are, I don't think we can make much of a comment except go with what they have and see what history dictates. I don't know what else we can do with that.

MR. RUGGIERO: The R-3 Zone was more or less for freestanding. We don't want that allowed in the R-3 Zone, which is like Meadow Hill. You have lots that are postage stamps

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basically. You don't want to have a 60 by 60 freestanding that fits on your house just for glare reasons. So that's why we decided to go with no R-3, no freestanding. If they want them on the roof, that's fine.

MR. WARD: Because it's up. There's one in Holiday Park over there and it's -- Holiday Court or whatever -- full roof but you don't see it from the road.

MR. RUGGIERO: If you get the right panels, the black ones.

MR. MENNERICH: This law wouldn't impact utilities wanting to put solar items within road right-of-ways for being --

MR. HINES: The public utilities would be exempt.

MR. RUGGIERO: Exactly. And commercial buildings, we're not really -- they'll put them on their flat roofs but they angle them slightly. You probably wouldn't even see them on most buildings.

CHAIRMAN EWASUTYN: Next, Michael.

MR. DONNELLY: Which areas and establishments in the Town will be directly

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affected by the change and in what way they'll be affected. The obvious answer is all zones other than the R-3 will be affected in some way. The question or the response called for is in what way they'll be directly affected and whether that's significant or troublesome or something else to you.

CHAIRMAN EWASUTYN: I don't think the Board finds that to be a problem.

MR. DONNELLY: The indirect implications of such change and its affect on other regulations. Non perceived?

CHAIRMAN EWASUTYN: Correct.

MR. DONNELLY: Whether the proposed use is consistent with the aims of the master plan.

MR. GALLI: I don't think it's in the master plan.

MR. CANFIELD: It's not in the master plan.

MR. DONNELLY: Not envisioned but not inconsistent.

CHAIRMAN EWASUTYN: There's one other one we have to respond to by the 29th.

MR. DONNELLY: This is a local law

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creating what is to be called an -- I'll give you the title. It's a local law amending Chapter 185. I won't read it all. To add within the Interchange Business zoned area in the southwestern section of the Town an LHI, meaning light and heavy industrial equipment and recreational vehicle sales zone as an overlay within that district. This is on the petition of a particular property owner, which is the owner of Section 89, Block 1, Lot 81, who has a prospective tenant for an existing building who wishes to use it for a use only permitted in the LHI Overlay District. That district that is being petitioned for would allow a series of uses specifically --

MR. HINES: Large equipment rental.

MR. DONNELLY: Actually we had one before in another area. It's the same use to be added to this area of the Town.

MR. HINES: The parcel is the northwest corner of 85 and 747, that existing building that's been vacant. It looks like a barn.

MR. DONNELLY: The first question then to report on is whether the change is consistent



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with the aims and principles of the Zoning Chapter. Since the LHI District already exists in commercial areas, I assume it's consistent here.

MR. CANFIELD: That's up in here. That's where it exists, up on 9W.

MR. DONNELLY: So consistent here. The direct impacts and which areas will be directly affected. Obviously it is the single parcel in question, and that parcel will be allowed to carry out this use if it meets the criteria. The indirect implications of the change, none perceived.

Whether it's consistent with the aims of the master plan.

MR. CANFIELD: It's a sparsely populated area out there.

MR. DONNELLY: So consistent then.

Okay. I will put those two report letters together and send them to the Town Board.

MR. WARD: Do you think the first item with the solar panels should be inserted in the master plan?

CHAIRMAN EWASUTYN: That's a Town Board

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BOARD BUSINESS

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decision.

MR. WARD: We can suggest it be done.

To revise the master plan is a big issue.

MR. RUGGIERO: That's what we thought,  
too.

MR. DONNELLY: The idea of the master  
plan is an overall plan and you don't make  
piecemeal adjustments.

MR. WARD: How about in the  
comprehensive plan?

MR. DONNELLY: They're using the term  
the same way.

MR. PROFACI: We have no more business  
to attend to tonight, so I'll ask for a motion to  
close the meeting of December 18, 2014.

MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli. I have a second by Dave Dominick.  
Roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

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MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 8:54 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: January 8, 2015