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

----- X

In the Matter of

SOUTH UNION PLAZA  
(2006-41)

Route 300 and Little Britain Road  
Section 97; Block 3; Lot 1  
IB Zone

----- X

SITE PLAN

Date: December 4, 2008  
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

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
KAREN ARENT

APPLICANT'S REPRESENTATIVE: GREGORY SHAW

----- X

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

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SOUTH UNION PLAZA

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MS. HAINES: Good evening, ladies and gentlemen. I'd like to welcome you to the Town of Newburgh Planning Board meeting of December 4, 2008. At this time we'll call the meeting to order with a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. PROFACI: Here.

MS. HAINES: The Planning Board has experts that will provide input and advice to the Planning Board in reaching various SEQRA determinations. I ask that they introduce themselves.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. COCKS: Bryant Cocks, Planning Consultant.

MS. ARENT: Karen Arent, Landscape Architectural Consultant.

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SOUTH UNION PLAZA

MS. HAINES: Thank you. At this time I'll turn the meeting over to Joe Profaci.

MR. PROFACI: Please rise for the Pledge.

(Pledge of Allegiance.)

MR. PROFACI: You guys know to turn off your cell phones.

MS. HAINES: The first item of business we have tonight is South Union Plaza. It's a site plan located on Route 300 and Little Britain Road. It's in an IB zone and being represented by Greg Shaw.

MR. SHAW: Thank you. I'll be short. I believe the Board has seen this project more than once before.

I believe we're down to just a few outstanding issues. I got your consultants' comments. They were nice enough to fax them to me. There are very few in nature.

With respect to the outside approvals, we have in hand the approval from the Health Department. We have submitted for our permits to the DOT, I believe there's four permits.

We're awaiting to receive back an

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SOUTH UNION PLAZA

executed easement from the City of Newburgh.  
They did pass a resolution granting the easement  
and setting the amount, and we have signed the  
easement and sent them the check and are waiting  
for the formalized easement to be returned to us.

So with that we are asking for  
conditional final approval tonight.

One outstanding issue that I hope that  
was discussed by the Board with your consultant  
is the crosswalks with respect to Union Avenue.  
I spoke to Phil Grealy yesterday and he informed  
me that DOT has finally made a decision and that  
they do not want any improvements with respect to  
the sidewalks installed in their right-of-way,  
nor the crosswalks. They'll decide in the future  
and they will install them in the future if they  
feel it's warranted. They do want us to bring  
the sidewalks right to the right-of-way line so  
that if they do get extended to the curb line and  
the crosswalks instead they won't have to go on  
private property to do that.

One final change with respect to the  
sidewalks that we've incorporated into the  
drawing. There was a request by this Board that

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SOUTH UNION PLAZA

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we did put a sidewalk in this location of the project down to Old Little Britain Road.

So that's a very quick summary. I believe the Board is probably current with how this project developed. I'll answer any questions you may have.

CHAIRMAN EWASUTYN: I'll turn to our consultants for their comments. Bryant.

MR. COCKS: We only had one slight comment. Just by Little Britain Road there's just no crosswalk connecting it.

MR. SHAW: That's a good point. We'll put it in.

MR. COCKS: We also were discussing -- I know there's a residence there. We were trying to figure out a way we could get some type of lighting there. We looked at the lighting plan and it was kind of dim over in that section by the sidewalk. I know it's --

MR. SHAW: Right here?

MR. COCKS: I don't know how it's going to impact the residents there.

CHAIRMAN EWASUTYN: One of the sheets refers to it as being residential, another sheet

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SOUTH UNION PLAZA

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refers to it as being office space. What is the use of that building?

UNIDENTIFIED SPEAKER: That's an accounting office there.

CHAIRMAN EWASUTYN: It is? So it is -- it's not residential.

MR. SHAW: I think the accounting office is Guerrara. Guerrara is the accountant. I believe it is residential.

CHAIRMAN EWASUTYN: One of your sheets later on talks about it being commercial.

MR. SHAW: Okay. I believe it is residential.

CHAIRMAN EWASUTYN: Do you think it's possible to site a light fixture somewhere that wouldn't encumber that property but somehow in the future make that sidewalk functional?

MR. SHAW: I'm sure we can. Maybe it's something that's twelve feet high and, you know, a light wattage. I'm sure there's a way to illuminate it if that's an issue with the Board.

CHAIRMAN EWASUTYN: We talked about it at work session and I'm not clear. You're still going to have the bus pick up where it is;

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SOUTH UNION PLAZA

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correct?

MR. SHAW: Correct.

CHAIRMAN EWASUTYN: But there won't be any sidewalk there? I'm just asking. Is there or isn't there?

MR. SHAW: Unless -- if you want we can take the sidewalk, instead of having it extend into the right-of-way we can turn it -- still keep it on our property and bring it into the side of the bus stop. I don't see a reason why we can't do that, then in the future if they wanted to put a piece of sidewalk in front of the bus stop. So you'll be able to walk into the side of it and then out the front of it.

CHAIRMAN EWASUTYN: Mike, what the DOT is saying is they don't want to see any sidewalk, period.

MR. DONNELLY: That's what Ken Wersted's memo says. Or crosswalk. Actually the memo says they don't want sidewalks along 32 or a crosswalk crossing it.

MR. SHAW: Yeah. They do not want any sidewalks in their right-of-way.

MR. DONNELLY: Right.

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CHAIRMAN EWASUTYN: We're not going to belabor the point but we all say here is how often we see people, and I know Phil Grealy had written about how often we all see people on Union Avenue. It may not be tens of thousands but again it's a DOT issue. As far as locally, it's -- if the Board is in agreement can we see a little something around the bus stop just to make it functional if we're going to have it? Do you just want to have a bus stop?

MR. GALLI: Just what Greg said.

MR. SHAW: We'll bring it into the side of it with the sidewalk that would be in the State right-of-way to be installed at a future date, and if they have to walk over four feet of grass, that's what they have to do.

CHAIRMAN EWASUTYN: Karen, your final comments.

MS. ARENT: One of my comments has to do with the bus stop. The phasing plan without Walgreen's does not include the bus stop or sidewalks at the intersection of Route 300 and I was wondering if that was acceptable to the Board. I think once Walgreen's is built the plan



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SOUTH UNION PLAZA

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is to put the sidewalk and the bus stop in at that time. Is that correct?

MR. SHAW: Correct.

MS. ARENT: And my other thing is if you put the -- there's a bus stop specified with sides on it, so you might want to just make a note to not have the sides -- glass sides on the bus stop.

MR. SHAW: Okay.

MS. ARENT: If you could indicate what landscaping in that area will be installed because it would be -- it would make sense to me, since you're installing the stonewall, to put the street trees in because everything from the stonewall to the curb could be finished and everything from the stonewall back through the Walgreen's site could just be grass.

MR. SHAW: That's fine. We'll do that.

MS. ARENT: None of the street trees are on the plan. Previously we mentioned, both Ken Wersted and I, that there's Spruces at the intersection on Old Little Britain Road. Right there. For them to be taken off the plan because when they grow they're going to impede the sight

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SOUTH UNION PLAZA

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lines.

MR. SHAW: I'll have the landscape architect do that.

MS. ARENT: That's it.

CHAIRMAN EWASUTYN: Before I turn to the Board Members; Mike, help us now clarify the issues we may have to look at, because this might be phased, as far as the buildings, bonding, landscaping. We seem to run into a slight way of securing these things.

MR. DONNELLY: I don't think there's a proposal to separate out the bonding. This is a --

MR. SHAW: No. Not at all.

CHAIRMAN EWASUTYN: So we won't have that problem.

MR. DONNELLY: It may have the construction sequencing to it but it's not true phasing in the sense with one piece with certain bonding and another piece with certain bonding.

MR. GALLI: No additional.

MR. BROWNE: Good.

MR. MENNERICH: No questions.

MR. PROFACI: Nothing, John.

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SOUTH UNION PLAZA

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CHAIRMAN EWASUTYN: The only other thing you need is Town Board approval for the name.

MR. SHAW: For the name?

CHAIRMAN EWASUTYN: Smokers Outpost. Did you get Town Board approval?

MR. SHAW: We are waiting for the Town Board to accept the bond estimates.

CHAIRMAN EWASUTYN: I think it was nice how you named it. I can remember when we were wondering if we needed such detail and you finally gave it a name, which was, I thought, symbolic of the whole trek on that. Thank you.

MR. DONNELLY: I've taken the preliminary resolution and made changes to it with red highlighting, and the Members of the Board have it.

The first condition at the time of preliminary was the requirement that memos of the town engineer be satisfied. I sent a copy of this to the town engineer. I have not heard from him. I forgot to check with Pat when he was here earlier.

Do you know of any outstanding issue

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SOUTH UNION PLAZA

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with Jim Osborne?

MR. SHAW: I have not heard of any.

MR. DONNELLY: We can either remove the condition, because I think Jim would have contacted us, or if we leave it he'll simply have to write a letter saying he has no outstanding issues. I'll leave it to the Board's preference.

MR. GALLI: Usually Pat would put it in his update.

MR. DONNELLY: I don't know what the issues were that related to Jim Osborne frankly, but it was in the preliminary resolution. I'm sure if we take it out, Pat has a sign-off letter anyway. I'll ask him to cover it.

MR. GALLI: Just take it out.

MR. DONNELLY: We'll need a sign-off letter from Pat Hines' office. Karen as well. I suggest that Karen add the couple of new items to her sign-off letter regarding the reconfiguration of the sidewalk in the area of the bus stop.

We had one other change.

MR. GALLI: The trees.

MR. DONNELLY: The trees were in her memo. The light. The additional lighting.

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SOUTH UNION PLAZA

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MR. COCKS: And the crosswalk.

MR. DONNELLY: Okay. It will be covered then. A sign-off letter from Bryant. There are no outstanding issues from Creighton, Manning, so that is satisfied. The code compliance supervisor, again I forgot to ask Jerry when he was here, fire protection issues. I think he had none or he would have told us.

MR. SHAW: I believe Jerry sent in a letter.

MR. DONNELLY: So that one is done. ARB was granted in the past but we'll have the standard -- that was back in September. We'll have the standard ARB condition. The other agency approvals have been obtained. The DOT will of course have to issue permits. I've removed the crosswalk condition we had earlier in view of the DOT's letter. All signs will have to be in accordance with the comprehensive sign plan. There was a condition in the original preliminary resolution about merging the various parcels constituting the site plan into a single lot and tax map parcel in order for the site to remain a single site. That's something you'll

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SOUTH UNION PLAZA

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accomplish before the plans are signed.

MR. SHAW: Yes.

MR. DONNELLY: The landscape and maintenance condition, parking lot maintenance per the code.

We hadn't talked about it but we had been talking about it with other projects, and that is whether or not when you have a shopping center that might have multiple owners, whether we need to have a single operator agreement, what we had called in The Marketplace a simplified Town/owner pact. I can give you the contract that was used there. The idea is if there's an enforcement issue, whether it's pallets left out, litter, failure to abide by a condition, the code compliance department doesn't want to be in the position that it goes to one store or to the mall owner and then to Walgreen's and each one says it's the other guy's responsibility. We like to have a contract, so to speak, with the Town Board that says either the mall owner or the anchor store or whoever is designated is the single entity for the purpose of all enforcement issues. It was not something included in the preliminary

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SOUTH UNION PLAZA

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resolution but we have made it a requirement of other applicants in the recent past. I don't know if this is the scale of a mall site that warrants that or not but I included it as a suggestion in this resolution.

MR. GALLI: We did it for Target and they're small.

MR. DONNELLY: I can get you a copy of what they used in the past.

MR. SHAW: Not a problem.

MR. DONNELLY: Whether or not the Town will accept it, we have also asked in the past that you petition the Town Board under the Vehicle and Traffic Law to allow enforcement of Vehicle and Traffic Law regulations within the private property. I don't think there's enough roadways here that that might be necessary but I included it as language.

MR. GALLI: What they usually do that for is fire lanes.

MR. DONNELLY: It would be Vehicle and Traffic. It would be speeding, red lights -- not red lights, stop signs. Personally I don't think this size mall is one where you would need to

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SOUTH UNION PLAZA

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have it. The Town Board as of late, for personnel reasons, has not been inclined to accept them anyway. Though I included it, I don't know this is the scale it's warranted.

MR. GALLI: If they're not accepting them --

MR. DONNELLY: They may change their mind because this one isn't that hard to patrol.

MR. BROWNE: From a planning standpoint we did it right.

MR. DONNELLY: Do you want to include it or not? Yes?

MR. BROWNE: Yes.

MR. DONNELLY: A landscape security and inspection fee, stormwater improvement and inspection fee, and the standard condition regarding outdoor fixtures and amenities that says you can't build anything that isn't shown on the site plan. ARB was approved on September 4th.

What's before you now is final site plan.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?



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SOUTH UNION PLAZA

MR. GALLI: No additional.

MR. MENNERICH: Nothing.

MR. BROWNE: Nothing.

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: No.

MS. ARENT: No.

CHAIRMAN EWASUTYN: Having heard the conditions for final approval for the site plan for South Union Plaza, formally Newburgh Towne Center, presented by Attorney Michael Donnelly, I'll move for a motion to approve the site plan.

MR. GALLI: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

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SOUTH UNION PLAZA

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So  
carried.

Thank you. Happy holiday.

MR. SHAW: Have a nice holiday.

(Time noted: 7:20 p.m.)

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

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

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DATED: December 22, 2008

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

----- X  
In the Matter of

BONITA S. JONES  
(2008-13)

Calvin Lane off Lockwood Lane  
Section 8; Block 1; Lot 85.4  
AR Zone

----- X

CONCEPTUAL SKETCH PLAN

Date: December 4, 2008  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
KAREN ARENT

APPLICANT'S REPRESENTATIVE: LEWIS POWELL

----- X

MICHELLE L. CONERO  
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Wallkill, New York 12589  
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BONITA S. JONES

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MS. HAINES: The second item of business we have tonight is Bonita S. Jones. It's a conceptual sketch of a three-lot subdivision located on Calvin Lane off Lockwood Lane. It is in an AR zone and being represented by Lou Powell.

MR. POWELL: Bonita Jones owns 6.93 acres at the easterly end of the private road known as Calvin Lane. Calvin Lane goes -- comes off of Lockwood Lane which is off of Lattintown Road at the northerly boundary of the Town.

There are, on the private road, one, two, three, four, five -- six residences plus this piece that Bonita Jones owns. The proposal is for a three-lot subdivision and construction of a cul-de-sac of about 450 feet with another extension of Calvin Lane.

The lots would be served by individual wells and septic. It's in the AR zone which is 40,000 square foot. Lot 1, not including the right-of-way, is 2.3 acres; lot 2 is 2.66 acres; and lot 3, the smallest of the lots, is 1.37 acres not including their piece of the right-of-way. Lots 2 and 3 get a couple tenths

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BONITA S. JONES

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bigger and lot 1 gets about -- a little bit more than two-tenths bigger.

There isn't now a proposed subdivision before the Board for this Pella and Bell subdivision which would extend Lockwood Lane up and around into a cul-de-sac there, and we would -- they're reconfiguring how this Calvin Lane hooks into that.

We have talked to the Amity Foundation about what they would require of us if we had to improve this piece of Calvin Lane because at one time we were before this Board several years ago, and at that point in time the highway superintendent and Jim Osborne looked at it and they wanted us to widen Calvin Lane up to the property. So I have not -- when we have sketch plan approval we will go and see what they would require of us.

I have the consultants' reviews and we will supply the information that they requested for Mr. Donnelly about the maintenance agreements and right-of-ways and any other issues.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

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BONITA S. JONES

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MR. GALLI: None.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: The portion of the land down below there, my understanding has been that with these kinds of projects they're not required to improve that. Is that correct?

MR. DONNELLY: The code does not require that a private road coming off an existing private road brings the existing private road up to the current private road standard. However, if a private road, an existing one, is inadequate to handle the traffic or fire protection necessary to get to the new private road, you could limit the number of lots or deny development unless the roadway was improved. The code doesn't mandate that it be brought up to snuff.

MR. BROWNE: You're going to be doing something with that for the -- what do you call it?

MR. GALLI: The Amity Group.

MR. BROWNE: You're going to be looking to improve that section. Is that what I understood?

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BONITA S. JONES

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MR. POWELL: When we previously had this as a proposed four-lot subdivision I did meet with the highway superintendent and with Jim Osborne out there about this because this road was only about fourteen foot wide of pavement and they wanted the road wider because of the traffic that it would generate. I am assuming that they still will want that road wider. We have to seek -- we have no problem from here, which was another Jones -- this was the original, not Bonnie Jones but I think a Robert Jones or Bob Jones owns all of this. So this right-of-way, you know, there's a maintenance agreement for that. They do maintain this piece of Calvin Lane which is owned by the Amity Foundation. We have to get approval from the Amity Foundation to improve this piece of the road. So my feeling is that Jim and the highway superintendent are still going to say you need to widen that road because it was more like a driveway than really a road.

Amity Foundation's concern was that they wanted to make sure that we didn't do some kind of improvements so that they couldn't have access. There's a lane that goes off here. They



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BONITA S. JONES 25  
have another lane that goes someplace down here.  
They didn't want us to do any cuts or fills that  
would disturb their access to the property. We  
would not do that. I don't know what's happening  
with this piece.

MR. BROWNE: So the ultimate result,  
from what I'm hearing now, is -- the intention is  
essentially to basically improve that all the way  
over?

MR. POWELL: Basically we'll have to  
improve this probably up into here, widening it  
some number of feet, whether it's two feet, three  
feet, whatever, and probably put some better  
swales and stuff for drainage.

MR. DONNELLY: I think you should  
include the input of Ken Wersted, the traffic  
engineer, and Jerry Canfield's office for fire  
protection.

MR. POWELL: Okay. We'll do that.

CHAIRMAN EWASUTYN: Does that answer  
your question?

MR. BROWNE: Yes. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

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BONITA S. JONES

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CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: Nothing.

CHAIRMAN EWASUTYN: Bryant Cocks?

MR. COCKS: That cleaned up most of our questions regarding the road access and what's going to be going on there.

The only other comment we had was there are some steep slopes on site. It looks like the driveways on both lots on the left side of the street meet the fifteen-percent grade.

All the lots meet zoning requirements. No variances are going to be needed.

We are going to need a surveyor's seal and signature on the sheet. That was it.

This is in an ag district so it will have to be referred to Orange County Planning.

CHAIRMAN EWASUTYN: And you have a copy of Pat Hines' review?

MR. POWELL: Yes. His comments are similar to Bryant's.

CHAIRMAN EWASUTYN: Karen, do you have anything to add to this?

MS. ARENT: No.

CHAIRMAN EWASUTYN: I'll move for a

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BONITA S. JONES

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motion from the Board to grant conceptual sketch plan approval for the three-lot subdivision of Bonita Jones and refer it to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: There being no discussion of the motion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: And myself. So carried.

You'll get a copy of the plans to Bryant Cocks?

MR. POWELL: Fine.

CHAIRMAN EWASUTYN: Thanks.

MR. POWELL: Thank you very much.

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BONITA S. JONES

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(Time noted: 7:28 p.m.)

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

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

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DATED: December 22, 2008

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

----- X  
In the Matter of

LANDS OF ZAZON  
(2004-29)

Fostertown Road  
Section 20; Block 1; Lot 24  
R-2 Zone

----- X

TWELVE-LOT SUBDIVISION

Date: December 4, 2008  
Time: 7:29 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
KAREN ARENT

APPLICANT'S REPRESENTATIVE: JOHN PETROCCIONE

----- X

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

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LANDS OF ZAZON

MS. HAINES: The third item of business we have tonight is lands of Zazon. It is a twelve-lot subdivision located on Fostertown Road in an R-2 zone. It's being represented by John Petroccione.

MR. PETROCCIONE: I'm John Petroccione from Pietrzak & Pfau, the engineers for the project.

The project received preliminary approval from your Board a little over two years ago. Since that time we've worked with the town water department as well as the town engineer on finalizing a water main extension. We received their approvals.

We received approval from the Orange County Department of Health for the water main extension.

We received approvals for the roadway entrance as well as off-site drainage improvements from the Orange County Department of Public Works.

We also received realty subdivision approval from the Department of Health.

Lastly, from the Town Board we've

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gotten our resolution establishing the drainage district.

The project is very similar to the one that you saw at the time of preliminary approval. There's a little more detail to it, some minor revisions. We have a total of twelve proposed lots. Eleven of those are residential parcels, one of them will be the right-of-way/stormwater parcel. On the eleventh residential parcel will be ten new homes with one existing home which will be remaining on that lot.

We believe we've satisfied a majority of the conditions. We did have a consultants' meeting last week and received some additional items at that point. We believe all of those can be easily addressed. They haven't been satisfied at this point.

We're requesting a conditional final approval from you.

CHAIRMAN EWASUTYN: Thank you. Any final comments from Planning Board Members? Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Cliff Browne?

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LANDS OF ZAZON

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Joe Profaci?

MR. PROFACI: No.

CHAIRMAN EWASUTYN: At this point I'll turn to our consultants for their final comments or recommendations. Bryant Cocks, Planning Consultant?

MR. COCKS: We have no more comments on the subdivision application. All the lots meet zoning and the bulk requirements. No variances were necessary.

The only approval that you guys are still going to need is for the road name.

MR. PETROCCIONE: Yes.

MR. COCKS: That was all the comments we have.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: All my comments were addressed except for the stonewalls. You did such a beautiful job designing property lines on top of stonewalls but you can't really tell which



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LANDS OF ZAZON

are going to stay and which are going to go.  
Even with whatever you did, still there's no  
difference.

MR. PETROCCIONE: We'll do something  
different.

MS. ARENT: Make a dashed line on the  
ones that are going to be removed and put that on  
the legend, and then put it on the legend what  
stonewalls are to remain and what stonewalls are  
to be removed and that will be clear and somebody  
won't remove them.

MR. PETROCCIONE: No problem.

CHAIRMAN EWASUTYN: More as just an  
informational question. We were talking about it  
earlier. This is the first time we'll be  
approving in the Town rain gardens. Have you  
worked with them in other municipalities?

MR. PETROCCIONE: Yes.

CHAIRMAN EWASUTYN: Are they successful  
and have longevity to them?

MR. PETROCCIONE: They're as good as  
the maintenance. On this project maintenance was  
required of the homeowners as part of their deed.  
There's no reason to predict there will be a

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problem.

It's becoming a more preferred method in New York State. New York is trying to get away from the larger centralized treatment where possible, and the rain gardens are a good way to do that on an individual lot. It's not intrusive, it can be planted so the homeowners are likely to not have any objection to having it in their yard, and it infiltrates into the ground which is the preferred method in New York right now.

CHAIRMAN EWASUTYN: Who is required to install that?

MR. PETROCCIONE: The builder will be.

CHAIRMAN EWASUTYN: Mike, would you give us conditions for approval?

MR. DONNELLY: I've given you copies of the preliminary resolution and I marked the changes. The first new condition is a sign-off letter from Karen based upon the comments in her memo of December 2nd.

The other conditions have been satisfied. The drainage district has been created. The Health Department has granted water

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main extension and realty subdivision approval. The Orange County Department of Public Works has granted their approvals, and those conditions remain.

We will carry a condition requiring a notice of intent for stormwater discharge to the DEC prior to construction. I'm not sure whether -- oh, the standard conditions for clearing limits will be clearly marked in the field with protective fencing or replacement plantings have to be brought in. Ten lots -- more than ten lots are involved so the standard ten-lot ARB condition is included. It was mentioned earlier the Town Board will have to include the names of the roadway. We need a sign-off letter from Pat Hines on the items in his memo of November 26, 2008. As we discussed at the work session, lots numbered 1, 2, 3, 4, 7 and 8 have the private drainage facilities and must maintain on an ongoing basis, so in in addition to the deeds it's in the resolution. There will be a landscape security and inspection fee required, a stormwater improvement security and inspection fee, water main extension security and inspection

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LANDS OF ZAZON

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fee, town road security inspection fee, offers of dedication for the roadway, and finally the payment of fees in lieu of parkland.

CHAIRMAN EWASUTYN: Any comments from the Board Members in reference to the final resolution? Frank Galli?

MR. GALLI: None.

MR. BROWNE: No.

MR. MENNERICH: No.

MR. PROFACI: No.

CHAIRMAN EWASUTYN: Bryant Cocks, Planning Consultant?

MR. COCKS: None.

CHAIRMAN EWASUTYN: I'll move for a motion to grant final subdivision approval for the twelve-lot subdivision of the lands of Zazon subject to the conditions of the resolution prepared by our Attorney, Michael Donnelly.

MR. PROFACI: So moved.

MR. GALLI: Second.

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

(No response.)

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LANDS OF ZAZON

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CHAIRMAN EWASUTYN: There being no discussion, I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

Thank you.

MR. PETROCCIONE: Thank you very much.

CHAIRMAN EWASUTYN: Do you think he's going to move forward following this?

MR. PETROCCIONE: Yes.

CHAIRMAN EWASUTYN: He is. Okay. And do you think he's going to like in the spring -- listen to me talk. It's such a tough market to understand, so I'm asking you do you believe that he's --

MR. PETROCCIONE: He's hoping to get at least the infrastructure work going in the spring. We'll see what happens with house sales. He's getting fairly good prices so he's hoping to accomplish that.

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CHAIRMAN EWASUTYN: In today's market what you're saying is people are willing to work on the site improvements at a favorable cost because it's competitive?

MR. PETROCCIONE: Overall we have many of our clients doing that.

CHAIRMAN EWASUTYN: Right.

MR. PETROCCIONE: They are getting cheaper prices from the contractors because nobody has work. The houses are not selling, though.

CHAIRMAN EWASUTYN: Right.

MR. PETROCCIONE: It's basically limited to infrastructure.

CHAIRMAN EWASUTYN: Based upon his costs, and I have disclosed the cost of improvements, are the lots expensive? All said and done will they be expensive?

MR. PETROCCIONE: He's talking about a market price which is basically on average with the area right now. They're not going to be ridiculously expensive houses. They're low enough he can bring something to market that will be affordable in this market.

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CHAIRMAN EWASUTYN: What do you think is affordable in this market, roughly? That could change tomorrow. For a planning board it's always nice to have these conversations.

MR. PETROCCIONE: He's going to have to fine tune it as he gets closer. Right now he's thinking somewhere in the low 300s.

CHAIRMAN EWASUTYN: That for today's economy is reasonable.

Thanks ever so much for your time.

MR. PETROCCIONE: Thank you.

(Time noted: 7:37 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: December 22, 2008



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

----- X  
In the Matter of

LANDS OF ANTHONY TARSIO  
(2004-77)

Extension of Final Subdivision Approval

----- X

BOARD BUSINESS

Date: December 4, 2008  
Time: 7:39 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DINA HAINES  
MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
KAREN ARENT

----- X

MICHELLE L. CONERO  
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LANDS OF ANTHONY TARSIO

MS. HAINES: The first item of Board Business we have tonight is the lands of Anthony Tarsio.

We received a letter from Ken Lytle dated November 26, 2008 requesting an extension of the final subdivision approval. The current approval expires on January 6, 2009. With an extension the approval will be valid through July 5, 2009.

CHAIRMAN EWASUTYN: I'll move for that approval.

MR. MENNERICH: So moved.

MR. PROFACI: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Myself yes. So carried.

I think that's really it. Any

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questions or comments from Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to close the Planning Board meeting of December 4th.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

CHAIRMAN EWASUTYN: Aye.

(Time noted: 7:42 p.m.)

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

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

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DATED: December 22, 2008