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CONSULTING ENGINEERS D.P.C.**

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MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT, VA & CT)  
PATRICK J. HINES  
LYLE R. SHUTE, P.E. LEED-AP (NY, NJ, PA)

**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT: ALL GRANITE & MARBLE**  
**PROJECT NO.: 11-14**  
**PROJECT LOCATION: SECTION 97, BLOCK 1, LOT 20.2**  
**REVIEW DATE: 30 MAY 2018**  
**MEETING DATE: 7 JUNE 2018**  
**PROJECT REPRESENTATIVE: MASER CONSULTING**

1. The Applicants are before the Board to request an additional extension of time to complete the project. On 2 November 2017 the Applicant last appeared before the Planning Board to seek an extension. I have attached the minutes of that Planning Board meeting for the Boards use. Pages 47 and 48 identify a conversation between the Applicant's representative, the Planning Board and its Consultants regarding the fact that the site would be stabilized before May15<sup>th</sup>, the previous extension was conditioned on that requirement. To date no activities have occurred. No stabilization, erosion and sediment control activities have occurred since the November meeting. It is noted that representatives of this office, Maser Consulting and the Owner met on the site on 19 October 2017 and requested a plan be developed to stabilize the eroding conditions on the site. That plan was not forthcoming from the Applicant.
2. To date the Applicant's have *not* responded to requests by the Town of Newburgh to stabilize the site and have not complied with their consultants weekly monitoring reports identifying deficiencies on the site and actions to be taken. Weekly reports identify continuous violations of the NYSDEC Town OF Newburgh Stormwater Regulations on the site.

Respectfully submitted,

***McGoey, Hauser and Edsall  
Consulting Engineers, D.P.C.***

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Patrick J. Hines  
Principal

PJH/kbw

• Regional Office • 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •



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

----- X  
In the Matter of

ALL GRANITE & MARBLE  
(2011-14)

Brookside Farm Road  
Section 97; Block 1; Lot 20.2  
IB Zone

----- X

PROJECT STATUS DISCUSSION  
SITE PLAN

Date: November 2, 2017  
Time: 7:40 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  
STEPHANIE DELUCA  
KENNETH MENNERICH  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: TAYLOR PALMER

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

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CHAIRMAN EWASUTYN: The next item of business is All Granite & Marble. It's a site plan here for a project status update. It's being represented by Taylor Palmer.

MR. PALMER: Good evening, Mr. Chairman. For the record, my name is Taylor Palmer, I'm with the law office of Cuddy & Feder on behalf of the applicant, All Granite & Marble Corp. This evening I'm joined by my colleague Justin Dates of Maser Consulting, and on behalf of the owner, Robert Ross.

If I may, Mr. Chairman. While we are all here in suits this evening, ours ties may not be vintage but they are all striped.

We appreciate the Board considering this as a Board Business item this evening. We are here to request a six-month extension of the existing site plan approval for the property. With the submission that we provided to the Board this evening, we provided a copy of what we consider to be a fully executable water line easement agreement and a CCR letter agreement which were the two outstanding conditions of this approval. Our client continues to work with the

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adjacent property owners to proceed with this agreement.

Ultimately last November we had gotten to a point where we expected to be able to sign these easement agreements. There was a sewer line that was located outside of an existing easement that had been on a prior subdivision map. Our client, through their own accord, has been able to locate that sewer pipe and has been working with Brook Trust in order to readjust the easement in that area. So there was a third agreement. Ultimately, before the adjacent property owner would agree to sign the two other agreements, which are the water line agreement and the CCR letter agreement, we still have to provide them with a third agreement which will all be signed at one time.

At this time we're respectfully requesting a six-month extension so as to coordinate the third agreement to get the other two signed.

CHAIRMAN EWASUTYN: Mike Donnelly has something he would like to add at this point.

MR. DONNELLY: We didn't know that you

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were this close to the finish line, if we can use that. My suggestion was going to be since I know the frustration your client is experiencing, by the same token the Town is frustrated by the fact that the site has not been stabilized and it's been in an inappropriate condition for a lengthy period of time. We discussed at work session granting the extension for six months but requiring as a condition of it that by May 15th if your site plan isn't going to be signed and the site isn't stabilized, we're not going to extend it further. It can't go on forever.

MR. PALMER: Understood. Again, the applicant has been in consultation with Maser Consulting to try to do additional mechanisms to remedy further site stabilization. I know Maser Consulting has been on site and can provide further details.

MR. DONNELLY: I know there was a meeting and it was going to happen, but it was going to happen before the October 15th date at which it could be done. Now it can't be done until next spring. The report from Pat Hines says it could be accomplished by May 15th. We're

1  
2 going to impose that as a condition. If you're  
3 not going to come in and get your site plan  
4 signed and get to work, you're going to have to  
5 get that site stabilized before May 15th or  
6 you're not going to get a further extension.  
7 That would be very difficult given how long it's  
8 taken you to get where you are.

9 MR. PALMER: Understood. We intend to  
10 move expeditiously. We appreciate the comments  
11 and we'll work to address that.

12 CHAIRMAN EWASUTYN: I'll move for a  
13 motion from the Board to grant an extension for  
14 All Granite & Marble to May 15, 2018.

15 Mike Donnelly, the conditions?

16 MR. DONNELLY: One condition, that the  
17 site is stabilized to the satisfaction of the  
18 Town of Newburgh's representatives.

19 CHAIRMAN EWASUTYN: Having heard that,  
20 I'll move for a motion.

21 MR. GALLI: So moved.

22 MS. DeLUCA: Second.

23 CHAIRMAN EWASUTYN: Motion by Frank  
24 Galli. Second by Stephanie DeLuca. I'll move  
25 for a roll call vote starting with Frank Galli.

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. CANFIELD: John, just one thing.

For clarity, stabilization of the site, I believe we discussed a permanent solution which may entail regrading the site to eliminate the cuts and not just --

MR. HINES: Stockpiles.

MR. CANFIELD: -- another attempt at temporary stabilization. Just for clarity. I mean it's severe work.

MR. HINES: We did have that meeting on the site. Your consultant is familiar with what we're looking for as stabilization.

MR. PALMER: Thank you again.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 14th day of November 2017.

*Michelle Conero*

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MICHELLE CONERO





Engineers  
Planners  
Surveyors  
Landscape Architects  
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## MEMORANDUM

**To:** All Granite & Marble Corp.  
**From:** Justin E. Dates, R.L.A., Connor McCormack  
**CC:** Pat Hines (MHE)  
**Date:** May 23, 2018  
**Re:** All Granite & Marble Corp.  
Brookside Farm Road, Newburgh, NY  
MC Project No. 07000724B

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Maser Consulting inspected the above site on Wednesday, May 23, 2018 the weather was sunny with a temperature of 79°F. There was no construction at the time of the inspection.

Per prior memos, a few sections of silt fence have torn and need to be replaced, these areas have been called out on the sketch. A tree has fallen and caused damage to a portion of the silt fence and construction fence. All other on-site silt fences are acceptable at this time and will be monitored for needed repairs.

No evidence of sediment tracking was observed on Brookside Farm Road from the project site.

Vegetation covers portions of the site. Open soil areas still remain on site, primarily on portions of the soil stockpile. The owner should now seek to seed and hay all open soil areas for stabilization. No discharge was observed into the receiving water body.

Please contact our office with any questions.

*R:\Projects\2007\07000724B Granite\Construction Administration\Construction Reports\2018\180516\_Inspection Report.docx*



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Taylor M. Palmer  
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May 15, 2018

**VIA FEDERAL EXPRESS  
AND EMAIL**

Chairman John P. Ewasutyn  
and Members of the Planning Board  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

Re: Planning Board Resolution #PB 2011-14  
All Granite & Marble Corp. – Request for Extension of Site Plan Approval  
Premises: Brookside Farm Road, Newburgh, New York (SBL: 97-1-20.2)

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Dear Chairman Ewasutyn:

On behalf of All Granite & Marble Corp. (the "Applicant"), we respectfully submit this request for a three (3) month extension of the Site Plan Approval granted by this Board on February 16, 2012 (the "Site Plan Approval"), which was most-recently extended on November 4, 2017, for six (6) months until May 15, 2018, in order to construct a manufacturing, office/retail facility on Brookside Farm Road, adjacent to property owned by Brook Trust II, LLC, located at One Pepsi Way, in the Town of Newburgh.

On Monday, May 14<sup>th</sup>, our office coordinated a conference call with Town of Newburgh Attorney, Mark C. Taylor, Esq., Town of Newburgh Planning Board Attorney, Michael H. Donnelly, Esq., together with the attorneys representing Brook Trust II, LLC, George F. Stradar, Jr., Esq. and Elizabeth A. Stradar, Esq. (the "May 14<sup>th</sup> Call"), in order to review the Applicant's efforts in pursuit of a private Water Easement and Release of Easement with Brook Trust II, LLC (the "Water Easement").<sup>1</sup> During the call, we also discussed the Applicant's ongoing efforts to relocate an existing sewer line that runs to Brook Trust II, LLC's property through the Applicant's property, which relocation was requested by Brook Trust II, LLC (the "Sewer Easement" and collectively the "Easements").

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<sup>1</sup> As this Board is aware, the Applicant's property is located in the Town of Newburgh's Consolidated Water District; however, there are no municipal water mains in close proximity to the Premises and so the Applicant continues to pursue this private connection.



May 15, 2018

Page -2-

Pursuant to the May 14<sup>th</sup> call, the Applicant will forward a copy of the proposed Water Easement to the Town Attorney for his review. The Applicant has requested confirmation from Brook Trust II, LLC, that the Water Easement is in executable format, so that it may be reviewed by the Town Attorney. At the same time, the Applicant has requested similar confirmation from Brook Trust II, LLC, that the Applicant has satisfied the Covenants and Restrictions on the Premises (the "CCR Agreement"). As discussed, although it is entirely unrelated to the Water Easement and CCR Agreement for the purposes of the Site Plan Approval, the Applicant will also provide a copy of the Sewer Easement to the Town Attorney for review, because a portion of the relocated sewer line will traverse an existing Town sewer easement area that provides the Town access over the Applicant's property north to the Town's sewer main. We understand the Town's access to the water main will not change. In the meantime, the Applicant continues to work with Brook Trust II, LLC, diligently attempting to finalize the Easements and the CCR Agreement.

Based upon the commitment of the Applicant to move forward with the development of the Premises in accordance with the approvals duly issued by the Town of Newburgh, and provided that there has not been a substantial change in the condition of the site, and/or its environs and/or the zoning requirements since the Site Plan Approval was granted by this Board, we respectfully request that the Site Plan Approval be extended for three (3) months, consistent with Town of Newburgh Zoning Code § 185-58(E), which provides that the "... site plan approval may be extended by the Planning Board for one year."<sup>2</sup>

We respectfully request that the Applicant's request for an extension be considered as a Regular Agenda item on this Board's June 7<sup>th</sup> meeting Agenda. If you should have any immediate questions, please do not hesitate to contact me. Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Taylor M. Palmer / de".

Taylor M. Palmer

cc: Michael H. Donnelly, Esq., Attorney to the Planning Board  
Mark C. Taylor, Esq., Town Attorney  
Justin E. Dates, R.L.A., Maser Consulting, P.A.

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<sup>2</sup> In the alternative, if an extension cannot be granted as requested herein, the Applicant respectfully requests leave from this Board to submit an Application for Re-Site Plan Approval (or Renewed Site Plan/Amended Site Plan approval, as the case may be) for the proposed development because there has not been a substantial change in the conditions of the site, its environs and/or the zoning requirements since the Site Plan Approval was granted.