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

----- X
In the Matter of

GIBSON ESTATES
(2013-09)

122 Rock Cut Road
Section 47; Block 1; Lot 28.2
R-1 Zone

----- X

CONCEPTUAL FOUR-LOT SUBDIVISION

Date: May 16, 2013
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
KENNETH MENNERICH
JOSEPH E. PROFACI
THOMAS P. FOGARTY
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.
BRYANT COCKS
JOHN SZAROWSKI
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KEN LYTLE

----- X

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

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MR. PROFACI: The last item on tonight's agenda is Gibson Estates, project 2013-09, located at 122 Rock Cut Road, Section 47; Block 1; Lot 28.2, located in the R-1 Zone. It's conceptual four-lot subdivision being represented by Ken Lytle.

MR. LYTTLE: Good evening. This is a 6.1 acre parcel of property. The DEC wetland is on the eastern side of the property. It's located at 122 Rock Cut Road.

There's an existing dwelling on lot number 1. Bryant's comment brought up there's an 80 foot setback from the front to the base of the building, so we are required to go to the Zoning Board for that approval.

Regarding lot number 4, we were hoping actually to keep it which would require going to the Zoning Board also. It keeps it in line with the adjoining neighbor to the south and the next neighbor. It keeps them right in line. That would be to the benefit to do it that way.

Bryant also mentioned about the driveway. Again, there's currently a circular driveway. We met with Pat Kennedy from the

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County highway and he was in agreement. We're actually sharing this with the two middle lots and abandoning this so the existing house only has one driveway.

We're proposing individual wells and individual septics.

We met with the DEC and they have actually signed off on the wetland location.

I know I had spoke to Pat Hines and he was going to fax over the comments. I didn't receive those yet. I briefly spoke to him. I can get them. They were technical comments.

MR. SZAROWSKI: Sorry about that.

MR. LYTTLE: That's fine.

CHAIRMAN EWASUTYN: Do you have them?

MR. SZAROWSKI: I don't have his copy, unfortunately.

CHAIRMAN EWASUTYN: I have a copy. Here you go.

MR. LYTTLE: I don't know if the Board has any comments.

CHAIRMAN EWASUTYN: I think what Bryant will discuss is the need, at this point actually, to be referring it to the Zoning Board of

1
2 Appeals. And then the other thing that we want
3 to make clear on the record, and Jerry Canfield
4 will propose this with you, is the new septic
5 system being installed prior to the signing of
6 the maps.

7 Jerry.

8 MR. CANFIELD: Pat had brought up a
9 comment regarding the note and the relocation of
10 the existing septic. From an enforcement point
11 of view I would feel more comfortable, and I feel
12 it would be easier to enforce, if that relocation
13 was a condition of approval as opposed to being
14 hinged upon building permits or C of Os.

15 MR. LYTLE: So basically we would
16 install it, give you the sign off and --

17 MR. CANFIELD: Exactly. That would be
18 my recommendation to the Board, that it be a
19 condition of approval.

20 MR. LYTLE: I think Bryant brought up
21 something with the driveways. We'll do that at
22 the same time also.

23 CHAIRMAN EWASUTYN: Bryant Cocks, do
24 you want to review the variances that will be
25 needed for this?

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MR. COCKS: Sure. Before we start that, the 10,000 square foot buildable area, I know you said you were going to take a look at it. I don't know if you can fit that in on both of those lots in back.

MR. LYTTLE: The two lots in the rear, yes, I can definitely make some minor adjustments and make that happen. That's not a problem at all. Lot 4 was the real question. By going through the code it looks like, because there was actually no wetlands on this lot, we were able to use the adjoining area outside the setbacks. I think you wanted me to show in the hatched-in area where that building area would be.

MR. COCKS: Absolutely. With the lot configuration, why do you have those two access strips going back?

MR. LYTTLE: Lot 4 originally was created to get the extra acreage we needed. Minor adjustments. We can adjust it to make that happen. Lot 1 originally we had a different configuration. We tried to look at doing a possible sewer treatment plant at one time. We had a large number of lots compared to this.

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That actually still remains. We can adjust that and take that out.

MR. COCKS: But the lot --

MR. LYTLE: Lot 4 is going to have some part of it. We'll have to stop it short of the wetland. So I can use the 10,000 square foot area.

MR. COCKS: So the variances will be two front yard setback variances which have to be 60 feet on Rock Cut Road, and also, at the same time, the 80 foot from the center line of Rock Cut Road.

MR. LYTLE: That's correct. It makes sense, especially with the new lot. We're going to do smaller homes.

MR. DONNELLY: Which lot? Lot 1 is the one that has the pre-existing nonconforming; correct?

MR. LYTLE: Yes. Lot 4 would be the new proposed one.

MR. DONNELLY: 4 needs a required front yard and 80 --

MR. COCKS: 80 feet from the center line of Rock Cut. As far as variances and

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setbacks, I think those were the two main issues.

As mentioned, the abandonment of the driveway was going to be a major issue. That would be a condition of approval.

At the same time fill the septic in and the driveway. Me or Jerry will go out for a site visit just to see if the driveway is abandoned. If you sign the site plans there will be three dwelling units on the one lot and then you need that waiver. If you get that done --

MR. LYTLE: What I mentioned to Jerry is we have to do a septic as-built for the Town. Would it be difficult to get a septic permit? We'll do it on the overall lot.

MR. CANFIELD: We can give you a permit for that.

MR. LYTLE: We'll bring back the as-built map and show the driveway has been removed, then it's signed and sealed and filed, if that's okay.

CHAIRMAN EWASUTYN: Mike, I have a question for you at this point. The notice to the adjoining property owners within ten days before they appear before the Planning Board, is

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that initiated now or is that initiated after he goes before the ZBA?

My second question is the envelop that's addressed, which in this particular case is addressed in the affidavit that's presented by Zen Design, does it have a return address to the Planning Board or does it have a return address to Zen Design?

MR. DONNELLY: I would think you would want it to be the Planning Board. The applicant is providing the envelopes.

MR. COCKS: Mark Taylor also clarified. The adjoiner notice is sent by the applicant, you just get the affidavit.

CHAIRMAN EWASUTYN: Understood. That's what I'm discussing. Understood.

MR. COCKS: Okay.

MR. DONNELLY: I think the notice should be sent now.

CHAIRMAN EWASUTYN: Okay.

MR. LYTTLE: Return address, we'll put the Planning Board's address, in case there's any questions it will come back to you guys. Okay.

CHAIRMAN EWASUTYN: And you'll forward

1
2 a --

3 MR. DONNELLY: Referral letter.

4 Pre-existing front yard setback on lot
5 1 and two variances for lot 4, one is required
6 front yard and the other is 80 feet from the
7 center line of Rock Cut Road.

8 MR. LYTTLE: I think the 80 feet is
9 required for lot 1 also. Both of those. The
10 first one again is pre-existing on both of those
11 cases. Lot 4 as well. If we don't get it we can
12 actually adjust the house to make it work. It's
13 not a problem. We prefer to have it look that
14 way.

15 CHAIRMAN EWASUTYN: Anything else?

16 MR. CANFIELD: Just one thing. Also
17 Ken, the wetland area, this is also a flood zone.

18 MR. LYTTLE: Okay.

19 MR. CANFIELD: Okay. I think it's
20 panel 136. Take a look at that. It should be
21 delineated on the map as well.

22 MR. LYTTLE: Okay.

23 MR. CANFIELD: It's an AE Zone.

24 MR. LYTTLE: Not a problem.

25 CHAIRMAN EWASUTYN: All right.

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MR. LYTLE: Thank you.

CHAIRMAN EWASUTYN: I'll move for a motion to close the Planning Board meeting of the 16th of May.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward, a second by Tom Fogarty. I'll ask for a roll call vote starting with Ken Mennerich.

MR. MENNERICH: Aye.

MR. PROFACI: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.
Thank you.

(Time noted: 8:07 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.

DATED: May 31, 2013