

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

----- X  
In the Matter of

CARPENTER/LOPEZ LOT LINE CHANGE  
(2011-10)

Decker Road and Ulster Terrace  
Section 2; Block 2; Lots 22.31 & 31  
RR Zone

----- X

CONCEPTUAL TWO-LOT SUBDIVISION

Date: May 19, 2011  
Time: 7:10 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
BRYANT COCKS  
PATRICK HINES  
KAREN ARENT  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: PATRICIA BROOKS

----- X

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

1  
2 MR. BROWNE: Our next item of business  
3 is Carpenter and Lopez lot line change, project  
4 number 2011-10. This is a conceptual two-lot  
5 subdivision being represented by Brooks & Brooks,  
6 P.C.

7 MS. BROOKS: Good evening. My name is  
8 Patti Brooks and I'm representing the Carpenters  
9 and Lopezes for the property located on the  
10 westerly side of Decker Road. They currently  
11 have two improved lots totaling 2.09 acres in  
12 size. They are proposing a lot line revision of  
13 0.05 acres so that trees that were planted on the  
14 property of Carpenter will be located on their  
15 parcel after the completion of the lot line  
16 revision.

17 The property is located in the RR zone  
18 which currently has a requirement of 2 acres. At  
19 the point in time that the subdivisions were  
20 created back in 1987 and '88, there was a 1-acre  
21 lot requirement, so they now are pre-existing  
22 nonconforming lots.

23 CHAIRMAN EWASUTYN: Ms. Brooks, we'll  
24 take the opportunity now for Bryant Cocks, our  
25 Planning Consultant, to review with you the

1  
2 variances that will be necessary.

3 Bryant, please.

4 MR. COCKS: Sure. For the Carpenter  
5 lot, which is lot 22.31 and shown as lot 2 on the  
6 plans, the variances required will be for minimum  
7 lot area, minimum lot width, minimum one side  
8 yard setback, minimum both side yard setbacks,  
9 lot surface coverage and minimum front yard  
10 setback.

11 For the Lopez lot, which is lot 31  
12 shown as lot 1 on the plan, the variances  
13 required will be for minimum lot area, minimum  
14 lot depth, minimum rear yard and minute front  
15 yard setback. They should be listed in the bulk  
16 table.

17 MS. BROOKS: I do have a question,  
18 because after I reviewed the existing and the  
19 proposed bulk requirements, I had a question with  
20 regard to if I properly called where my front  
21 yard should be for lot 1. I made my front yard  
22 Decker Road because that was the existing Town  
23 road, but it also has frontage on Ulster Terrace,  
24 which is a private road, which is where the  
25 driveway accesses. So I'm at this point -- no

1 matter what I'm going to need variances  
2 obviously, but I wouldn't need the lot depth one  
3 if the frontage is on Ulster Terrace, but I then  
4 would need side yard setbacks. So I just -- I  
5 wanted to look at the code before I came this  
6 evening and I didn't get the opportunity to see  
7 whether when it's a corner lot, if the Town road  
8 prevails over the private road or if where your  
9 house is fronting prevails.  
10

11 MR. DONNELLY: They're both front  
12 yards.

13 MR. COCKS: Two front yards. Either  
14 way.

15 MS. BROOKS: So I may then need  
16 additional variances for my -- how do you decide  
17 where the front, rear and sides are then if  
18 they're both front yards?

19 CHAIRMAN EWASUTYN: Jerry Canfield,  
20 would you like to advise us, please?

21 MR. CANFIELD: Because it's a corner  
22 lot, it has two front yards. Both fronts have to  
23 comply with the front yard requirement.

24 MS. BROOKS: And how about who picks  
25 which is the side and --

1  
2 MR. CANFIELD: That's your option,  
3 which you want to be the side and the rear.

4 MS. BROOKS: So I may need to  
5 re-analyze this and consult with Bryant as to  
6 which one would require perhaps the fewer of the  
7 variances. Okay.

8 CHAIRMAN EWASUTYN: We won't then be  
9 able to make a motion this evening until that's  
10 decided. If you can present something to us in  
11 written form, then we would make that motion  
12 under Board Business at our meeting, I think it's  
13 June 6th, at which point then our Attorney, Mike  
14 Donnelly, will memorialize that in a letter that  
15 would be referred to the Zoning Board of Appeals  
16 for a reference.

17 CHAIRMAN EWASUTYN: Bryant, are we --

18 MR. HINES: June 2nd, John.

19 CHAIRMAN EWASUTYN: June 2nd. Thank  
20 you.

21 Would we be at a disadvantage now or  
22 can we move forward with circulating to the  
23 Orange County Planning Department and the Town of  
24 Plattekill?

25 MR. COCKS: Yes, I think we can. That

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

won't be a problem.

CHAIRMAN EWASUTYN: And what other agencies, interested agencies?

MR. COCKS: None.

CHAIRMAN EWASUTYN: Okay.

MR. DONNELLY: The requirement for Plattekill, I'm sorry John, is just a notification at least ten days before the public hearing. We don't have to do that one until we get closer, although you could send it more than ten days before.

CHAIRMAN EWASUTYN: What would you recommend?

MR. DONNELLY: I think we've usually done it in the public hearing notice cycle to make sure it's there relatively recently before, because it could be a month or more down the road and it might not stand out much as if you sent it two weeks in advance.

CHAIRMAN EWASUTYN: In this case, with the variances, there could be a lapse in time. You're correct.

Ms. Brooks, if you would make it a point to get copies -- a copy of the map to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Bryant Cocks, our Planning Consultant, and he'll circulate to the Orange County Planning Department.

I'll move for a motion from the Board to have Bryant Cocks circulate to the Orange Count Planning Department and to set this up for Board Business at the June 2nd meeting.

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 starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

Thank you for your time.

MS. BROOKS: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Time noted: 7:15 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.

---

DATED: June 21, 2011