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

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In the Matter of

G.D.K.
(2013-19)

20 Bauer Lane
Section 12; Block 1; Lot 6
AR Zone

----- X

TWO-FAMILY RESIDENCE - INITIAL APPEARANCE

Date: October 17, 2013
Time: 7:56 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.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

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

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G.D.K.

MR. BROWNE: Our next item of business is G.D.K., project number 2013-19. It's a two-family house. Again it's the initial appearance. Jonathan --

MR. CELLA: Cella. Good evening. We're here for site plan approval for a two-family residence located at 20 Bauer Lane.

The current owners purchased the property in 2012 at which time it was a two-family. They did a title report and there were no issues that came back at that time. It's located in the AR district.

It requires 100,000 square feet for a two-family residence and we only have 30,000 square feet.

We're not proposing any changes to the building or the appearance of it. We submitted photos that we would hope would be sufficient for architectural review.

We need a referral to the Zoning Board of Appeals for the required variances.

We provided an additional expansion area for the residence for the septic system. Should there ever be a problem, we're showing

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G.D.K.

that there's sufficient area for a hundred percent reserve.

The photos show that the residence appears to be a single-family with one entrance facing Bauer Lane and another entrance on the south side of the property.

What happened is the building is also 2,300 square feet so it meets the requirements for the 1,000 square foot apartment -- for each apartment being 1,000 square feet. It meets that requirement.

We had an updated survey conducted in July 2013, this summer, by Darren Stridiron who will be reviewing the plans and he'll sign them before we come back.

They went to refinance the house and that's when this issue had arisen. We provided County records which show it's being taxed as a two-family residence currently. He also has receipts from the current taxes which show again that it's being taxed as a two-family residence.

CHAIRMAN EWASUTYN: John, would you outline the variances that will be needed for referral to the Zoning Board?

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G.D.K.

MR. CELLA: We need lot area. We have 30,000 square feet and there's 100,000 square feet required. We need lot width, 200 feet required, 100 feet provided. Front yard, 50 feet required, 23 feet provided. Side yard, 30 feet required, 14 feet provided. Total side yard, 80 feet required, 42 feet provided.

CHAIRMAN EWASUTYN: Thank you.

Jerry, do you have anything to add at this point?

MR. CANFIELD: No. I think the applicant's representative has a pretty accurate description of what's transpired. Prior to this owner there was a lot of history with this property, with it being a single family, then a two-family, the kitchen being removed and what have you. And yes, he's correct, in 2013 there was a title search request done on the property and that's how it was discovered. Even though the property is listed as a two-family, the assessor's office I believe did that. The applicant and the previous owners were paying taxes as a two-family, however at some point in or around early 2000 it was converted to a two-

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family without the proper permits. I think the current owner has tried to do the right thing to get a C of O for a two-family. He did accurately describe the variances that are needed.

I think Pat may have some questions or comments on the septic --

MR. HINES: Yeah.

MR. CANFIELD: -- and the design. That's all I have on it.

MR. HINES: There appears to be some discrepancy. In some spots it's a four-bedroom. In your narrative you're saying it's a six-bedroom. The septic system design looks like it's a six-bedroom.

MR. CELLA: We provided the expansion area as a six-bedroom. Right now it's a four-bedroom. They just -- maybe if we want to add an additional bedroom, if they are going to go through the construction of a new field they would probably increase the size of it.

MR. HINES: It is four-bedroom as it exists today?

MR. CELLA: Currently, yes.

MR. HINES: We need to clean that up on

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the plans.

MR. CELLA: We'll clean that up. That's not a problem.

CHAIRMAN EWASUTYN: Anything else?

MR. HINES: That's it.

CHAIRMAN EWASUTYN: Questions from Board Members. John Ward?

MR. WARD: No.

MR. FOGARTY: No. I have no questions at this point.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: Jerry, you wanted to add something?

MR. CANFIELD: If there is a proposal to add a couple bedrooms, of course a permit is required.

MR. CELLA: Yes.

MR. CANFIELD: A suggestion may be if that's your near hopes and dreams or proposal, you may want to include that now so it can be addressed at the Zoning Board level.

MR. CELLA: So if we increase the bedroom count, does that require Planning approval?

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MR. CANFIELD: It depends on how you obtain that. If you put an addition on, it may impact your setbacks. If you're going to do it internally, then I'm sure the Zoning Board is going to want to know the septic requirements and design.

MR. CELLA: It will all be internal.

MR. CANFIELD: Even if you do it internally, you're still going to need a building permit.

MR. CELLA: Right. My question was -- I know you mentioned we'll need architectural review even though it's an existing --

CHAIRMAN EWASUTYN: I think photos are fine. It's existing.

MR. CELLA: Okay.

MR. MENNERICH: If they did expand and add bedrooms, couldn't that affect some of the variances?

MR. CANFIELD: If they increase the building footprint. I think what I'm hearing is that they propose to do it internally.

MR. MENNERICH: Okay. I missed that.

MR. HINES: Because you need so many

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variances, any change in the footprint after you receive those variances will require you to do that again. If you intend on doing external ---

MR. CELLA: We're not going to do external.

MR. HINES: Then it's not an issue.

CHAIRMAN EWASUTYN: I'll move for a motion from the Board to have Mike Donnelly prepare a referral letter to the ZBA for the five variances that will be required for the applicant.

MR. WARD: So moved.

MR. GALLI: Second.

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

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. CELLA: Thank you.

(Time noted: 8:04 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: November 10, 2013



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)
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**TOWN OF NEWBURGH
PLANNING BOARD
REVIEW COMMENTS**

PROJECT: G.K.D. PROPERTIES LLC TWO FAMILY
PROJECT NO.: 13-19
PROJECT LOCATION: SECTION 12, BLOCK 1, LOT 6
PROJECT REPRESENTATIVE: JONATHAN CELLA, P.E.
REVIEW DATE: 11 OCTOBER 2013
MEETING DATE: 17 OCTOBER 2013

1. Applicant is proposing a two family dwelling in the AR Zone. AR Zone requires 100,000 square feet for a two family dwelling, while the subject parcel has approximately 30,500 square feet. Compliance with other zoning bulk table requirements must be documented on the plan.
2. Number of bedrooms should be identified such that adequacy of the subsurface sanitary sewer disposal system can be determined.

Respectfully submitted,

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

Patrick J. Hines, Associate

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