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

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In the Matter of

MACKAY LOT LINE CHANGE
(2013-16)

70 Colden Hill Road
Section 47; Block 1; Lots 8.2 & 8.3
R-2 Zone

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LOT LINE CHANGE

Date: September 19, 2013
Time: 7:46 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

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

APPLICANT'S REPRESENTATIVE: GILL MACKAY

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

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MR. BROWNE: Our next item of business is Mackay lot line change, project number 2013-16. It's a lot line change and initial appearance. This is being presented by Alphonso --

MR. MACKAY: No. It's being presented by myself. I'm the homeowner.

Do you want the survey up here?

CHAIRMAN EWASUTYN: That's fine. You can put it on the board. We're going to discuss it now. You are Gill Mackay?

MR. MACKAY: Yes. Basically it's a property that involves my lot and my sister-in-law's lot. Basically the whole parcel here was purchased by my mother and father back in 1955. The existing house that my sister-in-law lives in was my mom and dad's original house. Back in the '70s my dad gave myself and my brother each a half an acre to build a house on, which we did. In the '90s my mom passed away. My father predeceased her. The house was inherited by my brother John. He passed away about four years ago. The house my sister-in-law now resides in the house. She has

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MS and my wife and I are her caretakers. My other brother Sandy passed away back the latter part of the '90s as well. His wife passed away. Their son passed away and the son's wife is the one that lives in the house now.

The purpose of the lot line change is in the eventuality that my sister-in-law becomes in need of more medical care and out-uses whatever funds she has to take care of herself, you know, usually if it comes to that stage the house will have to be sold and the proceeds used for her furtherance of care. What I'd like to do, since it was the original family property, and I've talked to my sister-in-law about this, obviously, and she has no problem with it, is to do the lot line change so the couple of acres that's in the back of the property would be turned over and deeded into my property. That's basically it in a nutshell.

The lot line change does create I think a total of six variances that are delineated in a narrative that each of you has, a couple side lot size variances and I think some frontage -- one other. That's basically it in a nutshell.

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CHAIRMAN EWASUTYN: Thank you, Gill. At this point Jerry Canfield, code compliance, and Pat Hines, our planning consultant, will give conversation on the necessary variances and the current zoning.

MR. CANFIELD: The variances that Pat has cited are accurate and correct.

One item, it's in an R-1 Zone, not an R-2. The difference is that -- the bulk use tables that are utilized there are correct. The difference between an R-1 and R-2, R-2 allows for exceptions with water and sewer, smaller lot sizes. That's not the case here. It's just a clean-up item.

Pat has the zoning requirements, the variances that are required for both lots, which I believe Larry has acknowledged as well. So if Pat wants to go through those.

MR. HINES: Our first comment, we're just suggesting note 4 be changed, which states strip of land within 25 feet of Colden Hill Road is offered for dedication. We're suggested it say 25 feet within the center line rather than 25 feet of the road.

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The variances that are required are going to be for lot 8.2, it requires a lot area variance, a lot depth -- a lot width variance and one side yard. Lot 8.3 requires the lot width variance, one side yard and both side yards.

CHAIRMAN EWASUTYN: Okay. Gill, what will happen is Mike Donnelly, Planning Board Attorney, will prepare a letter.

Mike, why don't you explain --

MR. DONNELLY: Yes. I'll send a letter to the Zoning Board of Appeals asking them to entertain an application for the six variances that Pat Hines just listed. You will have to separately apply to the Zoning Board for those area variances but the letter will come from us as well. I'll send a copy of it to you.

MR. MACKAY: Okay. I'm assuming there's an application for that or is this --

MR. DONNELLY: Yes.

MR. MACKAY: -- in itself the application?

MR. DONNELLY: You will need to fill out an application.

CHAIRMAN EWASUTYN: Jerry Canfield,

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will you explain how he applies to the ZBA?

MR. CANFIELD: You have to contact the Zoning Board of Appeals. They're in the building department next door. Betty Generralli is the secretary, she can give you the application and explain the application and the fees. As Mike stated, the letter of referral, so to speak, from the Planning Board will pretty much outline what the variances are that you need.

MR. MACKAY: Okay. Very good.

CHAIRMAN EWASUTYN: Gill, you have the nicest Hemlock going up the side of your property I've ever seen.

MR. MACKAY: Thanks a lot. I had to top them last year.

CHAIRMAN EWASUTYN: I've never seen a Hemlock quite like that. Great job.

MR. MACKAY: Thank you. We take pride in the property.

CHAIRMAN EWASUTYN: Obviously.

MR. MACKAY: Thank you.

MR. MENNERICH: I think we should make a motion to refer this to the ZBA.

CHAIRMAN EWASUTYN: Do you want to make

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that motion?

MR. MENNERICH: I'll make that motion.

CHAIRMAN EWASUTYN: I have a motion by
Ken Mennerich. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: A second by Frank
Galli. I'll ask for a roll call vote.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. DONNELLY: I'll send the letter.

(Time noted: 7:53 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: October 11, 2013