

CERTIFICATION

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.

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DATED: December 26, 2010

MICHELLE L. CONERO - (845)895-3018

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

In the Matter of

RUSSELL AND LEE SITE PLAN  
(2011-27)

164-166 South Plank Road  
Section 64; Block 4; Lot 21.0  
B Zone

CONCEPTUAL SITE PLAN

Date: December 1, 2011  
Time: 7:34 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  
JOSEPH E. PROFACI  
THOMAS P. FOGARTY  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANTHONY COPPOLA

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

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MR. BROWNE: The next item of business we have is Russell and Lee Site Plan, project number 2011-27. This is a conceptual site plan being presented by AJ Coppola.

MR. COPPOLA: Thank you. My name is AJ Coppola and I'm the project architect. This is John Russell with me tonight. He's the owner of the property.

Basically this is -- we're here for site plan approval for three existing buildings and two accessory structures on a 1.2 acre site at 164-166 South Plank Road.

This process started when John visited the Building Department inquiring about the existing certificates of occupancy. That prompted a response from the Building Department, which we included in the application, stating that basically we would need to go in front of the Planning Board because of the pre-existing nonconformity here, which I'm going to try and outline in a minute.

So we are not proposing any new building, any new expansion of any of the existing footprints. We basically want to

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clarify and get approved, and maybe even go back to what was the original -- what the building department has of the original occupancies. Maybe that would be an option to clarify and kind of legalize everything, everything that's here.

So in summarizing what we have, the three main buildings, there's an existing house, there's the main building which is called building number 2. That's the one in the center. There's the third building on the east side of the property. There's also two accessory structures in the back, one is the garage and one is a storage building further in the back. So basically I've charted out all of the existing occupancies. That's what I think the Building Department has as a matter of record, what it's currently being occupied at and what the proposed use is at. We've sat down and met with the Building Department once, and talked to the assessor's office actually too.

So the single-family house, that's building number one, that they have -- the Building Department has that as a single-family house. It's currently occupied as a single-family

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<p>1 41  2 house, and that's the proposed use. So we want  3 no change with that building.  4 The building in the center, the larger  5 building, was originally used as a florist shop.  6 I think that's the legal use as far as the  7 Building Department records. It was originally  8 used as a florist, and John had actually gotten a  9 building permit in 1994 --  10 MR. RUSSELL: `97.  11 MR. COPPOLA: -- I'm sorry, `97 to  12 expand that use. There were two building permits  13 over the years.  14 MR. RUSSELL: There were two  15 greenhouses I got permits for.  16 MR. COPPOLA: So they were open and  17 closed in the `90s. It was a florist at that  18 time.  19 MR. RUSSELL: Yes.  20 MR. COPPOLA: Up until 2006 it was  21 occupied as a church. So that was an assembly  22 use. That use has recently left, so it's no  23 longer occupied as a church. Basically we're  24 proposing more or less the original use which  25 would be primarily a retail use. I labeled it as  MICHELLE L. CONERO - (845)895-3018</p>	<p>1 43  2 cost in terms of bringing the sprinkler to either  3 of those two commercial buildings.  4 So basically, you know, in terms of the  5 site, I've tried to lay it out as best I could  6 within the existing pavement lines. I understand  7 we have the comments from Pat, I have the  8 comments from Bryant, and I understand that we're  9 tight and to a certain extent nonconforming on  10 some of those dimensions and distances.  11 Basically we're -- I'm using everything that's  12 there. There's an existing two-way entrance that  13 is on the left side of the property and then the  14 entrance in front of the florist shop is  15 basically not defined at all, that's just right  16 off of South Plank Road. You pull into the  17 parking there.  18 We're proposing a little bit of  19 landscaping in the front. There is a green strip  20 there. We're proposing site lighting and we are  21 proposing the striping in the definition of the  22 parking -- of the existing parking.  23 So in terms of the parking -- I'm sure  24 we'll get into a discussion about everything  25 that's nonconforming. Just in terms of the  MICHELLE L. CONERO - (845)895-3018</p>
<p>1 42  2 office/retail but that building is probably much  3 more applicable for what it was originally used  4 for, as a mercantile or retail use. That's what  5 our proposed use is. Currently that building is  6 vacant.  7 The third building originally was used  8 -- actually, according to the Building Department  9 record, that is originally a single-family house.  10 I don't think that was ever converted to that use  11 over the years. It's been used as an office. It's  12 currently used as a florist shop. Again, we  13 probably view that as our proposed use as retail  14 or retail/office. So that I think has the most  15 -- that would be a definite change of occupancy I  16 think. So that's kind of where we're starting  17 from.  18 Part of the discussion I think we'd  19 like to have tonight, or maybe even at a workshop  20 session, one of the things that plays into our  21 plans in a big way is the Town's sprinkler  22 ordinance. I think we probably want to have a  23 discussion with Jerry about that at some point,  24 what buildings would fall under that requirement,  25 because that of course is a main construction  MICHELLE L. CONERO - (845)895-3018</p>	<p>1 44  2 parking, I calculated 25 spaces required and 18  3 proposed as far as what I could fit on the  4 pavement. That's basically it.  5 CHAIRMAN EWASUTYN: Let's step back  6 from what you just said. Everything that's  7 nonconforming, and Bryant Cocks will speak with  8 you on that now. In order to determine what is  9 nonconforming, we need to know the use and apply  10 that use to what would be the standard or the  11 requirement.  12 Bryant, would you speak?  13 MR. COCKS: In regards to the accessory  14 structures, in the B Zone the retail use is not  15 allowed to have an accessory structure. So that  16 would be an additional variance on top of what I  17 have listed. If the accessory structure is on  18 top of a single-family home, then it wouldn't be  19 allowed. Since you did indicate it was going to  20 be retail use, then that would be --  21 MR. COPPOLA: Well, that's a question I  22 don't really know what the answer is. The  23 single-family home we still want to have there.  24 MR. COCKS: Yeah. I'm saying the  25 accessory structures that go along with that.  MICHELLE L. CONERO - (845)895-3018</p>

1 45  
2 You either have to -- there are three separate  
3 accessory structures on there, which if they were  
4 tied -- if you were using those for storage for  
5 the retail use, that wouldn't be allowed in the B  
6 Zone. We would need to pin that down. If that's  
7 going to be retail, then that would have to be  
8 one of the variances if you intended to use that  
9 for storage.  
10 MR. COPPOLA: Are they used for the  
11 house, the garage and the --  
12 MR. RUSSELL: The storage in the back  
13 is the house. The garage, there's nothing there.  
14 There's nothing in the garage really. There's no  
15 storage. It's completely empty. The reason  
16 being it gets flooded. It doesn't get really  
17 used. When I had the flower shop I did use it to  
18 make flowers. It's flooded. Especially the last  
19 flood it was completely flooded. Really there's  
20 nothing in there at this present in time. I'm  
21 really almost about ready to take it down because  
22 the flooding is so bad. The only thing that the  
23 house uses -- it's like a shed in the back, that  
24 one frame thing. It's a texture 111 around it.  
25 It's just a shed.  
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1 46  
2 MR. COPPOLA: I mean could we state  
3 it's for use by the house and then --  
4 MR. COCKS: Yeah. If you're going to  
5 take it down, that would be fine. Or if you can  
6 put notes on the plans stating what that  
7 accessory use would be tied to, that would  
8 eliminate that.  
9 The area variances that will be  
10 required for the site are two front yard setbacks  
11 for the two proposed office/retail buildings, a  
12 side yard setback for building 3, a side yard  
13 setback for building 1, both side yard setbacks,  
14 rear yard setback on building 3, and a parking  
15 variance for only showing 18 spaces when 25 are  
16 required.  
17 MR. COPPOLA: I mean just to ask a  
18 question, if this building number 2 was  
19 originally used as a florist, which I think is a  
20 mercantile or retail use, and that's the only  
21 thing we would want it to be used for, does that  
22 come out of the equation in terms of the setbacks  
23 or in terms of anything?  
24 MR. DONNELLY: Whenever you change a  
25 use on a site that has noncomplying buildings,  
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1 47  
2 which you're doing for the upper most building  
3 there, that triggers, under 185-19 C-2, a loss of  
4 the noncomplying building protection and the  
5 requirement that you get a variance. So really  
6 returning the middle building to some earlier  
7 historical use doesn't solve your problem because  
8 you're proposing to use one of the other  
9 buildings for a change in use.  
10 MR. COPPOLA: Okay. So in terms of  
11 everything, the parking, the setbacks, it's all  
12 gone because of the other building?  
13 MR. DONNELLY: Correct.  
14 MR. COPPOLA: Or because of the other  
15 use?  
16 MR. DONNELLY: Yes.  
17 MR. COPPOLA: Okay.  
18 MR. COCKS: I do have a couple of  
19 additional comments. On the single-family home,  
20 how are you proposing to access that? Right now  
21 there's no driveway shown and there's no parking  
22 spaces for --  
23 MR. COPPOLA: I mean I'll show  
24 something. I didn't show anything to the front  
25 door. I'm not sure if there's anything now.  
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1 48  
2 MR. RUSSELL: There's a sidewalk to the  
3 side and -- there's a sidewalk to the side going  
4 to the -- that's really coming out of the house.  
5 There is a sidewalk coming out to the parking  
6 lot.  
7 MR. COPPOLA: I will show that. It  
8 didn't get picked up in the survey. I will show  
9 that.  
10 The parking, I do show 2 parking spaces  
11 out of the 25. I mean I could label them for use  
12 by residents or put a sign up.  
13 MR. COCKS: Yeah. I would think you  
14 would have to have some type of label. I know  
15 there are concerns about the existing parking lot  
16 and what's proposed here. I mean I think Pat  
17 mentioned the turning radius for it. It's going  
18 to be kind of hard for people to get in and out  
19 of this parking lot, especially with having a  
20 residence there. I mean it's going to be a tough  
21 situation.  
22 One other thing about the parking lot  
23 is the Planning Board has been requiring  
24 applicants to upgrade existing parking lots to  
25 current standards. So now we're talking about  
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1 49  
2 drainage, and curbing, and paving. I don't know  
3 if that's going to even make it a little tighter.  
4 So you're going to have to take a look at the  
5 turning movements and how that's going to  
6 function there.  
7 MR. COPPOLA: Well now that we have  
8 your comments, we'll take a look at that,  
9 including Pat's comment about the stuff that --  
10 the dimensions that are tight. I mean I know  
11 what they are. We'll see what we can do to  
12 address those. It may mean we lose a parking  
13 space, but we'll do that.  
14 MR. COCKS: Those are my major issues  
15 for the conceptual approval.  
16 CHAIRMAN EWASUTYN: Pat Hines, Drainage  
17 Consultant?  
18 MR. HINES: Our initial comments are  
19 once you make it to the Zoning Board, we wanted  
20 to list some of the other issues that the Board  
21 is going to have there. One Bryant just  
22 mentioned, the Town's policy of upgrading  
23 commercial parking lots, as they come in for new  
24 uses, to the Town standard of putting in curbing,  
25 the appropriate striping required by the zoning,  
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1 50  
2 and paving which often times dominos into a  
3 drainage issue. You may be able to put some drop  
4 curbs in rather than a closed pipe drainage  
5 system. That's something you can look at. The  
6 Town does require commercial parking spaces to be  
7 conventionally curbed for definition of traffic  
8 control and drainage control.  
9 We talked about the number of parking  
10 spaces.  
11 The Board needs to submit this to DOT.  
12 I would be surprised if DOT allowed the current  
13 configuration of vehicles backing out into Route  
14 52 in front of building 3. It certainly doesn't  
15 meet any of their policies or standards, so there  
16 may be some requirements that they have. We're  
17 suggesting you meet with them sooner rather than  
18 later as you progress here to see what they will  
19 allow. Typically they allow one entrance drive  
20 through a commercial property. Again, they may  
21 allow some existing configurations to remain.  
22 It's just kind of a red flag that there may be  
23 some significant changes required. There may  
24 not. It's DOT's jurisdiction.  
25 We talked about the accessory  
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1 51  
2 structures. I have the same comments.  
3 Then the parking. The 60 foot width is  
4 an issue you need to take a look at.  
5 There's two-way traffic shown between  
6 building 2 and the residential but only an  
7 eleven-foot wide width. That may need to be  
8 changed to a one-way. Or the planting in front  
9 that exists there, the existing tree to remain  
10 may need to be modified to allow adequate vehicle  
11 access in and out of there. I think a lot of  
12 that is going to hinge on what DOT is going to  
13 allow to remain after you have this change of use  
14 approved.  
15 MR. COPPOLA: Well we'll do that first.  
16 That may affect the number of parking spaces in  
17 front of this building if I have an entrance.  
18 MR. HINES: Once you're at the ZBA  
19 there are some other issues out there that need  
20 to be addressed. That's all we have.  
21 MR. COPPOLA: I guess I have another  
22 question. Again, maybe this should be for you  
23 Jerry. We sat down with Joe Matina, and this  
24 building number 3, the one that was originally a  
25 single-family house, it's now a florist, he said  
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1 52  
2 that we couldn't even return it to a single-  
3 family house.  
4 MR. DONNELLY: That's correct.  
5 MR. COPPOLA: Okay.  
6 MR. DONNELLY: Single-family homes are  
7 not allowed in this zone. Those that already  
8 exist are permitted to remain. Once they lose  
9 that character and stop being a single-family  
10 home, they can't go back.  
11 MR. COPPOLA: My question is where am I  
12 starting with that? I can't go back to what it  
13 originally was. I have nothing on that.  
14 MR. DONNELLY: I think that's part of  
15 the problem. That's what I said, that triggers  
16 the need because you're proposing a change in  
17 use.  
18 MR. COPPOLA: You can't go back.  
19 MR. DONNELLY: Well you can get a use  
20 variance.  
21 MR. COPPOLA: That's what we're afraid  
22 of.  
23 MR. DONNELLY: You can apply for a use  
24 variance.  
25 MR. HINES: I think you're in the same  
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1 53  
2 situation on building 2, that lost its retail  
3 component and went to a church or something.  
4 MR. COPPOLA: None of that was ever  
5 memorialized or --  
6 MR. HINES: But you stopped that use  
7 for more than a year and it loses that  
8 protection.  
9 MR. COPPOLA: The use is allowed. It's  
10 allowable in the zone, the retail is.  
11 MR. HINES: You gave that use up and  
12 now you're changing it back. You can't have, for  
13 lack of a better term, illegal use for several  
14 years and say I'm going to go back to whatever --  
15 MR. DONNELLY: AJ was trying to find a  
16 way, if possible, if he returned everything to  
17 some prior status, would he not need to get  
18 variances for the buildings. The answer to that  
19 is it's not possible to return things to a prior  
20 nonconforming status because you've lost the  
21 ability to use building 3 as a single-family  
22 home.  
23 MR. COPPOLA: Right. But just so I  
24 understand this and try and explain this again in  
25 front of the Zoning Board when I get there, let's  
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1 54  
2 say building number 2 were on its own lot and it  
3 was a simpler thing, I could just return that to  
4 a retail use, correct Jerry, and I wouldn't be  
5 here?  
6 MR. DONNELLY: If it had some approval.  
7 MR. COPPOLA: It's got to start with  
8 something. If it was used for -- according to  
9 the -- I mean according to your records, I  
10 believe it was a florist shop. That's what our  
11 discussion was with Joe. So in a simpler world,  
12 if that was alone, I would still have that use.  
13 I mean I understand it's very complicated because  
14 I have other things going on here.  
15 MR. DONNELLY: You're saying you have a  
16 piece of property and it's been around so long it  
17 had no approvals and it had a certain set of  
18 uses. The building in which those uses were  
19 housed were noncomplying as to both. I think the  
20 answer to the question is you could continue on  
21 without any problem. Again, in your example, if  
22 the center building were the only building there  
23 and that was the situation, I think your  
24 protection would continue. When you changed it  
25 away from a florist and turned it into a church,  
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1 55  
2 and you now propose to bring it back to a  
3 florist, I don't think, but the Zoning Board may  
4 have to make the call, that that would entitle  
5 you to return to the protection because the  
6 protection was based upon it continuing.  
7 Whenever you change the use, that protection is  
8 lost. I think it's academic here because  
9 building 3 --  
10 MR. COPPOLA: Yeah.  
11 MR. DONNELLY: -- is clearly out of the  
12 picture anyway.  
13 MR. COPPOLA: That's what you're saying  
14 is triggering in effect anyway for the whole lot,  
15 the house, the accessory structures and the whole  
16 ball of wax?  
17 MR. DONNELLY: Yes.  
18 MR. COPPOLA: I mean if you still have  
19 workshops, I mean I think we would probably ask  
20 to go to that. What I'm planning on doing is --  
21 I mean we'll contact DOT, we'll see what they say  
22 about this entrance here, what they want to do  
23 with that. The parking lot -- the number of  
24 parking spaces is going to change. It may change  
25 because of what's happening in front of this  
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1 56  
2 building, and maybe I have to change it to make  
3 it more conforming in terms of the distances  
4 here. I'll take a look at Pat's comments. I  
5 would probably like to address that. I may come  
6 back to a workshop and talk this out and then go  
7 to the Zoning Board after that. I mean --  
8 MR. DONNELLY: It doesn't make sense to  
9 go to the Zoning Board yet because the parking  
10 you have to return if it changes.  
11 MR. COPPOLA: Right.  
12 CHAIRMAN EWASUTYN: At the same time  
13 you won't go to the Zoning Board until you meet  
14 with the DOT to see if you're going to be moving  
15 some parking spaces.  
16 MR. COPPOLA: I'll start with that.  
17 CHAIRMAN EWASUTYN: The purpose of the  
18 consultants' meeting isn't to have the  
19 consultants help you design the property.  
20 MR. COPPOLA: Well no. I mean I  
21 understand what Pat's comments are here. I'm  
22 trying to make this work on the existing  
23 pavement, like 59 feet and it should be 64 feet.  
24 But if I can come up with an acceptable layout,  
25 I'll at least know my number of parking spaces.  
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1 57  
 2 It's probably not going to affect anything else  
 3 aside from that. I mean the setbacks are the  
 4 setbacks. I may have other bulk -- the parking  
 5 spaces would be the only wild card I think in  
 6 terms of the Zoning Board. Everything else will  
 7 be the same.  
 8 MR. COCKS: I would think so.  
 9 CHAIRMAN EWASUTYN: Signage you'll  
 10 worry about at a later date.  
 11 MR. RUSSELL: I have a permit for a  
 12 sign out front. I got that in '95. Does that  
 13 not work?  
 14 CHAIRMAN EWASUTYN: I don't know if  
 15 you're proposing new signage for the property.  
 16 MR. RUSSELL: All right.  
 17 MR. COPPOLA: I don't think we are  
 18 proposing new signage.  
 19 MR. RUSSELL: No. Just the original  
 20 sign.  
 21 CHAIRMAN EWASUTYN: At some point in  
 22 time you'll have to show what is on the site.  
 23 Jerry Canfield, Code Compliance?  
 24 MR. CANFIELD: We talked quite a bit  
 25 about the zoning requirements. Anthony, there's  
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1 58  
 2 an additional yard requirement, a front yard  
 3 requirement on State and County roads. The front  
 4 yard requirement is 60 feet. It can be as little  
 5 as 50 feet if a building on each side within 300  
 6 feet is an average, which is closer. If you look  
 7 at 185-18, that talks about additional yard  
 8 requirements. We can talk about that at the  
 9 consultant meeting if it goes that way.  
 10 This is not a requirement but just an  
 11 advisement, if you don't already know, that this  
 12 is in a flood zone. I'm sure you've experienced  
 13 water there like everyone else along that stream.  
 14 Because there's no change to any of the  
 15 footprints or any of the buildings, there's no  
 16 requirement other than just advising you that you  
 17 are in a flood zone.  
 18 The sprinkler requirement that you had  
 19 mentioned we can discuss also in the work session  
 20 if we go that way. Basically the way it is,  
 21 there is an exemption for 2,500 square feet and  
 22 below in office occupancy.  
 23 MR. COPPOLA: Right.  
 24 MR. CANFIELD: That's the only  
 25 exception, though.  
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1 59  
 2 MR. COPPOLA: Right.  
 3 MR. CANFIELD: Anything retail or  
 4 anything other, it applies. Because it is a  
 5 local ordinance, there is a variance process  
 6 available to you.  
 7 MR. COPPOLA: Okay.  
 8 MR. CANFIELD: That's all I have.  
 9 CHAIRMAN EWASUTYN: Bryant, what is the  
 10 date for the next consultants' meeting?  
 11 MR. COCKS: December 27th.  
 12 CHAIRMAN EWASUTYN: December 27th.  
 13 Okay. Before I poll the Board Members if they  
 14 want to set this for a consultants' work session  
 15 on the 27th of December, do the Board Members  
 16 have any questions or comments? Frank Galli?  
 17 MR. GALLI: No additional.  
 18 CHAIRMAN EWASUTYN: Cliff Browne?  
 19 MR. BROWNE: Just with everything  
 20 concerned on this, I don't know, it just kind of  
 21 crossed my mind, would it make any sense to  
 22 destroy the property and start with a real  
 23 commercial entity of some sort? Just a thought  
 24 to throw out there.  
 25 MR. RUSSELL: The thing is I probably  
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1 60  
 2 shouldn't have done anything. I tried to fix up  
 3 the property and make it nicer. It was a  
 4 mistake.  
 5 MR. BROWNE: Things happen. Other than  
 6 that, no.  
 7 MR. RUSSELL: I mean you're going to  
 8 knock it all down? Maybe just sell it.  
 9 CHAIRMAN EWASUTYN: Ken Mennerich?  
 10 MR. MENNERICH: What is the one-story  
 11 frame building that's off to the left?  
 12 MR. RUSSELL: It's just a shed. It's  
 13 just a shed. It's like a tool shed.  
 14 CHAIRMAN EWASUTYN: Joe Profaci?  
 15 MR. PROFACI: No questions at this  
 16 time.  
 17 MR. FOGARTY: Should you get the  
 18 information from the DOT before you have the work  
 19 session?  
 20 MR. COPPOLA: Well, I was going to --  
 21 that's where I was going. I was going to say set  
 22 me up for that date. She's impossible to  
 23 predict. This may go to the Poughkeepsie office.  
 24 I don't know with the DOT. I absolutely need  
 25 that information before --  
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1 61  
 2 MR. FOGARTY: For the work session.  
 3 MR. COPPOLA: I'll try. It may -- I'll  
 4 stay in contact with Bryant. Maybe it's January,  
 5 you know. So yeah.  
 6 MR. FOGARTY: Thank you.  
 7 CHAIRMAN EWASUTYN: John Ward?  
 8 MR. WARD: No comments.  
 9 CHAIRMAN EWASUTYN: Okay. I'll move for  
 10 a motion to set the Russell and Lee Site Plan  
 11 for the consultants' work session on the 27th of  
 12 December.  
 13 MR. PROFACI: So moved.  
 14 MR. GALLI: Second.  
 15 CHAIRMAN EWASUTYN: I have a motion by  
 16 Joe Profaci. Frank, you had the second?  
 17 MR. GALLI: Yes.  
 18 CHAIRMAN EWASUTYN: A second by Frank  
 19 Galli. I'll move for a roll call vote starting  
 20 with Frank Galli.  
 21 MR. GALLI: Aye.  
 22 MR. BROWNE: Aye.  
 23 MR. MENNERICH: Aye.  
 24 MR. PROFACI: Aye.  
 25 MR. FOGARTY: Aye.  
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1 62  
 2 MR. WARD: Aye.  
 3 CHAIRMAN EWASUTYN: Aye. Okay.  
 4 MR. COPPOLA: Thank you.  
 5  
 6 (Time noted: 8:00 p.m.)  
 7  
 8 CERTIFICATION  
 9  
 10 I, Michelle Conero, a Shorthand  
 11 Reporter and Notary Public within and for  
 12 the State of New York, do hereby certify  
 13 that I recorded stenographically the  
 14 proceedings herein at the time and place  
 15 noted in the heading hereof, and that the  
 16 foregoing is an accurate and complete  
 17 transcript of same to the best of my  
 18 knowledge and belief.  
 19  
 20  
 21  
 22  
 23  
 24 DATED: December 26, 2011  
 25  
 MICHELLE L. CONERO - (845)895-3018

1 63  
 2 STATE OF NEW YORK : COUNTY OF ORANGE  
 3 TOWN OF NEWBURGH PLANNING BOARD  
 4 ----- X  
 5 In the Matter of  
 6  
 7 GOLDEN VISTA  
 8 (1999-33)  
 9 Meadow Hill Road  
 10 Section 60; Block 1; Lot 9  
 11 R-3 Zone  
 12 ----- X  
 13 AMENDED SITE PLAN  
 14 Date: December 21, 2011  
 15 Time: 8:00 p.m.  
 16 Place: Town of Newburgh  
 17 Town Hall  
 18 1496 Route 300  
 19 Newburgh, NY 12550  
 20  
 21 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
 22 FRANK S. GALLI  
 23 CLIFFORD C. BROWNE  
 24 KENNETH MENNERICH  
 25 JOSEPH E. PROFACI  
 THOMAS P. FOGARTY  
 JOHN A. WARD  
 ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
 BRYANT COCKS  
 PATRICK HINES  
 KAREN ARENT  
 GERALD CANFIELD  
 APPLICANT'S REPRESENTATIVE: KIRK ROTHER and  
 STANLEY SCHUTZMAN  
 ----- X  
 MICHELLE L. CONERO  
 10 Westview Drive  
 Walkkill, New York 12589  
 (845)895-3018  
 MICHELLE L. CONERO - (845)895-3018

1 64  
 2 MR. BROWNE: Our next item of  
 3 business on our agenda, and our last, is  
 4 Golden Vista, project number 1999-33. It's  
 5 an amended site plan being represented by  
 6 Kirk Rother.  
 7 MR. SCHUTZMAN: And Stanley  
 8 Schutzman, local attorney, on behalf of the  
 9 applicant, Meadow Hill Holdings, LLC.  
 10 Just to recap, we're before you  
 11 tonight, having received conditional final  
 12 amended site plan approval dated July 21st of  
 13 2011, by which the Planning Board gave  
 14 approval to the development of 161-unit  
 15 multi-family housing community with 18 of  
 16 those units designated as affordable housing  
 17 pursuant to Newburgh Town Code 185-48. By  
 18 letter application dated August 21, the  
 19 applicant requested that the July 21, 2011  
 20 authorizing resolution be revised so as to  
 21 eliminate the requirement of the 18  
 22 affordable residential units and to  
 23 substitute instead a senior residential  
 24 housing unit under Town Code 185-48.  
 25  
 In terms of the existing approval we  
 MICHELLE L. CONERO - (845)895-3018