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

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In the Matter of

WESTPORT MANAGEMENT  
(2015-12)  
  
Gardnertown Road  
Section 47; Block 1; Lot 70  
R-1 Zone

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INITIAL APPEARANCE  
FOUR-LOT SUBDIVISION

Date: June 18, 2015  
Time: 7:05 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  
DAVID DOMINICK  
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL

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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 Westport Management. This is project 2015-12. This is an initial appearance for a four-lot subdivision being presented by Lawrence Marshall.

MR. MARSHALL: Good evening. As was stated, this is a four-lot subdivision on Gardnertown Road, located in the R-1 Zoning District.

There is an existing residence on the site proposed on proposed lot 1 along with three other accessory buildings, two sheds that would remain on lot 1 and then an old existing barn that would end up resulting being located on lot 2.

Because of the nature of the subdivision, we will need a referral to the Zoning Board of Appeals for variances for the front yard setback of the existing building -- the existing home on lot 1 as well as several variances for the existing barn that would be located on lot 2, the setbacks of the property line being less than the ten feet required, the barn being located in the front yard of the lot, the building height

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2 exceeding fifteen feet. We're not a hundred  
3 percent certain but possibly the footprint of  
4 the building or the maximum square footage of  
5 the building. We're at about approximately  
6 970 square feet and we're not certain if the  
7 square footage refers to the footprint or if  
8 there's multiple floors.

9           Regarding the subdivision  
10 particularly, we propose two driveways to  
11 serve the three additional lots that are  
12 being created. One driveway will be a common  
13 driveway serving lots 3 and 4, and then there  
14 will be an additional individual driveway  
15 serving lot 2. These driveways are located  
16 in between the two existing curb cuts that  
17 currently serve the property. The westerly  
18 most curb cut is proposed to be closed. As  
19 part of this overall, just one additional  
20 curb cut onto Gardnertown Road.

21           Due to the lot currently spanning  
22 across Gardnertown Road, we do propose to  
23 grant to the Town the road dedication parcel,  
24 to the Town of Newburgh.

25           Lot 1 will span -- we propose lot

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1 to span across Gardnertown Road due to the land on the south side of Gardnertown Road being pretty much unbuildable. There's a stream with an associated flood zone and the remaining upland area is too steep to support a septic system.

In addition to the ZBA, we will have to request a reduction in sight distance from the Town Board due to the existing bank that's located on the north side of Gardnertown Road in this section. That's really why we're proposing the two driveways in the location that we have, because there's approximately an eight-foot bank along the north side in the area that would potentially have -- we will have a little bit more sight distance if a substantial amount of grading were to occur.

CHAIRMAN EWASUTYN: Pat Hines, any additional questions or comments?

MR. HINES: Our first comment has to do with the ZBA, which Mr. Marshall listed. The first and second comments.

I have a concern about the drainage

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because of the grading and the long length of the driveways all coming down at one point. We want to take a look at the drainage and possibly may require a culvert to take that water across Gardnertown Road. We have to find out where that goes and how that works.

The driveway for the existing house on lot 1, I see what looks like a parking space by the well. I don't see a driveway for lot 1.

MR. MARSHALL: We ended up -- it's very difficult to see, so what we did on what we have here, and I can show you, is we just hashed it. It's actually located, the driveway, where it says 106.23. That's right where the driveway comes off.

MR. HINES: You're really going to have three driveways serving four houses in that little stretch. We're going to have to take a look at that. We're suggesting the highway -- you submit those to the highway superintendent and to possibly review that in the field with them to make sure that works.

We discussed at work session the lot that spans Gardnertown Road. By definition that

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becomes a lot due to the natural subdivision. How that's going to be linked to lot 1, we're suggesting a note be added to that balance parcel on the south side of Gardnertown Road linking that to lot 1 in perpetuity so we don't get an application for a building permit from someone there in the future, which could potentially happen. Those details will need to be worked out with a note on the plans.

Then we're just waiting for the design of the sanitary sewer systems and the additional drainage detail.

It does require submission to County Planning. It does lack that engineering detail but we may want to try to submit it now and see if they come back with a comment or whether or not they consider it a complete application. That could be an issue.

CHAIRMAN EWASUTYN: Do you have a set of plans with you that you could give to Pat Hines?

MR. MARSHALL: I can leave him with these.

CHAIRMAN EWASUTYN: Would the Board

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WESTPORT MANAGEMENT

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like to circulate now to the Orange County  
Planning Department or would they rather wait for  
more detailed plans. Frank Galli?

MR. HINES: They don't often comment on  
the septic systems and those details. They  
probably will comment on that lot layout we just  
discussed being on both sides of the road. Those  
are things they address.

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: If you don't mind,  
at the end of your presentation, Larry, --

MR. MARSHALL: Sure.

CHAIRMAN EWASUTYN: -- give your plans  
to Pat.

MR. HINES: I have an additional set so  
I'm okay. Somehow I have two.

MR. GALLI: I have a question, John.

CHAIRMAN EWASUTYN: I want to go to  
Jerry Canfield.

Jerry, do you have any questions or  
comments?

MR. CANFIELD: Just one comment. Did

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WESTPORT MANAGEMENT

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we speak about the size of the barn?

MR. MARSHALL: You had mentioned that that would be a concern. We measured it. It's 978 square feet, the footprint of the barn. We're looking for guidance from you as to if there is a second floor or a loft. The building is only approximately sixteen feet high, so I don't believe there's a full second floor. If there's a loft does that count as additional square footage to the 978 or do you just take the building footprint?

MR. CANFIELD: Just the footprint.

MR. MARSHALL: So we wouldn't need a variance.

MR. CANFIELD: The height is sixteen you said?

MR. MARSHALL: The height is -- I apologize. I'm sorry. The eave varies between -- because it slopes across the front, on the left-hand side it is 15.6, on the right-hand side it's 16.8. That's the eave. The peak measures 21.7 and 22.3.

MR. CANFIELD: I think we should add that to the variances for the height.



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Larry, also we have the ten-foot setback off of the property line.

MR. MARSHALL: Yes.

MR. CANFIELD: That would be two additional variances.

CHAIRMAN EWASUTYN: The front yard, too.

MR. CANFIELD: Correct. A total of four.

MR. HINES: Front, side, building height and not the square footage.

MR. DONNELLY: Ten feet from the property line.

MR. HINES: That's what I considered the side yard.

CHAIRMAN EWASUTYN: Frank Galli, Ken Mennerich?

MR. GALLI: So the person that buys lot 2 is purchasing the barn with that lot?

MR. MARSHALL: That would be the intention.

MR. GALLI: Okay. I just didn't know why somebody would want to build a house all the way up there and purchase a barn with it in the

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front.

MR. MARSHALL: We're currently -- we're discussing the viability of that barn remaining with the applicant. The applicant is considering the removal of the barn

MR. GALLI: If it stays with the applicant it can't stay there.

MR. MARSHALL: No, no. Whether or not he would leave the barn or raise it.

MR. GALLI: Okay. One other question. The pool in the back, that doesn't have a deck around it?

MR. MARSHALL: No.

MR. GALLI: Okay.

MR. MENNERICH: Larry, you mentioned you had gone to the Town Board for sight distance because of the driveways. The driveway that's closest to the curb is the one for lot number 1?

MR. MARSHALL: Yes.

MR. MENNERICH: Have you considered going to the Town Board and asking them to allow three houses on the new driveway?

MR. MARSHALL: So eliminate lot 1 and have that come off of the common driveway?

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MR. MENNERICH: Yes.

MR. MARSHALL: We can certainly do that. We can eliminate that curb cut, too.

MR. HINES: That would require an additional waiver from the Town Board. They do allow that with a waiver of three on a common driveway.

MR. MENNERICH: You're going to them anyway.

MR. MARSHALL: Okay. Do we need a referral from this Board for that?

MR. DONNELLY: I don't think so.

CHAIRMAN EWASUTYN: No.

MR. GALLI: He would have to share in the maintenance of that driveway then.

MR. DONNELLY: We're going to need that agreement anyway.

CHAIRMAN EWASUTYN: Other comments from Board Members?

MR. WARD: No comment.

MR. DOMINICK: No comment.

CHAIRMAN EWASUTYN: All right. The referral -- now we don't have that consideration of the Town Board as far as road frontage, or do

1  
2 we? We still have that concern. The applicant  
3 makes that presentation to the Town Board as far  
4 as sight distance. You can go ahead and --

5 MR. DONNELLY: And/or three lots on a  
6 common driveway.

7 CHAIRMAN EWASUTYN: Okay. Would  
8 someone like to summarize the three variances  
9 associated with the barn and there's one variance  
10 associated with the front yard?

11 MR. DONNELLY: With your permission  
12 I'll send a letter to the Zoning Board. The  
13 required variances are front yard for the pre-  
14 existing house on lot 1; and for lot 2, for the  
15 existing barn we need a front yard variance, a  
16 barn within the front yard; building height and  
17 ten feet -- I'm sorry, less than ten feet off the  
18 property line.

19 MR. HINES: Correct.

20 CHAIRMAN EWASUTYN: Then I'll move for  
21 a motion to have Mike Donnelly prepare a letter  
22 to the Zoning Board of Appeals outlining the  
23 variances associated with the four-lot  
24 subdivision of Westport and to circulate to the  
25 Orange County Planning Department.

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MR. GALLI: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Dave Dominick. I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So carried.

MR. MARSHALL: Thank you.

MR. CANFIELD: Just one question.

John, that barn, it's not a front yard setback. The barn itself is being located in the front yard.

MR. DONNELLY: Okay.

MR. HINES: It also is a setback issue.

MR. DONNELLY: It's pre-existing.

MR. HINES: It's within the front yard setback as well. It's both.

MR. CANFIELD: Okay.

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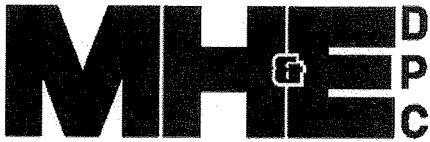
(Time noted: 7:16 p.m.)

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.

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DATED: July 10, 2015



McGOEY, HAUSER and EDSALL  
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**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT:** LANDS OF WESTPORT MANAGEMENT  
**PROJECT NO.:** 2015-12  
**PROJECT LOCATION:** SECTION 47, BLOCK 1, LOT 70  
**REVIEW DATE:** 12 JUNE 2015  
**MEETING DATE:** 18 JUNE 2015  
**PROJECT REPRESENTATIVE:** MERCURIO-NORTON-TAROLLI-MARSHALL

1. Proposed lot 1 does not meet current setbacks for the existing single family residence located on the site. Zoning Board of Appeals approval will be required for this pre-existing condition.
2. Lot 2 contains an existing barn in the front yard setback which will also require Zoning Board approval.
3. Future submissions should address drainage from the driveways to the Town roadway. Long driveways with excavated cuts will channelize water to the access point.
4. Common driveway access and maintenance agreements are required.
5. Mike Donnelly's comments regarding proposed lot 1 containing lands on both sides of Gardnertown Road should be received.
6. Highway Superintendent's comments on driveway locations should be received. Driveway location for proposed lot 1 should be clearly identified on the plans. It appears that all driveways are located in very close proximity.

Respectfully submitted,

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

Patrick J. Hines  
Principal

