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

----- X

In the Matter of

ALL GRANITE  
(2011-14)

Brookside Farm Road  
Section 97; Block 1; Lot 20.2  
IB Zone

----- X

PUBLIC HEARING  
CLEARING & GRADING PERMIT

Date: October 17, 2013  
Time: 7:00 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: TAYLOR PALMER

----- X

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

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MR. BROWNE: Good evening and welcome to the Town of Newburgh Planning Board meeting of October 17, 2013.

At this time I'll call the meeting to order with a roll call starting with Frank Galli.

MR. GALLI: Present.

MR. BROWNE: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. FOGARTY: Present.

MR. WARD: Present.

MR. BROWNE: Thank you. The Planning Board has professional experts that provide input to us on the business that's before us, including SEQRA determinations as well as code and compliance details. I'd ask them to introduce themselves at this time.

MR. DONNELLY: Michael Donnelly, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Town of Newburgh Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,

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Hauser & Edsall Consulting Engineers.

MR. BROWNE: Thank you. At this time I'll turn the meeting over to John Ward.

MR. WARD: Please stand to say the Pledge.

(Pledge of Allegiance.)

MR. WARD: Please turn off your phones or put them on vibrate. Thank you.

MR. BROWNE: Thank you. This evening our first item of business is a public hearing for a clearing and grading permit for All Granite, project number 2011-14.

Before we commence with that I would ask Mike Donnelly to give a short discussion as to what this public hearing is for.

MR. DONNELLY: On certain types of actions, before the Planning Board takes action it's required to hold a public hearing. A clearing and grading permit of this type is one of those. The purpose of the hearing is to ask the members of the public to bring issues or concerns to the Planning Board's attention that the Planning Board may not itself yet have recognized. After the applicant gives his

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presentation, the Chairman will ask those who are present if they wish to speak. We'd ask you to raise your hand, step forward, give us your name, spell it for the Stenographer, if you would. Tell us where you live in relation to the project and address your comments to the Board.

MR. BROWNE: Thank you, Mike.

At this time I would ask Ken Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 83 of the Town of Newburgh Code on the application of All Granite & Marble Company, project 2011-14, in regard to an application to clear and grade 12,000 plus or minus cubic yards of material from a 3.57 acre parcel. Premises located on the north side of Brookside Farm Road, east of Tar Road, designated on Town tax maps as Section 97, Block 1, Lot 20.2. The applicant proposes to clear and grade 12,000 plus or minus cubic yards of material for

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site preparation from a 3.57 acre parcel of property. The property is located in the IB Zoning District. Two temporary access points will be utilized to enter and exit the property from Brookside Farm Road. The project has received conditional final approval from the Town of Newburgh Planning Board for a commercial operation. Said hearing will be held on the 17th day of October 2013 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated September 26, 2013."

MR. BROWNE: Thank you. And the representative is?

MR. PALMER: Taylor Palmer of Drake, Loeb, Gellert, Kennedy, Gogerty, Gaba & Rodd.

Mr. Chairman, Board Members, it's my pleasure to represent the applicant, Marble Granite Corporation. Excuse me. All Granite & Marble Corporation, the owner of the property on

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Brookside Farm Road, which is the interchange business district in the Town of Newburgh. I'm joined by the general manager, Robert Daja. I'm also joined by Justin Dates of Maser Consulting.

The public hearing this evening is regarding the applicant's proposal to clear and grade 1,200 cubic yards of material from the 3.57 acre parcel located adjacent to Pepsi-Cola Bottling Company and Interstate 84. It's also east of Tar Road and it's on the north side of Brookside Farm Road.

The applicant is proposing to clear and grade the property for site preparation for the development of a two-level warehouse and office retail building for granite and fabrication and sales.

The clearing and grading of the site will be accessed by two temporary access points to enter and exit the property which will come right off of Brookside Farm Road.

The project received conditional final approval from the Planning Board and Architectural Review Board approval in February 2012, on February 16th, for a commercial

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operation.

In accordance with the Newburgh Town Code, the notice of public hearing was posted at the project site on September 30th and photos were submitted to the Town. Notices were also sent to adjoiningers within 500 feet of the project site which is identified as Section 97, Block 1, Lot 20.2. Sworn affidavits were also provided to the Town regarding the required mailings and postings.

If I could turn to my colleague, Justin Dates, to give you additional background regarding the proposed clearing and grading of the site.

MR. DATES: Would you like me to take you through?

CHAIRMAN EWASUTYN: Please.

MR. DATES: I'm Justin Dates with Maser Consulting. We're looking at -- just for everyone, the plan is -- on the south is Brookside Farm Road. North of the site is Interstate 84. To the east -- to the west we have Tar Road and out to the east we go out to 52.

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The site is about 3.5 acres in size. In the center of the site, the facility is a two-level building, about 39,000 square feet total.

The access points. The eastern access into the site would be the upper parking level which is where employees, customers would park. The second access point is west down on Brookside Farm Road and is really for the loading area. The loading docks are on the west side of the building here, and that really accesses the whole lower level, which is the manufacturing aspect of the project.

As Taylor stated, we're looking to clear and grade the site. It's about 12,000 cubic yards of material that needs to come out to get the site ready for the building, the parking, the loading area and those improvements.

We have done a complete stormwater pollution prevention plan and erosion control plan which would be implemented during the excavation of the material.

Truck wise, we're in the realm of about 700 trucks to excavate that material, assuming an

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18-yard truck, tri-axle dump truck.

At the last Planning Board the Members asked if we'd put a note on the plans stating that all of this truck traffic would exit east on Brookside out to Route 52. We have added that to the erosion and sediment control plan per your request.

CHAIRMAN EWASUTYN: Thank you. Very good.

Pat Hines, do you want to bring us along on this?

MR. HINES: The only outstanding item we had was the note that all vehicles should exit to Route 52 and none should leave by Brookside Farm Road or Tar Road.

MR. DATES: Yup.

MR. HINES: The only other issue is the \$3,500 per acre restoration bond required and a \$2,000 site inspection fee, otherwise we have no outstanding comments.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: The site inspection fee for the previous project has been filed. I think

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the soil erosion control would be one in the same.

MR. HINES: Yes, it would.

MR. CANFIELD: That would be fine.

CHAIRMAN EWASUTYN: Is there anyone in the audience tonight who is here for the public hearing on the presentation that was made? If you'd please raise your hand and give your name and your address.

(No response.)

CHAIRMAN EWASUTYN: Let the record show that there's no one in the audience tonight for the public hearing.

Board Members. Frank Galli?

MR. GALLI: Nothing.

MR. BROWNE: No other comments.

MR. MENNERICH: I have no questions.

MR. FOGARTY: I just have one. At this particular time do you know where that 12,000 cubic yards of material is going to go?

MR. DATES: There's a site in Salisbury Mills that they'll be looking to truck the material to.

MR. FOGARTY: Thank you.

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MR. WARD: Nothing.

CHAIRMAN EWASUTYN: Since there are no questions or comments from the public, I'll move for a motion to close the public hearing.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Tom Fogarty. 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: Aye.

Mike, would you give us the conditions for approval.

MR. DONNELLY: The first condition will simply reference the site plan approval granted earlier. To the extent that any of them are applicable, the conditions of that resolution of

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approval are also carried forward. Next, the applicant shall comply with the requirements of Section 83-10 which is the standard for granting permits. As required by Section 83-11, the following requirements govern the permit, hours of operation, any contractor that performs services must state it is subject to Chapter 83 of the Code. As a condition of the permit the applicant shall be required to sign an authorization allowing Town officers, employees or agents to enter onto the site for inspection. And finally, the permit will have a duration of one year, and it requires a performance guarantee in the amount of -- what did you say, Pat?

CHAIRMAN EWASUTYN: \$3,500.

MR. HINES: \$3,500 per acre. I think it's 3.57 acres.

MR. DONNELLY: \$3,500 times 3.7?

MR. DATES: \$8,750.

MR. DONNELLY: I'll check it later.

MR. HINES: The inspection fee, as Jerry said, was already posted.

MR. DONNELLY: That's it.

CHAIRMAN EWASUTYN: Any additional

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comments or questions from our consultants or Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant approval for the All Granite clearing and grading permit subject to the conditions presented by Attorney Mike Donnelly.

MR. WARD: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Tom Fogarty. 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: Aye.

Congratulations.

MR. DATES: Pat, can I ask, the NOI and MS-4, is that --

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MR. HINES: You have to process those  
through the Town supervisor's office.

MR. DATES: Okay. Thank you.

(Time noted: 7:10 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: November 10, 2013

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

----- X

In the Matter of

McDONALD'S  
(2013-20)

North Plank Road (Route 32)  
Section 76; Block 1; Lot 1.1  
B Zone

----- X

SITE PLAN - INITIAL APPEARANCE

Date: October 17, 2013  
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.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KEITH CAHILL

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MR. BROWNE: The next item of business we have on our agenda is McDonald's, project number 2013-20. This is a site plan and initial appearance being presented by Bohler Engineering.

MR. CAHILL: Good evening, Chairman, Board Members. I appreciate the opportunity to come up and present what McDonald's is looking and hoping to do to redevelop their site. I think if the Board would like, I can give an overview of the project.

CHAIRMAN EWASUTYN: Please.

MR. CAHILL: What I would like to do is first orient the Board with the location of the facility. The existing McDonald's that is located on North Plank Road, it's known as 65 North Plank Road. It essentially has three frontages, just under 300 feet of frontage on North Plank Road and Gardnertown Road is to our south. Just orientation for ease of description tonight, I'm going to have North Plank running in the north/south direction . We also have approximately 600 feet of frontage on Gidney Avenue on the west side of our property. Just to orientate you, also we have the Citgo service

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station that's located at the intersection of North Plank Road and Gidney, and we have a retail facility, a strip mall just to our south as well as a bank and the Subway across North Plank Road.

The existing facility currently is approximately 2.8 acres. What I'd like to do is bring up my survey just to show you some current features as well.

MR. BROWNE: Could you twist the easel around?

MR. CAHILL: Certainly.

MR. BROWNE: Thank you.

MR. CAHILL: This orientation, North Plank Road is along our east side in the north/south direction. The existing facility is approximately 5,600 square feet. We have 90 parking stalls in and around the facility. Inside the facility we have about 113 seats. Currently we have two access points on North Plank Road. The enter drive on the north side of our property is approximately 25 feet in width and it's a one-way entrance. You can see we have parking on the north side of the building. Our handicap stalls are actually across the drive

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aisle on the entrance drive. The site circulation is intended to be in a counterclockwise direction. We also have the exit movement only on our southern driveway that goes out to North Plank Road. The other access point we have is on Gidney. You can see a full movement driveway out to the rear of the site, to the west, and we also have a full movement driveway on Gardnertown Road. Just to note, Gardnertown is a one-way road towards North Plank. So any movements in here, it's a left in and a left out that goes out to North Plank.

A couple interesting features and concerns of why this site needs to be redeveloped. Besides being an older facility that's in need of replacement, many things have changed in the McDonald's business over the twenty plus years that this facility has been in operation. In general McDonald's is going throughout the country upgrading and identifying facilities like this to replace and rebuild and do numerous things to them, including enhancements of the overall circulation on site and the drive-through operations. Back when

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McDonald's first started putting this facility in operation their anticipation of the amount of business between the inside of the store and the outside of the store, meaning the drive-through, was about fifty/fifty. Today's numbers throughout the country average in excess of sixty percent, between sixty and sixty-five percent on average, and sites that are on more of a commuter type road or state highway are even higher than that. So they found that they need to really improve the on-site circulation, the drive-through facilities and improve their overall business and not be so concerned with the number of seats inside. In this facility, as I mentioned, they have 113 seats.

And a couple other things relative to just this site specifically on why it's kind of in need of replacement/redevelopment. A couple things here. On the north side the feature that's behind the existing Citgo, our property juts out behind the Citgo, is our trash enclosure. It's detached from the overall development. Currently the truck that takes the trash comes off of Gidney, pulls into this area

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that's not paved, it's a gravel area -- grass/  
gravel area, backs up and then pulls back out in  
an area that doesn't have any curbing, it's  
relatively uncontrolled and isn't ideal for the  
current operations or today's practice in terms  
of operations as well as traffic safety.

A couple other points. As I mentioned,  
the entrance, you can see the stalls are angled.  
We have approximately a 25 foot drive aisle in  
this area on the north side of the building.  
Cars that enter our facility from the Gidney  
Avenue intersection -- access point or  
Gardnertown Road, if they wanted to use the  
drive-through, two things they can do if they  
entered here. They can go along our south side  
of the building, go out onto North Plank Road and  
come back in, which is obviously not an easy move  
during peak hours. It's most likely not going to  
happen. Or you do what I just saw happen twice  
tonight while I sat there for a half an hour is  
they enter in, they go the wrong direction in a  
one-way circulation on the north side, they make  
a U-turn and then get in the back of the line.

Also this existing facility has one

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ordering point. They have two menu boards to show drivers. There's one I'll say facing north at the rear of the building. The ordering point is directly behind the building and then another ordering point -- menu board. In this type of a configuration only one car at a time can truly see a menu board. You can only take one order at a time, which just makes it more cumbersome to take an order from a customer. We do have two drive-through windows where the first window on the south side of the building is where you pay, you pull forward and at the second window you pick up your food. Very common in the world of drive-throughs and very common to have a single ordering point. However, McDonald's vast studies nationwide, worldwide is that one of the largest items they don't have control of is the ordering process because it's Joe public sitting in their car, having to order, and they can't pull the words or the orders out of their mouths so they're relying on the customer in that operation to occur at the pace that the person does it. For instance, if the mommy soccer van pulls up and six kids are sitting there, it's going to

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take a lot longer than the person coming up to grab a cup of coffee. In the overall cue of the drive-through, that one car is going to back up that entire line until that order. They can order ten sandwiches, they're going to have to wait in that line, anybody behind them, until that is processed. We do have a pull forward lane and parking stalls for that, however they still need to pull through the payment process and then come up. Part of this, again, was what McDonald's looked at to redevelop the site and overall operations to really improve and make this facility operate better and safer in regards to the on-site circulation and parking. I think that gives you a pretty good idea of how the site exists and lays out.

I want to show you what we're proposing to do in regards to the plans that are in front of you. I'll refer to my next exhibit which is essentially the site plan that was submitted to you. We colorized it, enhanced it for ease of display. Obviously the coloring will be the landscaping and the gray is the asphalt and the same colors of the building. For reference

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again, north is along North Plank Road. The top of the page is north. The same orientation.

With the overall improvements, we've redeveloped the site and we've anticipated knocking the building down entirely and essentially sliding it further to the south. You can see the operation from our northern property line where the Citgo is. This also drives our drive aisles, the enter and exit lanes, further to the south as well. What this is able to do is modify the overall on-site circulation, improve it drastically.

I'll point out the features at this point. In terms of the size of the building, it's about 400 square feet less than what you have there today. In regards to the number of seats, about 10 seats less than what is out there today. No more play area. Essentially the modern style McDonald's. If you've been up and down the Thruway or 9W you may have seen a couple of the newer, modern facilities.

I'll show you some elevations. In regards to the overall site, again we're going to maintain an entrance only driveway on the north

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side. We have 60-degree parking on both sides of our drive aisle. We've located the handicap stalls immediately adjacent to the building. As I mentioned before, they were across the drive aisle. We have maintained one-way circulation around the entire building in a counterclockwise direction, which again is convenient for the drivers when you're going through a drive-through in your car reaching out and paying. We've maintained our exit point on North Plank Road as well, a right out and left out opportunity. We've maintained our Gardnertown Road access point exactly where it's located today. We've enhanced it with some landscaping and put a little seating here. I think there are a couple tables out there. We created a patio out there.

We relocated the trash enclosure from the area that was up on the north side and the truck was basically coming up to the grass and gravel and pulling in. We've relocated it in the rear of the property, again convenient for the workers to get rid of the refuse and also convenient for the on-site circulation of our truck to pick up for the trash and recycling.

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We've shown again parking stalls in and around the facility in accordance with your ordinance. As I mentioned, or maybe I didn't, we've reduced the number of parking stalls from 90 down to 64. Again, from a McDonald's evaluation, from a business standpoint, not a concern at all. It meets your code requirements and it will meet their business demand. As I mentioned, the amount of business we have going through the drive-through reduced the need for the amount of parking on site.

We have relocated the Gidney Avenue access point as well. That went further to the north. What this has done now, anybody entering the site, from any portion of the driveways you're allowed to enter. In other words, the northern driveway with the entrance only driveway, the entrance off of Gidney or the entrance off of Gardnertown can get into our drive-through without making any illegal moves, U-turns, et cetera. The other primary feature we've added, as I mentioned before, previously you entered and went to exit back out onto North Plank Road and go back out to McDonald's, you'd

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have to go back out onto North Plank Road and into the facility. We have proposed what we call a recirculation. That is a key element to provide anybody entering the site off of Gardnertown Road to get into this -- along this drive aisle on the south side, resurf the site and get in the cue lane where it needs to be. In terms of Gidney, where you enter now you'd be coming into the cue.

One thing I forgot to mention on the existing conditions, we have room for eleven cars to stack before you get into the first obstruction of a parking stall. Eleven cars can stack. You still have room to stack into the site but then you start blocking other parking stalls. This reconfiguration, we're introducing McDonald's most efficient drive-through facility operation as they have in their arsenal we'll call it. All of the dimensions relative to the drive-through lane and configuration relative to the building and ordering point are all maxed out in terms of car spacing. So they use it in 25 foot increments. The distance between the windows allow for cars to sit in between. Things

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of that nature which really improve the circulation and operation of the drive-through.

We allow for what we call a side by side. There's essentially two ordering points, one that's closest to the building adjacent to the green area, then you see an island, and we have another ordering point just to the west of the other one. So there are two side by side. If you're going up to a toll booth, you can go up two places to pay your tolls more efficient than one place. Two places to order. As I mentioned before, the slowest portion of what McDonald's facilities encounter and the least control they have is the ordering points. So now they have two points and essentially doubles the efficiency as much as they can from obtaining the order from a customer. The other nice thing, both lanes are always open all the time. If they see a car, a larger mini-van taking seven orders versus a guy coming with one coffee, you can hold that car until -- and keep the inner lane operating until that food is getting closer to being ready and have them pull forward. That's the type of stuff that will improve the overall operation, improve

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the efficiency, minimize the amount of time cars are idling or cueing on site. This configuration allows thirteen stalls up to our -- where you come up to the island to split, the fourteenth car before it starts cueing into a parking stall. So you have double the capacity in terms of obtaining the order and increasing the amount of cueing.

MR. BROWNE: How do you hold --

MR. CAHILL: Great question. I answer that one for every board. Essentially if you're familiar with the McDonald's order, what they are going to do, there's a box there you order into, there's a display that shows you what you order, and they will hold you by saying wait until we ask you to pull forward, essentially. They're not going to tell you how much, they're going to say come up to window 1, it's X amount of dollars. Every order that goes on at the two ordering points, there's a picture taken of you and your vehicle. That's how they track the order. The order is tracked internally following your order to make sure it comes to the window, who is paying and what food is being picked up.

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That's how it happens. Obviously these cars are stopped at this point. They do merge back together. They're alternated between them coming through. As I mentioned, you can hold one and have multiple go through. That's to improve the overall efficiency and operation.

Again in terms of the configuration of the parking, where we've located it, the handicap stalls, having more stalls adjacent to the building, adding the recirculation lane. This is by far a superior layout for site circulation. You have an existing facility that's successful on a busy road. We're improving the overall circulation on site which will improve the movements that our customers make when they go to leave the site as well.

A couple of other key components. We are reducing impervious coverage overall by 5,000 square feet. We'll be in compliance with the DEC stormwater management regs. We are adding -- although we're not increasing the impervious, we are adding a water quality device as well. So we're going to be improving the water quality from that aspect on the stormwater management

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side. Obviously the site has all of it's utilities as required. We'll be reutilizing the existing facilities. In terms of that, installing new laterals, bringing new services in. The facility itself is actually getting a little bit smaller. There's no need or concern in the increase in utilization of existing resources.

In regards to the interior of the building, modern, more efficient in terms of the layout of the interior of the building so they can prepare food faster, essentially, because they've improved their assembly line per se. They use more efficient equipment in terms of usage of resources. High efficiency equipment, LED lighting on the inside of the building, things of that nature.

In regard to the site lighting and things of that nature, the existing site has angled lights and more spill and sky glow and things. We're going to use modern fixtures and down lit box fixtures and things of that nature.

In general I really can't say that there's anything -- this is a superior plan and

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I'm hoping that we can proceed with a site plan application. We understand we would hopefully be referred to the Zoning Board. Being in a B Zone, specifically the fast food component is not permitted. It is an accessory use in the IB Zone and in this zone we could be not permitted.

A couple quick features. We're adding some sidewalks, just to maintain the crosswalks to improve for pedestrian circulation as well.

CHAIRMAN EWASUTYN: Good presentation. I think you summarized everything well.

I'll turn to the Planning Board Members to see if they have any questions at this point. Frank Galli?

MR. GALLI: Is there going to be curbing along the Gidney Avenue side?

MR. CAHILL: We only have edge of pavement there. Again, we're kind of restoring it to the existing conditions. Those are the types of things we would be open to for comment, about sidewalks.

MR. GALLI: When they turn off North Plank Road heading east, coming east on North Plank, taking a right onto Gidney, they're going

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to take a left into the McDonald's site. Isn't that pretty close to the light?

MR. CAHILL: You're referring to the left movement in. I was out there this evening during the peak hour and Gidney does backup, as you all probably are aware, the northbound traffic at that signal. What you do notice, there's still about 270 feet from our access point to the intersection, and you are sitting there, and I've witnessed -- there's gaps there. There is enough for a car to creep up, make a space for a single car to enter into the driveway. I also don't feel with that distance -- you know, cars do creep up along it. You're going to get a courtesy gap, I'll call it, to make that move in. I don't foresee it really backing up that distance to the intersection. Also, not that, you know, I should be relying on this but there is a shoulder, a gravel shoulder, that you can see cars utilize now. If it really was a bad situation I'm sure cars would use it. This property to our west is vacant at this time.

MR. GALLI: That was the only question I had.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I like the layout a heck of a lot better than what's there now. That's for sure.

The cueing back, that entrance on Gidney is closer than the current one and the current one gets backed up. During most of the time that the drive-through is used is rush hour time. That's when it backs up. I don't know if that's going to be an issue, but whatever.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Cars coming in, most of them I would guess come off of North Plank Road and they get stacked up pretty good on the existing arrangement. How are the cars going to get from Gidney Avenue, because they're going to have to interrupt that stream of stacked cars; right?

MR. CAHILL: Certainly. I'd like to point this out. The vehicle I'm pointing to now, which is, I'll call it the western most side of our rear building here, is the thirteenth car in the cue, okay. The fourteenth car would be sitting here, and the fifteenth. So it would

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take about fifteen cars before a car would not be in there. Our experience now, as I mentioned, the existing facility has, and you've seen this, and I saw and witnessed it, the cue line actually comes down the building further. It's 220 feet from our pay window to this parking stall on the north side of the building. If you divide that by 20 feet you have eleven cars sitting there. Currently if you had fifteen cars, it's going to stack out to the road essentially. One ordering point. It's our, what I'll call least efficient operation from the drive-through. We're now proposing to put the most efficient which will improve the hardest item to control for McDonald's, which is the ordering. In this position now as I mentioned, you're at this location which is -- would allow for another ten cars to get back towards North Plank Road with a much more efficient operation in terms of taking the order. So I foresee this as a superior layout that won't cue, in our experience of cueing, even beyond this car where you have two behind it. If you're sitting here, you have seven cars to hold before you order. Your seven

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cars on the other layout would take you towards the front of the site from that point. So I don't see that as a concern. Again, where those cars are dumping in off at Gidney now is in a spot that would be behind, as I mentioned, the fifteenth car, which we really don't foresee that happening here based on the current business and and hopefully an improved business if we improve our operations. I hope that answers you.

MR. MENNERICH: Yes. Thank you.

CHAIRMAN EWASUTYN: Following Ken's question, during peak hours how many cars would you be serving?

MR. CAHILL: That's a great question. It varies from operation to operation. Our estimate here, you know, in terms of handling in the peak, an hour of a two hour period of time in a magnitude of over a hundred orders to two hundred orders. Again divided over a period of time in a peak hour or two hours. Something in that neighborhood. Again, not a concern from this facility with the dimensions. As I mentioned, we have our largest spacing that McDonald's recommends, 100 feet between the order

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point and our pay window. Again, this facility will operate efficiently and safely.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: Just a couple of comments. That building has been there a long time. Whoever has been in charge of managing it has done a very nice job. It's a good looking building. It's well kept up front and it's always clean. It's really a good operation.

My concern was Ken Wersted who did our traffic study mentioned that Gidney Avenue to the north may cause a problem. The more I think about it, because I live out -- used to live out in that area, I very rarely saw anybody, even in the old location of that access, do I remember anybody taking a left into Gidney. If you're coming down 32, you're going to go through the light and take a right.

MR. CAHILL: Correct.

MR. FOGARTY: So even though it's moved up north a little bit, I don't know how much of a problem it's going to be.

MR. CAHILL: Just to add on to that, the current location of the driveway now, it's

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about 75 feet further to the south. Currently it does back up along there, passed the driveway. It's not like we're creating it, meaning it's there now. Yes, we're getting a little closer. Your point is a very valid point. Anybody heading southbound on North Plank Road, it's a much easier movement to make the right in rather than coming down Plank and making a left, especially in the peak hour. Again, having a nice throat now in terms of trying to make a movement out, you have the ability to stack into the site, not backing up into the site at all. I really don't feel that 75 feet getting closer to the intersection, still over 250 feet, I think 270 when I measured it out to the intersection. That's a lot of cars before you start seeing it backed up.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question was about your dumpster, possibly relocating it because you have picnic tables over there, for one. For two, you have the merge with the drive-through and you want your flow for traffic going around the building. Where it's located, it's like

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employees going out dumping garbage where people eat.

MR. CAHILL: It's a valid point and we've had these discussions internally. If it's here or possibly in back by these three stalls we would lose -- we probably wouldn't be able to replace the same number of stalls if we put it back in this location. We may lose a stall or two more. Again, it's not creating any variance or concern from the parking scenario. It is a little bit further for the employees to walk, but that's something that we could definitely entertain in terms of relocating that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance. At this point what's your understanding of the issues before us?

MR. CANFIELD: As we discussed in the work session and the applicant's representative -- which also if you could give us a card for our Stenographer, please. We discussed that this is in a B Zone. Fast food restaurants are not permitted in the current zoning in the B District. As it is, it's what's known as

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existing nonconforming. With the taking down of the existing building and rebuilding it, we feel that you're going to lose your existing nonconforming protection, therefore this Board I think would be obligated to send a referral or send you to the ZBA for that. If you choose to look at our Municipal Code, our Zoning Code, 185-19 is the section that deals with this, and it deals with reconstruction and relocation of existing nonconforming uses.

Essentially that's it as far as they're going to need a referral to the ZBA.

MR. DONNELLY: We'll make it a referral for both a use variance, if that's needed, or for you to give an opportunity to convince the Zoning Board as a matter of interpretation you're permitted to continue. If in fact you need a use variance, you'll also need some endorsement of your setbacks because the use is not permitted so there are no bulk table requirements for this use because it doesn't exist in the B Zone. So I think whatever the setbacks are, the Zoning Board would have to endorse them.

MR. CAHILL: Okay. I forgot to

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mention, under the existing condition we are in a nonconforming setback.

MR. DONNELLY: You're protected now.

MR. CAHILL: And the proposal would be in compliance with the B. Yeah.

MR. DONNELLY: There is no --

MR. CAHILL: Not for this use.

MR. DONNELLY: Yeah, yeah.

CHAIRMAN EWASUTYN: Will that suit your needs then?

MR. CAHILL: Yes.

MR. DONNELLY: I'll send a letter with the Board's permission.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to refer to the ZBA for the application of McDonald's, for whether it be a use variance or --

MR. CANFIELD: Interpretation.

CHAIRMAN EWASUTYN: -- interpretation.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich.

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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: Aye.

Nice presentation. Thank you.

MR. HINES: John, do you want to do  
lead agency?

CHAIRMAN EWASUTYN: We should really  
get that going.

I'll move for a motion to declare our  
intent for lead agency.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli. I have a second by John Ward. I'll  
ask for a roll call vote starting with Frank  
Galli.

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Keith, you'll make it a point of getting the information to Pat Hines and Pat will do the coordination on that.

MR. CAHILL: Yes.

CHAIRMAN EWASUTYN: Is it too early to do a referral to the Orange County Planning Department?

MR. HINES: I think the plans are -- my comments are technical in nature. I don't think we're going to see a lot of change in the layout.

CHAIRMAN EWASUTYN: I'll move for a motion under 239-M of the Municipal Law to refer this to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Tom Fogarty.

MR. BROWNE: Discussion. Is that something we can do before we get the -- anything

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from the ZBA back as far as whether it can go forward or not?

CHAIRMAN EWASUTYN: Yeah, because the plans aren't going to change.

MR. BROWNE: All right.

CHAIRMAN EWASUTYN: I mean there may be a tweak, and we don't even know that because there aren't any bulk requirements right now for this use because it's not a permitted use. Whether it's a sixty-foot or a fifty-foot setback from North Plank Road, I mean that's just --

MR. BROWNE: We're assuming that -- okay.

CHAIRMAN EWASUTYN: I think we had a motion by Frank Galli and a second by John Ward. Was that --

MR. GALLI: Ken Mennerich and Tom Fogarty.

CHAIRMAN EWASUTYN: Any further discussion?

(No response.)

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

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The only other minor issue is would they now consider approaching the -- for a City flow acceptance letter or --

MR. HINES: They don't need the City flow acceptance because the building is going to be 400 square foot smaller. That's an exemption under that.

I'm going to need five sets for circulation. Get those to my office and we'll get those out.

MR. DONNELLY: You will need to submit your own application to the Zoning Board. We'll send a referral letter. If you give me your business card I'll also e-mail a letter to you so you have it.

(Time noted: 7:41 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.

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DATED: November 10, 2013

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

----- X  
In the Matter of

MORONEY TWO-FAMILY RESIDENCE  
(2013-21)

386 Lakeside Road  
Section 28; Block 1; Lot 18.21  
R-1 Zone

----- X

SITE PLAN - INITIAL APPEARANCE

Date: October 17, 2013  
Time: 7:42 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: PATRICK MORONEY

----- X

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 Moroney, project number 2013-21. This is a site plan, initial appearance, being represented by David Toder.

MR. MORONEY: My engineer didn't show up for whatever reason. I was just hoping he was late, but --

CHAIRMAN EWASUTYN: Do you want to make your presentation? Why don't you come forward, introduce yourself and we'll move forward with the process.

MR. MORONEY: I'm Pat Moroney. We're proposing to build a duplex, a two-family apartment house, right here on Lakeside Road.

All the setbacks are made. I'm asking for no variances.

It's roughly 3 acres of land, which I think the Town requires. It's the right square footage. All the requirements are right.

CHAIRMAN EWASUTYN: We're going to discuss the access to the proposed dwelling.

MR. MORONEY: That's what we wanted to do tonight.

CHAIRMAN EWASUTYN: I think we can

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discuss that without your engineer. We'll take advantage of the time.

Pat Hines.

MR. HINES: The parent subdivision for this was -- Secure Properties was the name of the subdivision, and during the approval process, during the public hearing process it was brought up that the -- it was requested to limit the number of driveways that access Lakeside Road at that point. That subdivision received final approval based on the Town Board granting three driveways -- three houses on a common driveway.

MR. MORONEY: Okay.

MR. HINES: There was a stipulation, apparently a private deed that I know Mike will talk about, that required any use other than a single-family residence for lot 1 would require the access road be upgraded to a private road, to Town private road specs, or an additional access be provided at Lakeside Road, but the parent subdivision was filed with that driveway being a common driveway -- three lots on a common driveway. The duplex proposal would trigger four dwelling units on a common driveway which would

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not be permitted and wouldn't be consistent with the Town Board's approval that was granted.

MR. MORONEY: Did you see where I have the driveway? It's not on --

MR. HINES: I understand that. But the original subdivision required the driveway to be on the shared common driveway. It was three lots on a common driveway. I see where you're depicting one out to Lakeside Road right now but that's not consistent with the original approval.

MR. MORONEY: So I would need a variance for that?

MR. HINES: I'm not sure what you would need.

CHAIRMAN EWASUTYN: It's not a public hearing.

Michael.

MR. DONNELLY: We're going to have to look at the file but it also appears that what the Planning Board said at the time was if you were going to add another dwelling unit, which you are by building the duplex, then you'd have to change the common driveway into a private road and improvement -- improve it to that extent. So

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it isn't a variance.

MR. MORONEY: Okay.

MR. DONNELLY: You could improve the driveway to a private road specification, then the limitation of three dwelling units on a common driveway wouldn't apply.

MR. MORONEY: So would I have to --

CHAIRMAN EWASUTYN: Why are you proposing the separate driveway? What brought you to that point? Why aren't you showing the access -- assuming you could do it, although now it's a two-family so there would be one more, what made you create the new driveway?

MR. MORONEY: I thought just because we couldn't use this driveway for a duplex.

CHAIRMAN EWASUTYN: Okay. Okay. All right. That makes sense. Simple as that.

MR. GALLI: If he brings that road up to Town specs -- private road Town specs, then he can build his duplex and he doesn't have to worry about the rigamarole, he can go ahead and do it.

MR. HINES: I think that might be easier said than done.

CHAIRMAN EWASUTYN: Why do you say

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that?

MR. HINES: Because the private road would require a cul-de-sac wherever it terminates, and the provisions for that would be a fifty-foot diameter cul-de-sac at the end of the private road. It would be wider.

MR. GALLI: Is it twenty feet?

MR. FOWLER: I can answer that for you, John, if you'd like.

CHAIRMAN EWASUTYN: I know you just can't wait to say something. Who am I to say. Introduce yourself for the record.

MR. FOWLER: My name is Art Fowler and I was one of the partners of the subdivision that sold to Pat, and I'm also a member of the Orange Lake Civic Association. When we proposed this it was the desire of the Orange Lake Civic Association to have a limited access point. We had to go back to the Town Board to get approval for having three lots on a subdivision.

MR. HINES: On a common driveway.

MR. FOWLER: On a common driveway. As we went there, their comment on that was that if he -- if we restricted -- as part of that

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agreement we restricted two families on the other two lots so you couldn't have four units eventually --

MR. HINES: Correct.

MR. FOWLER: -- on one common driveway, and the stipulation was it would be made into Town road specs, or it had to go -- in his case he was the only lot that was able to have an allowed use for a two-family. If he came back to the Planning Board he would have to propose his own private driveway. That's why his engineer has it on the map.

CHAIRMAN EWASUTYN: Do you remember originally why the residents in that area wanted to restrict it to --

MR. FOWLER: I do. I was part of that meeting.

CHAIRMAN EWASUTYN: I remember.

MR. FOWLER: It was because they thought it would be more aesthetically pleasing. He has line of sight for the -- the original subdivision.

CHAIRMAN EWASUTYN: There was a safety issue involved, was there not?

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MR. FOWLER: No. It was line of sight. Well, they thought it would be safer for one driveway versus two, but as I pointed out every driveway is alongside of each other on Lakeside Road. It was more for aesthetics. The fact it would be nicer to have one entry point and one exit point so two cars couldn't come out simultaneously to Lakeside Road. So we addressed that by restricting on the other two lots and knowing that if Mr. Moroney had to come back -- if he wanted the two family he would have to come back to the Planning Board for a ruling from the Planning Board.

CHAIRMAN EWASUTYN: Now I'll hear from Mike Donnelly. Mike, how do we interpret this?

MR. DONNELLY: I didn't look at the old file. I'll have to. I think Pat did and it's his recollection and reading of the transcript that there was concern on the Planning Board's part, I don't know about the homeowners association, that the access -- an access driveway at that location would not be safe because of sight distance concerns or others. If that's wrong, then we'll have to revisit it.

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MR. FOWLER: I think you should revisit that.

MR. DONNELLY: So we need to look at that file and see.

MR. MORONEY: Excuse me one second. This driveway right here is a lot safer, as far as looking over this hill, than the proposed driveway or road as far as sight distance.

CHAIRMAN EWASUTYN: Because you're more at the peak of the --

MR. MORONEY: Yeah. You can see a lot further from over here than you can from here. This gets scary here. Where this is you have pretty good distance. You can see on both sides of the hill there. There's already a cut in here for a road.

MR. HINES: There used to be several houses along there, if I recall.

MR. FOWLER: You're right.

MR. MORONEY: What's our next step?

CHAIRMAN EWASUTYN: Good question.

MR. DONNELLY: We need to retrieve the file and see what the Planning Board's position was. You can change it but I don't think you

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should change it without first understanding why we did it the way we did it.

MR. GALLI: We retrieve the file, do they retrieve it or --

MR. DONNELLY: I can gather what I have.

CHAIRMAN EWASUTYN: Mike will check.

MR. DONNELLY: I'll check the resolution and see if there was a condition. Pat says there are transcripts in the file.

MR. HINES: I read the minutes of the meeting from Michelle's transcripts.

CHAIRMAN EWASUTYN: We'll schedule this for the meeting of the 7th of November. That will give us the time to research everything.

MR. HINES: Does the Board want to see those sight distances if his consultant puts the sight distances on there?

CHAIRMAN EWASUTYN: They weren't on the original? I remember a figure. There wasn't on the original map sight distances?

MR. FOWLER: There was.

CHAIRMAN EWASUTYN: I seem to remember that. So if you could somehow -- this was a plan

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done by Doce Associates.

MR. FOWLER: The original plan was Doce Associates. They didn't do this plan, did they Pat?

MR. HINES: Secure Properties was Doce.

CHAIRMAN EWASUTYN: You made mention of the fact that in your review, did you not, something about the original surveyor being part of this or not?

MR. HINES: No, no. I was just referring to the site plan. Oh, this references that survey. The site plan just says it's based on a Vince Doce survey.

MR. FOWLER: We can supply it if you'd like.

MR. HINES: The concern is, and I mentioned it, that the survey that's referenced as the datum for this was the 26 January survey by Doce Associates, but this didn't receive approval until June or July of 2012. So there were a couple of revisions since that 26 January. So I just want to make sure that this is the updated actual survey for the parcel. I think you'll find with the approval on it it will have

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three lots on a common driveway layout.

CHAIRMAN EWASUTYN: Maybe that won't have the sight distance.

MR. FOGARTY: Pat, in the long run would this Town road now replace that common driveway?

MR. HINES: No, no. It would be a private road built to the Town private road specifications is the difference. You're only allowed to have two single-family -- two dwelling units on a driveway. The Town Board has a waiver provision where they will allow you to have three dwelling units on a common driveway, basically a twelve-foot wide asphalt strip. Once you exceed either the two or the three without the waiver, then you need to do the Town private road spec which is roadway, subbase, cul-de-sac, turnaround.

MR. FOGARTY: That would service all four?

MR. HINES: That would service all four and take quite a bit of construction. The difference between a common driveway and private road spec is substantial.

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MR. FOGARTY: Thanks.

CHAIRMAN EWASUTYN: Any other questions  
or comments?

(No response.)

CHAIRMAN EWASUTYN: Jerry?

MR. CANFIELD: Mr. Moroney, for the  
minutes, Pat Moroney is your name?

MR. MORONEY: Yes.

And that driveway would have to go all  
the way down to the -- in other words, I couldn't  
build a road to here?

MR. HINES: Wherever to here is would  
need a cul-de-sac.

MR. MORONEY: To the house. Eventually  
this road would go --

MR. HINES: I don't know about that.

MR. MORONEY: -- all the way to the  
end.

MR. GALLI: You own all that property?

MR. MORONEY: Well I own to here. This  
proposed road --

MR. GALLI: The best thing to do is  
let's get the maps and look at it and see where  
we go from there and maybe you won't have to go

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through all that expense.

MR. MORONEY: Yeah. Unless Art wants to chip in or something.

MR. FOWLER: I'm sorry I came.

MR. HINES: Apparently he offered up the common driveway.

I have a couple more. The two-family, there was a pump station design done for the residential property. It depends on the number of bedrooms you're proposing for the two family.

MR. MORONEY: It's four bedrooms.

MR. HINES: It's probably --

MR. MORONEY: Two in each.

MR. HINES: The original pump station was based on a four-bedroom design. I just didn't have that.

The two-family houses require architectural review by the Planning Board. That will be something that will need to be submitted in the future.

The driveway appears to hook around the structure and there's a large paved area in the back as well as the four proposed parking spaces required.

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MR. MORONEY: Mm'hm'.

MR. HINES: During the previous public hearing for the parent subdivision, drainage issues were a concern of the Orange Lake Civic Association. There were several commenters on --

MR. MORONEY: Over here?

MR. HINES: Yeah. The paving of the whole rear there. I don't know what the reason is for that.

MR. MORONEY: It doesn't look like a lot but if --

MR. HINES: You have four parking spaces in the front required and then you're showing paving. If there's garages there and they are going to service -- I don't know why you're paving in the rear unless it's garage access.

MR. MORONEY: There is garage underneath that.

MR. HINES: That could be credited toward one of the parking spaces for each. You may not need the four in the front.

MR. MORONEY: Okay.

MR. HINES: If there is a garage, that

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counts as one of the parking spaces. You may be able to reduce that pavement further.

MR. MORONEY: There's two garages, one under each.

MR. HINES: Right. So you can eliminate some of the parking in the front, or possibly eliminate all the parking in the front if you can do a garage with a parking spot behind it.

CHAIRMAN EWASUTYN: So what he's saying is you could minimize the impervious surface and that drainage that was a concern.

MR. MORONEY: That would work out better. Okay.

MR. HINES: It may look a little better with the parking in the rear, too.

CHAIRMAN EWASUTYN: Anything else, Pat?

MR. HINES: That's all we had.

CHAIRMAN EWASUTYN: We'll take our time and look at what we have to look at and we'll see you on the 7th.

MR. MORONEY: Okay.

(Time noted: 7:56 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.

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DATED: November 10, 2013

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

----- X  
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

----- X

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 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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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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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.

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DATED: November 10, 2013

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

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In the Matter of

NYC DEP - DELAWARE AQUEDUCT REPAIR  
(2011-15)

Presentation - Update on Progress  
and Minor Field Changes

----- X

BOARD BUSINESS

Date: October 17, 2013  
Time: 8:04 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

----- X

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

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MR. BROWNE: For Board Business I think we should probably note in the minutes that the 5:00 presentation was done by the New York City Department of Environmental Protection. That was accomplished during the work session.

(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.

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DATED: November 10, 2013

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

----- X  
In the Matter of

GIBSON ESTATES  
(2013-09)

Receipt of Comments from Orange County Planning

----- X

BOARD BUSINESS

Date: October 17, 2013  
Time: 8:05 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  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
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MR. BROWNE: Going on, Gibson Estates, project 2013-09. We received Orange County Planning comments. This is for final approval.

MR. HINES: We haven't received those to date. We'll have to repeat that again on the 7th of November.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:05 p.m.)

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

----- X  
In the Matter of

JPJR HOLDINGS  
(2011-19)

Request for Final Approval of Eleven-Lot Subdivision

----- X

BOARD BUSINESS

Date: October 17, 2013  
Time: 8:06 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

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MR. BROWNE: And JPJR Holdings, project number 2011-19. The applicant is requesting final approval of an eleven-lot subdivision.

MR. HINES: This is before the Board. County Planning had given required amendments in their review and the Board didn't have a supermajority at their previous meeting when they were before you. For the Board to override the County's recommendations, we needed some additional Members of the Board. So it would be appropriate tonight for the Board to do that. I think Mike has the resolution.

MR. DONNELLY: Yes. This is actually a resolution for preliminary subdivision approval. You can't grant final because we don't have a flow acceptance letter yet.

CHAIRMAN EWASUTYN: That's amazing.

MR. HINES: We do not.

MR. DONNELLY: The first condition is the flow acceptance letter. Secondly, it needs realty subdivision approval and stormwater SPDES for the DEC I believe.

MR. HINES: Yes.

MR. DONNELLY: I think we required or

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suggested that a drainage district was in order, so we'll have to obtain that approval from the Town Board. Town highway superintendent for curb cut approval. Central Hudson certifying that the construction activities are allowed within the easement area. A condition that will note now and will be in the final resolution requiring the construction of the swale along Rockwood Drive must be completed before any driveways are built and before any building permits for a habitable structure are issued. Clearing limits are to be marked in the field -- that was in response to a public comment at the hearing -- and the area of the root systems protected. The project will need a common driveway easement and maintenance agreement sign off. There is construction of the houses near the allowable building envelop, therefore foundation staking is required. There were more than ten lots so the ARB multi-building or multi-home ARB provisions kick in. Ultimately a stormwater improvement inspection fee will be required. Fees in lieu of parkland will need to be paid at the time of final approval.

You'll remember that the Orange County

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Planning Department had recommended changes to the plan of a binding nature, and therefore you need to have more than four votes for a supermajority. We're also required to report to the Planning Board that we have overruled their recommendation and state the reason why.

          You'll recall that the recommendation touched upon two things. Number one, that the layout of the lots was not consistent with the surrounding neighborhood and they recommended that you revisit the layout; and secondly, it didn't take into account parent parcel constraints, and they recommended their design booklet in terms of stormwater issues. I think we received those comments, you discussed them at the meeting, and in the supermajority report section of the resolution I include the following language: The Planning Board, fully familiar with the surrounding neighborhood, rejects the findings of the Planning Department that the proposed layout is inconsistent with the surrounding neighborhood. The sizes of the lots proposed -- the size of the lots proposed is fully consistent with the surrounding

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neighborhood and fully compliant with the Town subdivision regulations. And secondly, the Planning Board further determines that the subdivision layout appropriately takes into account the parent parcel constraints. I don't think we need to be any more elaborate than that.

CHAIRMAN EWASUTYN: Thank you.

Any questions or comments from our consultants or Board Members?

(No response.)

CHAIRMAN EWASUTYN: Then I'll move for a motion to grant preliminary approval for the application that was just discussed by Mike Donnelly, Planning Board Attorney.

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Frank Galli. 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.

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MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Myself. So  
carried.

Thank you.

I'll move for a motion to close the  
Planning Board meeting of the 17th of October.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by  
Frank Galli. I have a second by John Ward. I'll  
ask 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: Aye.

(Time noted: 8:10 p.m.)

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