		1	3
		2	Newburgh, Code Compliance Supervisor.
	1 1	3	MR.HINES: Pat Hines with McGoey,
	2 STATE OF NEW YORK : COUNTY OF ORANGE	4	Hauser & Edsall Consulting Engineers.
	TOWN OF NEWBURGH PLANNING BOARD	5	MR.COCKS: Bryant Cocks, Planning
	In the Matter of 4	6	Consultant.
	5 BOTRAC PROPERTIES (2011-21)	7	MS.ARENT: Karen Arent, Landscape
	6 Orchard Drive 7 Section 1; Block 1; Lot 133.0	8	Architectural Consultant.
	AR Zone	9	MR.BROWNE: Thank you. At this time
	9	10	I'll turn the meeting over to Joe Profaci.
1	10 <u>PUBLIC HEARING</u> <u>TWO-LOT SUBDIVISION</u>	11	MR. PROFACI: Please rise.
1	11 Date: December 1, 2011 Time: 7:00 p.m.	12	(Pledge of Allegiance.)
	L2 Place: Town of Newburgh Town Hall	13	MR.PROFACI: If you would please turn
	13 1496 Route 300 Newburgh, NY 12550	14	off your cell phone or electronic devices.
	 L5 BOARD MEMBERS: JOHN P. EWASUTYN, Chairman	15	MR.BROWNE: Thank you. The first item
1	FRANK S. GALLI CLIFFORD C. BROWNE	16	of business we have on this evening's agenda is a
1	KENNETH MENNERICH 17 JOSEPH E. PROFACI THOMAS P. FOGARTY	17	public hearing. This one was scheduled
1	JOHN A. WARD	18	previously.
	ALSO PRESENT: MICHAEL H. DONNELLY, ESQ. BRYANT COCKS	19	I'd ask Mike Donnelly to explain
	20 PATRICK HINES KAREN ARENT 21 GERALD CANFIELD	20	briefly the purpose of the public hearing and
	22	21	where we are with this project and where we left
2	APPLICANT'S REPRESENTATIVE: LAWRENCE MARSHALL 23	22	off the last tim e.
2	24 MICHELLE L. CONERO 10 Westview Drive	23	MR.DONNELLY: The Planning Board is
2	25 Wallkill, New York 12589 (845)895-3018	24	required to hold a public hearing on all
	MICHELLE L. CONERO - (845)895-3018	25	subdivision proposals, and this is a subdivision
			MICHELLE L. CONERO - (845)895-3018
1	2	1	4
2	MR.BROWNE: Good evening, ladies and	2	proposal. The public hearing in this matter was
3	gentlemen. Welcome to the Town of Newburgh	3	actually started on November 17th and continued
4	Planning Board meeting of December 1, 2011.	4	to tonight's date because the notice was not
5	At this time I'll call the meeting to	5	published in both of the Town's official
6	order with a roll call vote starting with Frank	6	newspapers. The purpose of the hearing is for
7	G a Ili.	7	you, the members of the public who wish to be
8	MR.GALLI: Present.	8	heard, to bring to the attention of the Planning
9	MR.BROWNE: Present.	9	Board issues or concerns that you may have
10	MR. MENNERICH: Present.	10	regarding the project that the Planning Board may
11	CHAIRMAN EWASUTYN: Here.	11	not be aware of or that the consultants, who make
12	MR.PROFACI: Here.	12	recommendations to the Planning Board, may not
13	MR.FOGARTY: Here.	13	have realized them selves. After the applicant
14	MR.WARD: Present.	14	gives a presentation, the Chairman will ask those
15	MR.BROWNE: The Planning Board has	15	who wish to speak to raise your hand. You may
16	professional experts that provide reviews and	16	step forward after you're called. Please tell us
17	input on the business that we have before us,	17	your name, spell it for the Stenographer so we
18	including SEQRA determinations as well as code	18	get it down properly, and tell us where you live
19	and planning details. I'll ask them to introduce	19	in relation to the project so that we can
20	them selves at this time.	20	understand the perspective you bring to bear. If
21	MR.DONNELLY: MichaelDonnelly,	21	you have questions, direct them to the Planning
22	Planning Board Attorney.	22	Board and the Chairman will ask either the
		23	
23	MS.CONERO: Michelle Conero,	23	applicant's representative or one of the Town's
23 24	MS.CONERO: Michelle Conero, Stenographer.	23	applicant's representative or one of the Town's consultants to answer your questions.

1	5	1	7
2	Again, the first item of business is a	2	than you don't directly receive runoff from
3	public hearing. It's known as the Botrac	3	these parcels, and this parcel is tributary to
4	Properties, project number 2011-21. This is a	4	that very large wetland area to the rear of the
5	two-lot subdivision being presented by Lawrence	5	site. I did a quick look at the watershed.
6	Marshall. My understanding is that the notices	6	There's over a 10 square mile watershed through
7	have been properly executed at this point. Thank	7	that wetland area, so the roof area and the
8	you.	8	driveway pavement in a watershed of that size,
9	CHAIRMAN EWASUTYN: All right.	9	it's really insignificant, although I do see that
10	MR. MARSHALL: This is a proposed two-	10	your parcel is low and may be impacted when that
11	lot subdivision on the westerly side of Orchard	11	water comes up. This doesn't meet the threshold
12	Drive located in the AR zoning district. The	12	for a drainage analysis for the disturbance of
13	existing parcel is a 2.9 acre parcel which we're	13	this much property on that big of a site. I do
14	proposing to subdivide into two lots for single-	14	see where you have concerns with the wetland, the
15	family residential dwellings. The two lots are	15	large wetland area behind
16	1 approximately 1.6 acres in size and 1.3	16	MR. COROLLA: What about like health
17	acres in size.	17	issues, like you're putting two septic systems in
18	Both lots will be served by private	18	front of my house or to the right of my house?
19	wells and septic systems.	19	MR. HINES: It's up a little bit.
20	Lot 1 will utilize the existing	20	MR. COROLLA: To the right of my house
21	driveway that previously served a residence that	21	and I have a well back there. I mean where does
22	is no longer on this parcel. Lot 2 will have a	22	that water go?
23	new driveway which has been reviewed and approved	23	MR. HINES: The Public Health Law,
24	by the Town of Newburgh Highway Department.	24	Appendix 75-A, is what guides the design of
25	CHAIRMAN EWASUTYN: Thank you. As Mike	25	subsurface sanitary septic systems. We reviewed
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
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1	6	1	8
1 2	6 Donnelly said earlier, anyone here who has any	1 2	8 the plans that were proposed by the applicant and
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1	9	1	11
2	MR. COROLLA: I'm not just talking	2	MR. HINES: I understand your concern.
3	about the water table. I've seen water sitting	3	MR. COROLLA: I mean there's houses on
4	there coming through the ground. Like not just	4	the right-hand side of that road that are on a
5	runoff water. I've been I went through a	5	mountain, on a hill. That water comes down. Now
6	hurricane, a major melt last winter, a bad	6	it's going to go to their property. Now it's
7	winter. I seen my footing drains, a brand new	7	going to all trickle down to mine. Just to me
8	home, the footing drains running for a week or	8	it's like the water table there is ridiculously
9	two. I mean the water table is high. What	9	high. The way I look at it, I'll make it I'll
10	you're doing is you're creating more runoff going	10	put the house up for sale. I'll make it the next
11	between my property and Steve's. He's my	11	person's problem. That's going to be
12	neighbor. I mean we're here because we have	12	CHAIRMAN EWASUTYN: Additional
13	concerns.	13	comments? Name and address, please.
14	MR. HINES: Actually, the majority of	14	MR. CRINERI: My name is Steve Crineri,
15	water from this site, if you're Mr. Crineri,	15	I live at 766 Orchard. It's the parcel directly
16	that's the direction. This is immediately down	16	behind there. You said that I have a couple
17	gradient. You have a couple of low spots that	17	concerns. Obviously Jaime has concerns about
18	pond in your front yard based on the topography.	18	runoff. It is tributary to my property. Does my
19	MR. COROLLA: Yeah.	19	soil have enough perc to support that? I do have
20	MR. HINES: The applicant's engineer,	20	a few wet spots here and there, and, you know,
21	and I can let Mr. Marshall address this a little	21	they don't dry up until August.
22	more, has done the soils testing, the deep	22	MR. HINES: I'm looking at your lot.
23	testing and percolation tests that are required,	23	It was approved before this Board in 2007. The
24	and there is adequate soil on the site to support	24	same regulations applied for your lot that these
25	the septic systems in compliance with the Public	25	lots are having to meet right now. The same soil
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	10	1	12
2	Health Law.	2	testing and percolation testing would have been
2 3	Health Law. MR. COROLLA: That's fine for now.	2 3	testing and percolation testing would have been performed in 2007.
2 3 4	Health Law. MR. COROLLA: That's fine for now. What happens in ten years or twenty years? I	2 3 4	testing and percolation testing would have been performed in 2007. MR. CRINERI: Okay. All right.
2 3 4 5	Health Law. MR. COROLLA: That's fine for now. What happens in ten years or twenty years? I can't control who buys these houses and takes	2 3 4 5	testing and percolation testing would have been performed in 2007. MR. CRINERI: Okay. All right. MR. HINES: The separation distances
2 3 4 5 6	Health Law. MR. COROLLA: That's fine for now. What happens in ten years or twenty years? I can't control who buys these houses and takes care of the septic.	2 3 4 5 6	testing and percolation testing would have been performed in 2007. MR. CRINERI: Okay. All right. MR. HINES: The separation distances are there. Your well is shown on the plans. It's
2 3 4 5 6 7	Health Law. MR. COROLLA: That's fine for now. What happens in ten years or twenty years? I can't control who buys these houses and takes care of the septic. MR. HINES: Part of the requirements of	2 3 4 5 6 7	testing and percolation testing would have been performed in 2007. MR. CRINERI: Okay. All right. MR. HINES: The separation distances are there. Your well is shown on the plans. It's greater than a 200-foot separation distance.
2 3 4 5 6 7 8	Health Law. MR. COROLLA: That's fine for now. What happens in ten years or twenty years? I can't control who buys these houses and takes care of the septic. MR. HINES: Part of the requirements of that law is that there's a fifty-percent	2 3 4 5 6 7 8	testing and percolation testing would have been performed in 2007. MR. CRINERI: Okay. All right. MR. HINES: The separation distances are there. Your well is shown on the plans. It's greater than a 200-foot separation distance. MR. CRINERI: Mine is the 210 foot?
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	40	<u> </u>	
1	13	1	15
2	house. I also bought privacy, and, you know, I	2	like well it's over there, it's not a big deal,
3	guess that's in jeopardy now. When you build and	3	so who cares. That's what I'm getting out of
4	sell houses, when you're at the closing table,	4	this.
5	it's a business transaction, but the people	5	MR. HINES: A properly designed leach
6	buying them, you're buying a lifestyle for your	6	field will function during storm events. That's
7	family. I've got two my wife and I are	7	the reason why you do soil testing. The soil
8	planning on raising our two daughters here. Now	8	tests, the deep tests where they excavate down
9	we're not so sure. If these two houses if	9	are performed to identify issues with the
10	there were two houses, one of which was right up	10	groundwater table to make sure there needs to be
11	against my driveway, when I came to look at the	11	four foot of usable soil. Even seasonal
12	property, I probably wouldn't have bought it, you	12	fluctuations in groundwater are evident in those
13	know. So that's another concern of mine.	13	deep tests through the color of the soil. They
14	CHAIRMAN EWASUTYN: Mike, do you want	14	have what's called modeling or some gray colors
15	to speak on behalf of value?	15	caused by chemical reactions when the soil is
16	MR. DONNELLY: Construction on	16	saturated, and that's why the deep tests are
17	adjoining properties often has an impact on	17	performed, to make sure there is adequate soil.
18	property values. Sometimes a particular zoning	18	Similar tests were done on your lots in 2007, or
19	district or a particular type of construction	19	previous to that before they were approved.
20	might enhance somebody's property value. Another	20	MR. COROLLA: I'm just my biggest
21	time they diminish the property values. These	21	thing is, you know, just like in Colden Park.
22	properties have long been zoned for residential	22	Every house in that development has a sump pump
23	use, and the code allows them. I couldn't	23	in it. They're just on a high water table. I
24	comment on whether that decreases or increases	24	bought this house thinking I'm not going to have
25	your property value, but that type of change in	25	to deal with that. I work for a living and, you
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	14	1	16
2	property value is not a concern that the Planning	2	know, I was able to do the right thing and get
3	Board is allowed to factor in.	3	where I had to get to get what I have and to get
4	MR. CRINERI: Okay.	4	away from this, and now
5	MR. DONNELLY: Some types of large	5	MR. HINES: You have footing drains to
6	scale economic impacts on a larger scale or	6	daylight in the new house. You have that drainage
7	municipal wide scale are, at times, appropriate	7	ability there.
8	for review by a planning board, but not property	8	MR. COROLLA: You know, I'm just
9	value impacts to an immediately adjoining	9	concerned. I've seen how much water comes down
10	property.	10	my property, and it's just like I just can't
11	MR. CRINERI: That's kind of	11	believe all that surface water is going to go.
12	unfortunate. All right.	12	And then there's a lot in front of my house.
13	MR. HINES: I also was going to add as far as the septic systems go, the design engineer	13	That lot is they don't own it yet so that property is like this. I'm just like, you know,
14 15	for the septic system, the Town of Newburgh has	14 15	where is all this water going.
16	an additional requirement that they have to	15	MR. HINES: That's got the barns on it?
17	certify that they are constructed in compliance	17	MR. COROLLA: Exactly in front of me.
18	with the plans. So there is a little extra	18	You know, I'm just like concerned. I'm not
19	checks and balances in the Town of Newburgh that	19	trying to stop them from doing anything. I just
20	some municipalities don't require.	20	want to make sure that it's going to like meet
21	MR. COROLLA: When you have that much	21	health codes. I've got a well there, I've I'm
21	rain and, you know, you have a house that's on a	21	just like worried about
22	hill, okay, you're telling me that there's no way	22	MR. HINES: The role my office plays
23	that those leach fields are going to saturate?	23	for the Planning Board is to check those issues
25	That's pretty much what you're telling me. It's	25	with the septic systems, the designs, the deep
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018

		r	
1	17	1	19
2	tests, the perc tests. They've been able to	2	CHAIRMAN EWASUTYN: Excuse me. If you
3	prove these lots out to meet the code.	3	do speak, because James has been kind of
4	MR. COROLLA: Like there's a brand new	4	speaking, you should reintroduce yourself. Thank
5	duplex that just got built that they did right to	5	you.
6	the left of my property. That thing that is	6	MR. CRINERI: I'm Steve Crineri,
7	like, yes, it's on their property, but I'm just	7	directly behind. How is that enforced, the
8	waiting for down the road you know, I'm not	8	separate making sure that everything works
9	saying it's his fault or anybody's fault. I see	9	properly?
10	these fields are going to keep saturating, and	10	MR. CANFIELD: You asked how is it
11	everything comes down into my property. You	11	enforced?
12	know, the neighbor next to me to the left, you	12	MR. CRINERI: How is it enforced?
13	know, there's standing water I would say eighty	13	MR. CANFIELD: Usually a complaint is
14	percent of the time between my property and his.	14	lodged, or once the Building Department is made
15	All the time. It's just like the wetlands,	15	aware of the issue, they'll go out, they'll do a
16	because we had so much water, it feels like it	16	site inspection. There's a couple different
17	just keeps creeping up, you know. You look at my	17	tests. First you have to ascertain if in fact a
18	survey, you can see where the buffer zone is, and	18	system is failing, and then which system it is
19	it's not really that far off my house where that	19	that's failing. That can be done through visual
20	land is, you know, starting to come back. Like	20	tests, dye tests where you put tablets in a
21	the wetlands are coming towards me. That's my	21	fixture in the house, such as a sink or a toilet.
22	only concern is like it's wet back there. You	22	After a period of time the color dye will surface
23	know, it's a swamp. It's nasty. You get	23	and then you'll know exactly where it's coming
24	MR. HINES: It's a very large swamp.	24	from. Ultimately we look for voluntary
25	MR. COROLLA: You get hot summer nights	25	compliance on the owner's behalf. If that
20	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
4	18	1	20
1	-	-	
2	and you smell the swamp. I thought it was my	2	doesn't work, we do have the ability to issue
2 3	and you smell the swamp. I thought it was my sewer. It's nasty water, you know. It's just	2 3	doesn't work, we do have the ability to issue court local court appearance tickets. If we
2 3 4	and you smell the swamp. I thought it was my sewer. It's nasty water, you know. It's just like they don't every one above me don't care	2 3 4	doesn't work, we do have the ability to issue court local court appearance tickets. If we need to, we go that far to have court assistance
2 3 4 5	and you smell the swamp. I thought it was my sewer. It's nasty water, you know. It's just like they don't every one above me don't care because it just goes by them. It's just like	2 3 4 5	doesn't work, we do have the ability to issue court local court appearance tickets. If we need to, we go that far to have court assistance in directing the owners to comply with the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	and you smell the swamp. I thought it was my sewer. It's nasty water, you know. It's just like they don't every one above me don't care because it just goes by them. It's just like sitting. You know, that's my concern. CHAIRMAN EWASUTYN: Jerry, you had something you wanted to say. Jerry Canfield, Code Compliance. MR. CANFIELD: Just to elaborate on what Pat was saying. You had mentioned about ten years down the road. There is a requirement also in the Health Law and in the Town of Newburgh that the septic systems remain functional. The Town of Newburgh Building Department and the Health Department has jurisdiction over that. So not that it gives you any comfort but just to make you aware there is a requirement that the systems function as designed, and that's what the design professional is displaying, that the systems have been designed to the applicable codes. It's the Building Department's responsibility to see that they function as per	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	doesn't work, we do have the ability to issue court local court appearance tickets. If we need to, we go that far to have court assistance in directing the owners to comply with the ordinances. MR. CRINERI: The reason I'm asking MR. CANFIELD: And the Health Department as well. MR. CRINERI: I'm in the septic business. It's a family business. We do a lot of pumping in the Town of Newburgh. MR. CANFIELD: I'm sorry, I can't hear you. MR. CRINERI: I said it's a family business and we do a lot of pumping in the Town of Newburgh and I've never heard of this before. I've never gotten a call. I've seen plenty of failing systems. I've referred excavators all the time. I've never gotten a call from, you know, somebody being forced to pump it. That's why I'm asking. Most people do call when their system is failing because they're backing up into

1 21 1 23 2 becomes an issue or backs up into the house. 2 CHAIRMAN EWASUTYN: Okay. Any 3 4 additional questions or comments from the public? in move for a motion from the Board to close the 5 (No response.) in MR. FOGARTY: So moved. 7 MR. MENNERICH: No questions. 6 MR. FOGARTY: So moved. 8 MR. FOGARTY: I have a motion by 7 MR. MENNERICH: No questions. 10 MR. MCORACTY: I have no comment. 8 CHAIRMAN EWASUTYN: Thave on comment. 13 MR. FOGARTY: I have no comment. 11 (No response.) 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. ROWERCH: Aye. 15 turn to our consultants for their final comments. 15 MR. ROWERCH: Aye. 16 Jeany Canfield, Code Compliance? 17 MR. RNENERICH: Aye. 17 MR. CANFIELD: I have no outstanding 20 CHAIRMAN EWASUTYN: Myself yes. So 21 MR. COKS: My only outstanding comment. 13 MR. HOREARTY: Aye. 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 CARIRMAN EWASUTYN: Myself yes. So 24 carried. 22 CARIRMAN EWASUTYN: Myself yes. So 25 MR. HURES: We have no outstanding 21 CARIRMAN EWASUTYN:	2 becomes an issue or backs up into the house. 2 CHAIRMAN EWASUTYN: At this 3 CHAIRMAN EWASUTYN: Chay, Any 4 4 additional questions or comments from the public? 5 6 CHAIRMAN EWASUTYN: Final comments from 6 7 Board Members, Frank Galli? 6 8 MR, GALLI: No additional. 6 9 MR, EROWNE: No. 10 10 MR, PROFACI: No. 11 11 MR, PROFACI: No. 12 12 MR, CAARTY: I have no comment. 13 14 CHAIRMAN EWASUTYN: At this point I'll 14 15 turn to cur consultants for their final comments. 16 16 turn to cur consultants for their final comments. 16 16 turn to cur consultants for their final comments. 16 18 additional. 17 MR. ROGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 MR. NENNERICH: Aye. 16 Consultant? 17 MR. ROGARTY: Aye. 10 CHAIRMAN EWASUTYN: Bryan			r	
3 CHAIRMAN EWASUTYN: Okay, Any 3 move for a motion from the Board to close the 4 additional questions or comments from the public? 5 move for a motion from the Board to close the 5 CHAIRMAN EWASUTYN: Final comments from 6 MR. PoloCARTY: So moved. 7 MR. MENNERICH: No additional. 7 7 MR. MENNERICH: No additional. 9 MR. BORATY: I have on comments. 7 7 MR. MENNERICH: No additional. 10 MR. MEORATY: I have on comments. 7 7 MR. MENNERICH: No questions. 11 MR. POGARTY: I have no comments. 11 Any discussion of the motion? 11 MR. POGARTY: I have no comments. 12 CHAIRMAN EWASUTYN: At this point I'll 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. ROPACH: Aye. 15 turn to our consultants for their final comments. 15 MR. ROPACH: Aye. 16 MR. MARD: Aye. 17 MR. NORACH: Aye. 17 MR. MARD: Aye. 16 MR. MRONEXCH: Aye. 18 additional. 17 MR. MARD: Aye.	3 CHAIRMAN EWASUTYN: Okay. Any 3 move for a motion from the Board to clos 4 additional questions or comments from the public? 5 jublic hearing on the two-lot subdivision 6 CHAIRMAN EWASUTYN: Final comments from 6 MR. FOGART: So moved. 7 Board Members. Frank Galli? 7 MR. ENCART: So moved. 8 MR. GALLI: No additional. 8 CHAIRMAN EWASUTYN: Thave as comment. 10 MR. MENNERICH: No questions. 10 Any NEXOSUTYN: Thave as comment. 13 MR. WARD: No. 9 Tom Fogarty. I have as econd by Ken Mc 14 MR. FOGARTY: I have no comment. 13 roll call vote starting with Frank Galli. 15 MR. CANFIELD: I have no tompliance? 16 MR. MORNERICH: Aye. 17 16 Jerry Canfield, Code Compliance? 16 MR. MROSCI: Aye. 18 MR. FOGART: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 MR. MARD: Aye. 12 carried. 22 CHAIRMAN EWASUTYN: Myself 21 MR. HINES: We have no outstanding comments. 18 MR. FOGART: Aye. 23 24 I and thave: Aye. 24 14 MR. M	1	21	1	
4 additional questions or comments from the public? 4 public hearing on the two-lot subdivision for the lands of Botrac. 5 (No response.) 6 MR. FOCARTY: So moved. 7 Board Members. Frank Galli? 6 MR. FOCARTY: So moved. 8 MR. GALLI: No additional. 9 Tom Fogarty. I have a second by Ken Mennerich. 10 MR. NENNERICH: No. 9 Tom Fogarty. I have a second by Ken Mennerich. 11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 13 MR. WARD: No. 12 CHAIRMAN EWASUTYN: At this point I'll 14 CHAIRMAN EWASUTYN: Yeat this point I'll 14 MR. GALLI: Aye. 15 MR. CANFIELD: I have no outstanding 17 MR. PROFACI: Aye. 16 CMAIRMAN EWASUTYN: Bryant Cocks, 19 MR. WARD: Aye. 20 CONSULTN? MR. HINES: We have no outstanding 21 carried. 21 MR. HINES: We have no outstanding consultant? 22 carried. 22 CHAIRMAN EWASUTYN: Bryant Cocks, 25 MR. COCKS: My only outstanding consultant? 22 CAHAIRMAN EWASUTYN: Bryant Cocks	4 additional questions or comments from the public? 5 indications of the two-lot subdivision 5 5 (No response.) 6 CHAIRMAN EWASUTYN: Final comments from 7 Board Members. Frank Galli? 6 MR. FOGARTY: So moved. 8 MR. CALLI: No additional. 9 7 MR. MENNERICH: Second. 9 MR. ROWNE: No. 9 7 MR. MENNERICH: No questions. 10 MR. FOGARTY: I have no comment. 12 CHAIRMAN EWASUTYN: At this point TII 13 MR. FOGARTY: I have no comment. 14 MR. GALLI: Aye. 14 CHAIRMAN EWASUTYN: At this point TII 14 MR. GARTY: Aye. 15 turn to our consultants for their final comments. 16 MR. MENNERICH: Aye. 16 Jerry Canfield, Code Compliance? 17 MR. GOARTY: Aye. 18 additional. 18 MR. MORANEWASUTYN: Pat Hines, Drainage 20 ChAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding 21 carried. 22 14 22 MR. COCKS: My only outstanding comment 22 14 MR. DONNELLY: Myself 24 conditions of approval for the two	2	becomes an issue or backs up into the house.	2	CHAIRMAN EWASUTYN: At this point I'll
5 Iands of Botrac. 6 CHAIRMAN EWASUTYN: Final comments from 7 Board Members. Frank Gall? 8 MR. GALLI: No additional. 9 MR. BROWNE: No. 10 MR. MENNERICH: No questions. 11 MR. POGARTY: I have no comment. 12 MR. FOGARTY: I have no comment. 13 MR. WARD: No. 14 CHAIRMAN EWASUTYN: X this point TII 15 turn to our consultants for their final comments. 16 Jarry Canfield, Cade Compliance? 17 MR. CANFIELD: I have nothing 18 additional. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 20 Consultant? 21 MR. HINES: We have no outstanding comment. 23 CHAIRMAN EWASUTYN: Bryant Cocks, and the was part of the area, and 1 did graf a tervised plan showing that. Larry, you 4 mentioned that the highway superintendent signed of for the new lot - on the driveway location 7 MR. COCKS: My only outstanding comment MICHELLE L. CONERO - (#45)985-3018 11 MR. COCKS: My only outstanding comment MICHELLE L. CONERO - (#45)985-3018 12 was regarding the residential lot area, and 1 did gregar the was	5 (No response.) 5 lands of Botrac. 6 CHAIRMAN EWASUTYN: Final comments from 6 MR. POGARTY: So moved. 7 Board Members. Frank Galli? 8 CHAIRMAN EWASUTYN: I have 9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken MV 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. POFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. RORATY: Aye. 16 mrt to aur consultants for their final comments. 16 MR. MENNENCH: Aye. 16 additional. 17 MR. CANFIELD: I have nothing 17 MR. POFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding 21 carried. 22 1	3	CHAIRMAN EWASUTYN: Okay. Any	3	move for a motion from the Board to close the
6 CHAIRMAN EWASUTYN: Final comments from 7 6 MR. FOGARTY: So moved. 7 Board Members. Frank Galli? 7 MR. MENNERICH: So additional. 8 MR. GALLI: No. 8 CHAIRMAN EWASUTYN: 11 have a motion by 9 MR. BROWKE: No. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. PROFACI: No. 11 (No response.) 13 MR. WARD: No. 11 (No response.) 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GAUR: Aye. 16 Jerry Canfield, Code Compliance? 17 MR. RORFACI: Aye. 18 additional. 18 MR. COARST: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 17 MR. MRORFACI: Aye. 20 Consultant? 18 MR. COCKS: Wy only outstanding comment. 21 MR. COXES: Wy only outstanding comment. 18 MR. COXES: Wy only outstanding comment. 22 MR. COXES: Wy only outstanding comment. 10 24 24 24 24 was regarding the residential lot area, and I did 36 31	6 CHAIRMAN EWASUTYN: Final comments from 7 Board Members. Frank Gall? 6 MR. FOGARTY: So moved. 7 MR. GALLI: No additional. 7 MR. MCNNERICH: Second. 9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken Me 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 MR. MARD: The Max Surgers. 12 MR. FOGARTY: I have no comment. 13 roll call vote starting with Frank Gall. 14 CHAIRMAN EWASUTYN: At this point I'll MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 Derry Canfield, Code Compliance? 16 MR. FOGARTY: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Bryant Cocks, 19 MR. WARD: Aye. 20 Consultant? 22 At this time I'l turn to Mike 21 Consultant? 22 4 At this time I'l turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21	4	additional questions or comments from the public?	4	public hearing on the two-lot subdivision for the
7 Board Members. Frank Galli? 7 MR. RENNERICH: Second. 8 MR. RENNER. No. 9 Tom Fogarty. I have a second by Ken Mennerich. 10 MR. MENNERICH: No. questions. 10 Any discussion of the motion? 11 MR. POGARTY: I have no comment. 11 (No response.) 12 MR. OGARTY: I have no comment. 11 (No response.) 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point TII 14 MR. GARTY: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 jerry Canfield, Cade Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 20 Consultant? 20 CHAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding comment 21 22 24 22 MR. HINE CANFELL L. CONERO - (845)895-3018 10 22 24 24 was regarding the residential lot area, and 1 did 3	7 Board Members. Frank Galli? 7 MR. MENNERICH: Second. 8 MR. GALLI: No additional. 8 CHAIRMAN EWASUTYN: I have a second by ken Me 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. MARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point l'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. MENNERICH: Aye. 16 Jarry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 17 MR. NARD: Aye. 18 additional. 19 MR. MARD: Aye. 19 CHAIRMAN EWASUTYN: Bryant Cocks, 19 MR. MARD: Aye. 20 Consultant? 20 CHAIRMAN EWASUTYN: May any outstanding comment 21 At this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 21 21 21 24 Planning Consultant? 22 1 21 MR. HONNELY: The resolution in aptications of a	5	(No response.)	5	lands of Botrac.
8 MR. GALLI: No additional. 8 CHAIRMAN EWASUTYN: I have a motion by 9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken Mennerich. 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 10 Any discussion of the motion? 12 MR. POGARTY: I have no comment. 13 MR. WARD: No. 13 MR. WARD: No. 12 CHAIRMAN EWASUTYN: Til move for a 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 Jerry Canfield, Code Compliance? 16 MR. NENNERICH: Aye. 16 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 17 MR. CANFIELD: I have nothing 18 MR. FOGARTY: Aye. 18 additional. 10 MR. WARD: Aye. 20 CONsultant? 20 CHAIRMAN EWASUTYN: Myself yes. So 21 MR. CONCS: My only outstanding comment. 21 At this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 At this time I'll turn to Mike 24 was regarding the residential tot area, and I did 24	8 MR. GALLI: No additional. 8 CHAIRMAN EWASUTYN: I have a 9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken Me 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 10 Any discussion of the motion? 12 MR. FOGARTY: I have no comment. 13 roll call vote starting with Frank Gall. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. FOGARTY: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 20 CHAIRMAN EWASUTYN: Myself 21 MR. HINES: We have no outstanding 21 carried. 22 22 MR. COCKS: My only outstanding comment 12 conditions. The first is well. New olat 23 MCHELLE L. CONERO - (845)895-3018 MCHELLE L. CONERO - (845)895-3018 4 MR. MARSHALL: I believe so. You 3 final subdivision approval. There are twov 4	6	CHAIRMAN EWASUTYN: Final comments from	6	MR. FOGARTY: So moved.
9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken Mennerich. 10 MR. MENNERICH: No. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point Till 14 MR. GAUL: Aye. 15 turn to our consultants for their final comments. 16 MR. MENNERICH: Aye. 15 turn to our consultants for their final comments. 16 MR. MENNERICH: Aye. 16 MR. CANFIELD: I have nothing 18 MR. FOGARTY: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 20 CHAIRMAN EWASUTYN: Myself yes. So 21 MR. HINES: We have no outstanding 22 At this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 24 24 24 24 Planning Consultant? 22 1 R. COCKS: My only outstanding comment. 24 24 24 was regarding the residential lot area, and I did 36 36	9 MR. BROWNE: No. 9 Tom Fogarty. I have a second by Ken Me 10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 12 CHAIRMAN EWASUTYN: At this point I'll 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 16 MR. MR. COGARTY: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 17 MR. POGARTY: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 ChAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding 21 carried. 22 CHAIRMAN EWASUTYN: Bryant Cocks, 24 Donnelly, Planning Board Attorney, to giv 24 Planning Consultant? 22 1 MR. HOLELE L. CONERO - (845)895-3018 1 22 1 MR. DONNELLY: The resolution 3 3 get arevised plan showing	7	Board Members. Frank Galli?	7	MR. MENNERICH: Second.
10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. POCFACT: No. 11 (No response.) 12 MR. FOCARTY: I have no comment. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 16 MR. GARTY: Aye. 16 Jerry Canfield, Code Compliance? 17 MR. CARTY: Aye. 18 additional. 18 MR. WARD: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 MR. WARD: Aye. 20 Consultant? 19 MR. WARD: Aye. 21 MR. HINES: We have no outstanding 22 At this time I'll turn to Mike 22 Consultant? 20 ChAIRMAN EWASUTYN: Bryant Cocks, 24 24 pameting: Consultant? 22 At this time I'll turn to Mike 20 23 CHAIRMAN EWASUTYN: Bryant Cocks, 24 2 At this time I'll turn to Mike 24 was regarding the residential lot area, and I did 3 3 final subdivision approval. There are two 4 <th>10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 MR. WARD: No. 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 16 MR. MCNNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MONNE: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 CHAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding 20 Consultant? 22 MR. COCKS: My only outstanding comment. 11 MR. DONNELLY: Ne velot 23 CHAIRMAN EWASUTYN: Bryant Cocks, 12 MR. COCKS: My only outstanding comment. 24 Planning Consultant? 22 1 2 24 Was regarding the residential tot area, and I did 3</th> <th>8</th> <th>MR. GALLI: No additional.</th> <th>8</th> <th>CHAIRMAN EWASUTYN: I have a motion by</th>	10 MR. MENNERICH: No questions. 10 Any discussion of the motion? 11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 MR. WARD: No. 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 16 MR. MCNNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MONNE: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 CHAIRMAN EWASUTYN: Bryant Cocks, 21 MR. HINES: We have no outstanding 20 Consultant? 22 MR. COCKS: My only outstanding comment. 11 MR. DONNELLY: Ne velot 23 CHAIRMAN EWASUTYN: Bryant Cocks, 12 MR. COCKS: My only outstanding comment. 24 Planning Consultant? 22 1 2 24 Was regarding the residential tot area, and I did 3	8	MR. GALLI: No additional.	8	CHAIRMAN EWASUTYN: I have a motion by
11 MR. PROFACI: No. 11 (No response.) 12 MR. PROGACTY: I have no comment. 12 CHAIRMAN EWASUTYN: I'll move for a 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 Urn to our consultants for their final comments. 16 MR. RONREICH: Aye. 18 additional. 17 MR. PROFACI: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 MR. FOGARTY: Aye. 20 Consultant? 20 CHAIRMAN EWASUTYN: Pat Hines, Drainage 21 carried. 21 MR. HINES: We have no outstanding 21 carried. 22 CHAIRMAN EWASUTYN: Myself yes. So 22 CONSULAT? 22 At this time I'll turn to Mike 23 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 carried. 24 24 Planning Consultant? 22 1 MR. COCKS: My only outstanding comment MCHELL L. CONERO - (845)895-3018 14 mettioned that the highway superintendent signed 5 final subdivision approval. There are two 1	11 MR. PROFACI: No. 11 (No response.) 12 MR. FOGARTY: I have no comment. 13 MR. WARD: No. 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. RENERICH: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 20 CHAIRMAN EWASUTYN: Mayelf 21 Consultant? 20 CHAIRMAN EWASUTYN: Bryant Cocks, 21 at this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 at this time I'll turn to Mike 23 24 conditions of approval for the two-lot 24 conditions of approval for the two-lot 25 MR. COCKS: My only outstanding comment. 31 final subdivision approval. There are two 3 off on the new lot? 7 MR. DONNELLY: The resolution	9	MR. BROWNE: No.	9	Tom Fogarty. I have a second by Ken Mennerich.
12 MR. FOGARTY: 1 have no comment. 12 CHAIRMAN EWASUTYN: 1 have no comment. 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALL: Aye. 15 turn to our consultants for their final comments. 15 MR. BOWNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERCH: Aye. 17 MR. CANFIELD: I have nothing 18 MR. FOGARTY: Aye. 18 additional. 18 MR. PROFACL: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 CHAIRMAN EWASUTYN: Myself yes. So 21 MR. HINES: We have no outstanding 20 CHAIRMAN EWASUTYN: Myself yes. So 22 comments. 21 At this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 At this time I'll turn to Mike 24 Planning Consultant? 22 1 24 25 CMACKS: My only outstanding comment MICHELLE L. CONERO - (845)895-3018 MICHELLE L. CONERO - (845)895-3018 1 22 1 24 24 2 was regarding the resi	12 MR. FOGARTY: I have no comment. 12 CHAIRMAN EWASUTYN: I'll mo 13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 18 MR. MENNERICH: Aye. 18 additional. 19 MR. MENSEXUTYN: Yaye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 18 MR. PGGARTY: Aye. 20 Consultant? 22 14 carried. 21 CARIRMAN EWASUTYN: Bryant Cocks, 19 MR. WARD: No. 22 22 MR. COCKS: My only outstanding comment 16 MR. DONNELLY: The resolutions of approval for the two-lot 22 was regarding the residential lot area, and I did 3 final subdivision approval. MR- RESOLYN: Okay. 3 off or the new lot? 16 for a motion to grant final conditional approval, but I'll check. I 4 don't think I have it. 15 MR. WARD: Second.	10	MR. MENNERICH: No questions.	10	Any discussion of the motion?
13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALLI: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 18 additional. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 10 MR. MRD: Aye. 20 20 Consultant? 20 CHAIRMAN EWASUTYN: Bryant Cocks, 21 arried. 21 Consultant? 22 At this time I'll turn to Mike 23 CHAIRMAN EWASUTYN: Bryant Cocks, 21 carried. 24 Planning Consultant? 22 At this time I'll turn to Mike 25 MR. COCKS: My only outstanding comment MICHELLE L. CONERO - (845)895-3018 MICHELLE L. CONERO - (845)895-3018 1 22 was regarding the residential lot area, and I did 3 final subdivision approval. There are two 4 mentioned that the highway superintendent signed 5 Itter from the highway superintendent on the new	13 MR. WARD: No. 13 roll call vote starting with Frank Galli. 14 CHAIRMAN EWASUTYN: At this point I'll 14 MR. GALL: Aye. 15 turn to our consultants for their final comments. 15 MR. BROWNE: Aye. 16 Jerry Canfield, Code Compliance? 16 MR. MENNERICH: Aye. 17 MR. CANFIELD: I have nothing 17 MR. PROFACI: Aye. 18 additional. 18 MR. FOGARTY: Aye. 19 CHAIRMAN EWASUTYN: Pat Hines, Drainage 19 MR. WARD: Aye. 20 Consultant? 20 CHAIRMAN EWASUTYN: Bryant Cocks, 21 carried. 21 CMR. COCKS: My only outstanding comment MICHELLE L. CONERO - (845)895-3018 MICHELLE L. CONERO - (845)895-3018 MICHELLE L. CONERO - (845)895 1 22 was regarding the residential lot area, and I did 3 final subdivision approval. There are two do for the new lot? 7 MR. MARSHALL: I believe so. You 3 final subdivision approval. There are two 10 for the new lot? will not be signed until the parkland fee of sign-in signed until the parkland fee of signed until the arkland fee of signed until the arkland fee of signed until the arkland fee of signed until they it. 13 MR. PROFA	11	MR. PROFACI: No.	11	(No response.)
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		23	knowledge.	23	MR. MENNERICH: Aye.
262611011024MR. MARSHALL: I'll follow up with that24MR. PROFACI: Aye.			-	_	-
25to make sure it gets reviewed.25MR. FOGARTY: Aye.					-
			-		MICHELLE L. CONERO - (845)895-3018

1	25	1	27
2	MR.WARD: Aye.	2	MR.BROWNE: Our next item of business
3	CHAIRMAN EWASUTYN: Myselfyes. So	3	is a conceptual three-lot subdivision titled
4	carried.	4	Eugene Ghikas Subdivision, project number
5	Thank you for coming.	5	2011-26. It's being presented by Vincent Doce.
6	MR. MARSHALL: Thank you very much.	6	MR.DOCE: This evening I'm here
7	(Time noted: 7:22 p.m.)	7	representing Eugene and Warren Ghikas on an
8		8	application for a modification of an existing
9	<u>CERTIFICATION</u>	9	approved three-lot subdivision.
10		10	On the board here I have a copy of the
11	I, Michelle Conero, a Shorthand	11	subdivision as it was previously approved. It's
12	Reporter and Notary Public within and for	12	at the corner of Highland Avenue and Fern Avenue,
13	the State of New York, do hereby certify	13	just a few hundred feet southerly of Route 52.
14	that I recorded stenographically the	14	As I said before, this is an approved
15	proceedings herein at the time and place	15	subdivision and it's a filed subdivision map.
16	noted in the heading hereof, and that the	16	Mr. and Mrs. Ghikas asked me to review the
17	foregoing is an accurate and complete	17	approved subdivision and ascertain as to whether
18	transcript of same to the best of my	18	there could be anything done about a stepped
19	knowledge and belief.	19	retaining wall to the back of the property, was
20		20	there any way to remove that retaining wall. The
21		21	review that I performed showed that there was one
22		22	way of doing it that would be very effective, and
23	DATED: December 26, 2011	23 24	that was by removing the house the proposed
24 25		24 25	house location that you see hatched in red at
25		25	this location and move it up to another location,
1	MICHELLE L. CONERO - (845)895-3018 26		MICHELLE L. CONERO - (845)895-3018
2	STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH PLANNING BOARD	1	28
3	In the Matter of	2	and that would be that would remove the
4		3	necessity of the retaining walls because it's in a flatter area and the slopes behind the house
5	EUGENE GHIKAS SUBDIVISION (2011-26)	5	will not be disturbed. That's really the only
6	Highland Avenue and Fern Avenue	6	change that we're requesting is to change the
7	Section 67; Block 8; Lot 1.21 AR Zone	7	house location on existing lot 3 from this
8	····· ··· · · · · · · · · · · · · ·	8	location to this location. Everything else, as
9	CONCEPTUAL THREE-LOT SUBDIVISION	9	far as configuration, building envelopes, septic,
10	Date: December 1, 2011	10	everything else stays just as it was previously
11	Time: 7:23 p.m. Place: Town of Newburgh	11	approved. I feel that moving the house is
12	Town Hall 1496 Route 300	12	advantageous to the development and causes no
13	Newburgh, NY 12550	13	problems that I can see whatsoever. That is
14	POADD MEMBERS, JOHN D. EWASHTYN Chairman	14	basically what our application is for. It would
15	BOARD MEMBERS: JOHN P. EWASUTYN, Chairman FRANK S. GALLI	15	remove the retaining walls.
16	CLIFFORD C. BROWNE KENNETH MENNERICH	16	Just so that the application doesn't
17	JOSEPH E. PROFACI THOMAS P. FOGARTY	17	receive any adverse reception in the future, I
18	JOHN A. WARD	18	did show with the house location, I didn't
19	ALSO PRESENT: MICHAEL H. DONNELLY, ESQ. BRYANT COCKS	19	want to mislead anybody, and there is an option
20	PATRICK HINES KAREN ARENT	20	on here of putting a little retaining wall next
21	GERALD CANFIELD	21	to the house. That's really because that's very
22	APPLICANT'S REPRESENTATIVE: VINCENT DOCE	22	often done with this type of house set in that
23	X	23	area. It's only really for purposes of almost
24	MICHELLE L. CONERO 10 Westview Drive	24	aesthetics. It isn't required. When they go for
25	Wallkill, New York 12589 (845)895-3018	25	their building permits, if I didn't show the
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018

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2	retaining wall here as being a possibility, I was	2	concept plan at this time.
3	afraid somebody would say gee, you never showed	3	CHAIRMAN EWASUTYN: Pat Hines, Drainage
4	that retaining wall. We're showing it but it's	4	Consultant?
5	more or less an option. I think your technical	5	MR. HINES: Our first comment just
6	consultants will agree to that. It's something	6	notes, as Mr. Doce noted, that the house location
7	that's often done. It's usually not even	7	is going to be moved. We did identify the small
8	mentioned when a subdivision is presented. I	8	retaining wall proposed at the driveway. It's
9	mention it here because I didn't want, at some	9	four feet or less in height. I just wanted to
10	later date, somebody saying you removed the	10	note that there is still a retaining wall shown.
11	retaining wall because you still had one there.	11	We would consider that a landscape feature rather
12	That retaining wall may never go there if the	12	than a structural wall that the previous walls
13	builder situates his house a little bit	13	were. We don't have any problem with that. I
14	decides to slope the land a little bit	14	just wanted to bring it out as Mr. Doce
15	differently. I mean it's only a wall running	15	identified there is still a small wall on lot 3,
16	from about that high down to the ground, six	16	but it's not something that would require a
17	inches. It's only for aesthetic purposes and to	17	building permit or extensive site work.
18	make this area of the yard look a little better.	18	There is a note on the plans that says
19	Essentially that's what we're asking,	19	building setback line approved by Town of
20	to move the house location.	20	Newburgh Planning Board shown on filed map. I
21	CHAIRMAN EWASUTYN: Questions from	21	would like Mr. Doce to clarify the meaning of
22	Board Members. Frank Galli?	22	that. It looks like there might be a small piece
23	MR. GALLI: Pat will cover my question	23	of deck, it could be a deck or a porch or
24	I had about the setback line.	24	something, sticking across there. If that's just
25	CHAIRMAN EWASUTYN: Cliff Browne?	25	a sidewalk, it's not an issue.
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
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1	33	1	35
2	lot able to be constructed without the retaining	2	hearing.
3	walls that were previously required. That's all	3	MR. DONNELLY: Vince, you're also
4	we have.	4	removing a substantial retaining wall that was
5	CHAIRMAN EWASUTYN: Bryant Cocks,	5	the focus of the entire approval in the first
6	Planning Consultant?	6	place.
7	MR. COCKS: I did speak to Darren Doce	7	MR. DOCE: Right.
8	today about my comments regarding the residential	8	MR. DONNELLY: It's the Board's call as
9	lot area requirements. He's aware and will put	9	to whether or not a public hearing is required.
10	that on the plan.	10	The standard is whether or not what you present
11	Just a surveyor's seal and signature	11	now is in substantial conformity with what was
12	will be required. The owner's endorsement note	12	submitted before. During discussion at the work
13	must be signed.	13	session the Board felt that there were enough
14	Other than that, Pat addressed the	14	changes, particularly in regard to that large and
15	comment of the encroachment on the setback.	15	massive retaining wall, proposed clearing limits
16	CHAIRMAN EWASUTYN: All right. Then	16	and a whole lot of other things, and particularly
17	I'll move for a motion from the Board to grant	17	since a number of adjoining residents were
18	conceptual approval for the three-lot subdivision	18	present at the first hearing and heard the
19	for Ghikas and schedule it for the 19th of	19	convolution we went through to come up with a
20	January for a public hearing.	20	solution, that under these circumstances it is
21	MR. GALLI: So moved.	21	not in substantial conformance and does require
22	MR. PROFACI: Second.	22	an additional public hearing.
23	CHAIRMAN EWASUTYN: Who made the	23	MR. DOCE: I can understand, albeit
24	motion?	24	everything to the better as far as serving the
25	MR. GALLI: I did.	25	project.
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	34	1	36
2	CHAIRMAN EWASUTYN: I have a motion by	2	MR. DONNELLY: I think that there's
3	Frank Galli. I have a second by Joe Profaci.	3	agreement on that score.
4	Any discussion of the motion?	4	MR. DOCE: Okay. I thank you very
5	(No response.)	5	much.
6	CHAIRMAN EWASUTYN: I'll move for a	6	CHAIRMAN EWASUTYN: If you were to
7	roll call vote starting with Frank Galli.	7	contact Bryant Cocks will contact you as far
8	MR. GALLI: Aye.	8	as the mailing list and the publication. If
9	MR. BROWNE: Aye.	9	possible, Darren knows, the Tuesday before the
10	MR. MENNERICH: Aye.	10	meeting if you could bring in the registered
11	MR. PROFACI: Aye.	11	receipts from that mailing, we'd appreciate it.
12	MR. FOGARTY: Aye.	12	MR. DOCE: Okay. Thank you.
13	MR. WARD: Aye.	13	
14	CHAIRMAN EWASUTYN: Myself. So	14	(Time noted: 7:34 p.m.)
15	carried.	15	
16	MR. DOCE: If I could have a	16	
17	clarification, not on this but in the future.	17	
18	Since the lot lines will stay identical as they	18	
19	are now, we're not revising any lot lines and	19	
20	just moving the house location, does that still	20	
21	require a public hearing or not? It's an	21	
22	approved, filed subdivision just as it looks now	22	
23	except we're saying we would like to move a house	23	
24	from here to here, and I was wondering I	24	
25	wasn't quite clear on why that needed a public	25	
	MICHELLE L. CONERO - (845)895-3018	1	MICHELLE L. CONERO - (845)895-3018

1	37	1	39
2		2	MR.BROWNE: The nextitem of business
3	<u>CERTIFICATION</u>	3	we have is Russell and Lee Site Plan, project
4		4	number 2011-27. This is a conceptual site plan
5		5	being presented by AJ Coppola.
6		6	MR.COPPOLA: Thank you. My name is AJ
7	I, Michelle Conero, a Shorthand	7	Coppola and I'm the project architect. This is
8	Reporter and Notary Public within and for	8	John Russell with me tonight. He's the owner of
9	the State of New York, do hereby certify	9	the property.
10	that I recorded stenographically the	10	Basically this is we're here for
11	proceedings herein at the time and place	11	site plan approval for three existing buildings
12	noted in the heading hereof, and that the	12	and two accessory structures on a 1.2 acre site
13	foregoing is an accurate and complete	13	at 164–166 South Plank Road.
14	transcript of same to the best of my	14	This process started when John visited
15	knowledge and belief.	15	the Building Department inquiring about the
16		16	existing certificates of occupancy. That
17		17	prompted a response from the Building Department,
18		18	which we included in the application, stating
19		19	that basically we would need to go in front of
20		20	the Planning Board because of the pre-existing
21		21	nonconformity here, which I'm going to try and
22		22	outline in a minute.
23	DATED: December 26, 2010	23	So we are not proposing any new
24		24	building, any new expansion of any of the
25		25	existing footprints. We basically want to
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	38 STATE OF NEW YORK : COUNTY OF ORANGE	1	40
3	TOWN OF NEWBURGH PLANNING BOARD	2	clarify and get approved, and maybe even go back
4	In the Matter of	3	the first states a first of the first the first states in
			to what was the original what the building
-	RUSSELLAND LEE SITE PLAN	4	to what was the original what the building department has of the original occupancies.
5	RUSSELL AND LEE SITE PLAN (2011-27)	4 5	5
5	(2011-27) 164-166 South Plank Road		department has of the original occupancies.
5 6 7	(2011-27)	5	department has of the original occupancies. Maybe that would be an option to clarify and kind
5 6 7 8	(2011-27) 164-166 South Plank Road Section 64; Block 4; Lot 21.0	5	department has of the original occupancies. Maybe that would be an option to clarify and kind of legalize everything, everything that's here.
5 6 7 8 9	(2011-27) 164-166 South Plank Road Section 64; Block 4; Lot 21.0 B Zone	5 6 7	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
5 6 7 8 9 10	(2011-27) 164-166 South Plank Road Section 64; Block 4; Lot 21.0 B Zone <u>CONCEPTUAL SITE PLAN</u> Date: December 1, 2011	5 6 7 8	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,
5 6 7 8 9 10 11	(2011-27) 164-166 South Plank Road Section 64; Block 4; Lot 21.0 B Zone X <u>CONCEPTUAL SITE PLAN</u>	5 6 7 8 9	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
5 6 7 8 9 10	(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.	5 6 7 8 9 10	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.
5 6 7 8 9 10 11	(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	5 6 7 8 9 10 11	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
5 6 7 8 9 10 11 12	(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	5 6 7 8 9 10 11 12	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
5 6 7 8 9 10 11 12 13	(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	5 6 7 8 9 10 11 12 13	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
5 6 7 8 9 10 11 12 13 14	(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	5 6 7 8 9 10 11 12 13 14	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
5 6 7 8 9 10 11 12 13 14 15	(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	5 6 7 8 9 10 11 12 13 14 15	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
5 6 7 8 9 10 11 12 13 14 15 16	(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	5 6 7 8 9 10 11 12 13 14 15 16	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
5 6 7 8 9 10 11 12 13 14 15 16 17	(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	5 6 7 8 9 10 11 12 13 14 15 16 17	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18	(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	5 6 7 8 9 10 11 12 13 14 15 16 17 18	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	(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	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	(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	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(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	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	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.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	(2011-27) 164-166 South Plank Road Section 64; Block 4; Lot 21.0 B Zone X 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	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	(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 	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	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
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	(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 	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	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

4	41	1	43
1	house, and that's the proposed use. So we want	2	cost in terms of bringing the sprinkler to either
2	no change with that building.	2	of those two commercial buildings.
_		_	-
4	The building in the center, the larger	4	So basically, you know, in terms of the
5	building, was originally used as a florist shop.	5	site, I've tried to lay it out as best I could
6	I think that's the legal use as far as the	6	within the existing pavement lines. I understand
7	Building Department records. It was originally	7	we have the comments from Pat, I have the
8	used as a florist, and John had actually gotten a	8	comments from Bryant, and I understand that we're
9	building permit in 1994	9	tight and to a certain extent nonconforming on
10	MR. RUSSELL: `97.	10	some of those dimensions and distances.
11	MR. COPPOLA: I'm sorry, `97 to	11	Basically we're I'm using everything that's
12	expand that use. There were two building permits	12	there. There's an existing two-way entrance that
13	over the years.	13	is on the left side of the property and then the
14	MR. RUSSELL: There were two	14	entrance in front of the florist shop is
15	greenhouses I got permits for.	15	basically not defined at all, that's just right
16	MR. COPPOLA: So they were open and	16	off of South Plank Road. You pull into the
17	closed in the `90s. It was a florist at that	17	parking there.
18	time.	18	We're proposing a little bit of
19	MR. RUSSELL: Yes.	19	landscaping in the front. There is a green strip
20	MR. COPPOLA: Up until 2006 it was	20	there. We're proposing site lighting and we are
21	occupied as a church. So that was an assembly	21	proposing the striping in the definition of the
22	use. That use has recently left, so it's no	22	parking of the existing parking.
23	longer occupied as a church. Basically we're	23	So in terms of the parking I'm sure
24	proposing more or less the original use which	24	we'll get into a discussion about everything
25	would be primarily a retail use. I labeled it as	25	that's nonconforming. Just in terms of the
-	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	42	1	44
		-	
2	office/retail but that building is probably much	2	parking, I calculated 25 spaces required and 18
2 3	office/retail but that building is probably much more applicable for what it was originally used	2 3	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the
2	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what	2 3 4	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it.
2 3 4 5	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is	2 3 4 5	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back
2 3 4 5 6	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant.	2 3 4 5 6	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's
2 3 4 5 6 7	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used	2 3 4 5 6 7	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with
2 3 4 5 6 7 8	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used actually, according to the Building Department	2 3 4 5 6 7 8	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with you on that now. In order to determine what is
2 3 4 5 6 7 8 9	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used actually, according to the Building Department record, that is originally a single-family house.	2 3 4 5 6 7 8 9	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with you on that now. In order to determine what is nonconforming, we need to know the use and apply
2 3 4 5 6 7 8 9 10	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used actually, according to the Building Department record, that is originally a single-family house. I don't think that was ever converted to that use	2 3 4 5 6 7 8 9 10	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with you on that now. In order to determine what is nonconforming, we need to know the use and apply that use to what would be the standard or the
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2 3 4 5 6 7 8 9 10 11 12	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used actually, according to the Building Department record, that is originally a single-family house. I don't think that was ever converted to that use over the years. It's been used as an office. It's currently used as a florist shop. Again, we	2 3 4 5 6 7 8 9 10 11 12	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with you on that now. In order to determine what is nonconforming, we need to know the use and apply that use to what would be the standard or the requirement. Bryant, would you speak?
2 3 4 5 6 7 8 9 10 11 12 13	office/retail but that building is probably much more applicable for what it was originally used for, as a mercantile or retail use. That's what our proposed use is. Currently that building is vacant. The third building originally was used actually, according to the Building Department record, that is originally a single-family house. I don't think that was ever converted to that use over the years. It's been used as an office. It's currently used as a florist shop. Again, we probably view that as our proposed use as retail	2 3 4 5 6 7 8 9 10 11 12 13	parking, I calculated 25 spaces required and 18 proposed as far as what I could fit on the pavement. That's basically it. CHAIRMAN EWASUTYN: Let's step back from what you just said. Everything that's nonconforming, and Bryant Cocks will speak with you on that now. In order to determine what is nonconforming, we need to know the use and apply that use to what would be the standard or the requirement. Bryant, would you speak? MR. COCKS: In regards to the accessory
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1	45	1	47
2	You either have to there are three separate	2	which you're doing for the upper most building
3	accessory structures on there, which if they were	3	there, that triggers, under 185-19 C-2, a loss of
4	tied if you were using those for storage for	4	the noncomplying building protection and the
5	the retail use, that wouldn't be allowed in the B	5	requirement that you get a variance. So really
6	Zone. We would need to pin that down. If that's	6	returning the middle building to some earlier
7	going to be retail, then that would have to be	7	historical use doesn't solve your problem because
8	one of the variances if you intended to use that	8	you're proposing to use one of the other
9	for storage.	9	buildings for a change in use.
10	MR. COPPOLA: Are they used for the	10	MR. COPPOLA: Okay. So in terms of
11	house, the garage and the	11	everything, the parking, the setbacks, it's all
12	MR. RUSSELL: The storage in the back	12	gone because of the other building?
13	is the house. The garage, there's nothing there.	13	MR. DONNELLY: Correct.
14	There's nothing in the garage really. There's no	14	MR. COPPOLA: Or because of the other
15	storage. It's completely empty . The reason	15	use?
16	being it gets flooded. It doesn't get really	16	MR. DONNELLY: Yes.
17	used. When I had the flower shop I did use it to	17	MR. COPPOLA: Okay.
18	make flowers. It's flooded. Especially the last	18	MR. COCKS: I do have a couple of
19	flood it was completely flooded. Really there's	19	additional comments. On the single-family home,
			- ,
20	nothing in there at this present in time. I'm	20	how are you proposing to access that? Right now
21	really almost about ready to take it down because	21	there's no driveway shown and there's no parking
22	the flooding is so bad. The only thing that the	22	spaces for
23	house uses it's like a shed in the back, that	23	MR. COPPOLA: I mean I'll show
24	one frame thing. It's a texture 111 around it.	24	something. I didn't show anything to the front
25	It's just a shed.	25	door. I'm not sure if there's anything now.
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
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1	46	1	48
1 2	46 MR. COPPOLA: I mean could we state	1	48 MR. RUSSELL: There's a sidewalk to the
2	MR. COPPOLA: I mean could we state it's for use by the house and then	2	MR. RUSSELL: There's a sidewalk to the side and there's a sidewalk to the side going
2 3	MR. COPPOLA: I mean could we state it's for use by the house and then MR. COCKS: Yeah. If you're going to	2 3 4	MR. RUSSELL: There's a sidewalk to the side and there's a sidewalk to the side going to the that's really coming out of the house.
2 3 4 5	MR. COPPOLA: I mean could we state it's for use by the house and then MR. COCKS: Yeah. If you're going to take it down, that would be fine. Or if you can	2 3 4 5	MR. RUSSELL: There's a sidewalk to the side and there's a sidewalk to the side going to the that's really coming out of the house. There is a sidewalk coming out to the parking
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4	40	4	E1
1	49	1	51
2	drainage, and curbing, and paving. I don't know	2	structures. I have the same comments.
3	if that's going to even make it a little tighter.	3	Then the parking. The 60 foot width is
4	So you're going to have to take a look at the	4	an issue you need to take a look at.
5	turning movements and how that's going to	5	There's two-way traffic shown between
6	function there.	6	building 2 and the residential but only an
7	MR. COPPOLA: Well now that we have	7	eleven-foot wide width. That may need to be
8	your comments, we'll take a look at that,	8	changed to a one-way. Or the planting in front
9	including Pat's comment about the stuff that	9	that exists there, the existing tree to remain
10	the dimensions that are tight. I mean I know	10	may need to be modified to allow adequate vehicle
11	what they are. We'll see what we can do to	11	access in and out of there. I think a lot of
12	address those. It may mean we lose a parking	12	that is going to hinge on what DOT is going to
13	space, but we'll do that.	13	allow to remain after you have this change of use
14	MR. COCKS: Those are my major issues	14	approved.
15	for the conceptual approval.	15	MR. COPPOLA: Well we'll do that first.
16	CHAIRMAN EWASUTYN: Pat Hines, Drainage	16	That may affect the number of parking spaces in
17	Consultant?	17	front of this building if I have an entrance.
18	MR. HINES: Our initial comments are	18	MR. HINES: Once you're at the ZBA
19	once you make it to the Zoning Board, we wanted	19	there are some other issues out there that need
20	to list some of the other issues that the Board	20	to be addressed. That's all we have.
21	is going to have there. One Bryant just	21	MR. COPPOLA: I guess I have another
22	mentioned, the Town's policy of upgrading	22	question. Again, maybe this should be for you
23	commercial parking lots, as they come in for new	23	Jerry. We sat down with Joe Matina, and this
24	uses, to the Town standard of putting in curbing,	24	building number 3, the one that was originally a
25	the appropriate striping required by the zoning,	25	single-family house, it's now a florist, he said
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	50	1	52
2	and paving which often times dominos into a	2	that we couldn't even return it to a single-
3	drainage issue. You may be able to put some drop	3	family house.
4	curbs in rather than a closed pipe drainage	4	MR. DONNELLY: That's correct.
5	system. That's something you can look at. The	5	MR. COPPOLA: Okay.
6	Town does require commercial parking spaces to be	6	MR. DONNELLY: Single-family homes are
7	conventionally curbed for definition of traffic	7	not allowed in this zone. Those that already
8	control and drainage control.	8	exist are permitted to remain. Once they lose
9	We talked about the number of parking	9	that character and stop being a single-family
10	spaces.	10	home, they can't go back.
11	The Board needs to submit this to DOT.	11	MR. COPPOLA: My question is where am I
12	I would be surprised if DOT allowed the current	12	starting with that? I can't go back to what it
13	configuration of vehicles backing out into Route	13	originally was. I have nothing on that.
14	52 in front of building 3. It certainly doesn't	14	MR. DONNELLY: I think that's part of
15	meet any of their policies or standards, so there	15	the problem. That's what I said, that triggers
16	may be some requirements that they have. We're	16	the need because you're proposing a change in
17	suggesting you meet with them sooner rather than	17	use.
18	later as you progress here to see what they will	18	MR. COPPOLA: You can't go back.
19	allow. Typically they allow one entrance drive	19	MR. DONNELLY: Well you can get a use
20	through a commercial property. Again, they may	20	variance.
21	allow some existing configurations to remain.	21	MR. COPPOLA: That's what we're afraid
22	It's just kind of a red flag that there may be	22	of.
00	some significant changes required. There may	23	MR. DONNELLY: You can apply for a use
23	some significant changes required. There may		
23 24	not. It's DOT's jurisdiction.	24	variance.
		24 25	variance. MR. HINES: I think you're in the same

		1	
1	53	1	55
2	situation on building 2, that lost its retail	2	and you now propose to bring it back to a
3	component and went to a church or something.	3	florist, I don't think, but the Zoning Board may
4	MR. COPPOLA: None of that was ever	4	have to make the call, that that would entitle
5	memorialized or	5	you to return to the protection because the
6	MR. HINES: But you stopped that use	6	protection was based upon it continuing.
7	for more than a year and it loses that	7	Whenever you change the use, that protection is
8	protection.	8	lost. I think it's academic here because
9	MR. COPPOLA: The use is allowed. It's	9	building 3
10	allowable in the zone, the retail is.	10	MR. COPPOLA: Yeah.
11	MR. HINES: You gave that use up and	11	MR. DONNELLY: is clearly out of the
12	now you're changing it back. You can't have, for	12	picture anyway.
13	lack of a better term, illegal use for several	13	MR. COPPOLA: That's what you're saying
14	years and say I'm going to go back to whatever	14	is triggering in effect anyway for the whole lot,
15	MR. DONNELLY: AJ was trying to find a	15	the house, the accessory structures and the whole
16	way, if possible, if he returned everything to	16	ball of wax?
17	some prior status, would he not need to get	17	MR. DONNELLY: Yes.
18	variances for the buildings. The answer to that	18	MR. COPPOLA: I mean if you still have
19	is it's not possible to return things to a prior	19	workshops, I mean I think we would probably ask
20	nonconforming status because you've lost the	20	to go to that. What I'm planning on doing is
20	ability to use building 3 as a single-family	21	I mean we'll contact DOT, we'll see what they say
21	home.	22	about this entrance here, what they want to do
22	MR. COPPOLA: Right. But just so I	22	with that. The parking lot the number of
23 24	understand this and try and explain this again in	23	parking spaces is going to change. It may change
24 25	front of the Zoning Board when I get there, let's	24 25	because of what's happening in front of this
25	MICHELLE L. CONERO - (845)895-3018	25	MICHELLE L. CONERO - (845)895-3018
4	54	1	56
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	cay building number 2 were on its own lot and it	2	building and maybe I have to change it to make
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3	was a simpler thing, I could just return that to	3	it more conforming in terms of the distances
3 4	was a simpler thing, I could just return that to a retail use, correct Jerry, and I wouldn't be	3 4	it more conforming in terms of the distances here. I'll take a look at Pat's comments. I
3 4 5	was a simpler thing, I could just return that to a retail use, correct Jerry, and I wouldn't be here?	3 4 5	it more conforming in terms of the distances here. I'll take a look at Pat's comments. I would probably like to address that. I may come
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1	57	1	59
2	It's probably not going to affect anything else	2	MR. COPPOLA: Right.
3	aside from that. I mean the setbacks are the	2	MR. CONFIELD: Anything retail or
			anything other, it applies. Because it is a
4	setbacks. I may have other bulk the parking	4	, , , , , , , , , , , , , , , , , , , ,
5	spaces would be the only wild card I think in	-	local ordinance, there is a variance process available to you.
6	terms of the Zoning Board. Everything else will be the same.	6 7	
7	MR. COCKS: I would think so.	8	MR. COPPOLA: Okay. MR. CANFIELD: That's all I have.
8	CHAIRMAN EWASUTYN: Signage you'll	0 9	CHAIRMAN EWASUTYN: Bryant, what is the
9		9 10	· · ·
10	worry about at a later date.	_	date for the next consultants' meeting? MR. COCKS: December 27th.
11	MR. RUSSELL: I have a permit for a	11	CHAIRMAN EWASUTYN: December 27th.
12	sign out front. I got that in `95. Does that not work?	12	
13		13	Okay. Before I poll the Board Members if they
14	CHAIRMAN EWASUTYN: I don't know if	14	want to set this for a consultants' work session
15	you're proposing new signage for the property.	15	on the 27th of December, do the Board Members
16	MR. RUSSELL: All right.	16	have any questions or comments? Frank Galli?
17	MR. COPPOLA: I don't think we are	17	MR. GALLI: No additional.
18	proposing new signage.	18	CHAIRMAN EWASUTYN: Cliff Browne?
19	MR. RUSSELL: No. Just the original	19	MR. BROWNE: Just with everything
20	sign.	20	concerned on this, I don't know, it just kind of
21	CHAIRMAN EWASUTYN: At some point in	21	crossed my mind, would it make any sense to
22	time you'll have to show what is on the site.	22	destroy the property and start with a real
23	Jerry Canfield, Code Compliance?	23	commercial entity of some sort? Just a thought
24	MR. CANFIELD: We talked quite a bit	24	to throw out there.
25	about the zoning requirements. Anthony, there's	25	MR. RUSSELL: The thing is I probably
_	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	58	1	
1		1	60
2	an additional yard requirement, a front yard	2	shouldn't have done anything. I tried to fix up
2 3	an additional yard requirement, a front yard requirement on State and County roads. The front	2 3	shouldn't have done anything. I tried to fix up the property and make it nicer. It was a
2 3 4	an additional yard requirement, a front yard requirement on State and County roads. The front yard requirement is 60 feet. It can be as little	2 3 4	shouldn't have done anything. I tried to fix up the property and make it nicer. It was a mistake.
2 3 4 5	an additional yard requirement, a front yard requirement on State and County roads. The front yard requirement is 60 feet. It can be as little as 50 feet if a building on each side within 300	2 3 4 5	shouldn't have done anything. I tried to fix up the property and make it nicer. It was a mistake. MR. BROWNE: Things happen. Other than
2 3 4 5 6	an additional yard requirement, a front yard requirement on State and County roads. The front yard requirement is 60 feet. It can be as little as 50 feet if a building on each side within 300 feet is an average, which is closer. If you look	2 3 4 5 6	shouldn't have done anything. I tried to fix up the property and make it nicer. It was a mistake. MR. BROWNE: Things happen. Other than that, no.
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1	61	1	63 STATE OF NEW YORK : COUNTY OF ORANGE
2	MR. FOGARTY: For the work session.	3	TOWN OF NEWBURGH PLANNING BOARD
3	MR. COPPOLA: I'll try. It may I'll	4	In the Matter of
4	stay in contact with Bryant. Maybe it's January,	5	GOLDEN VISTA
5	you know. So yeah.	6	(1999-33)
6	MR.FOGARTY: Thank you.	7	Meadow Hill Road Section 60; Block 1; Lot 9
7	CHAIRMAN EWASUTYN: John Ward?	8	R-3 Zone X
8	MR.WARD: No comments.	9	AMENDED SITE PLAN
9	CHAIRMAN EWASUTYN: Okay. I'll move for	10	Date: December 1, 2011
10	a motion to set the Russell and Lee Site Plan	11	Time: 8:00 p.m. Place: Town of Newburgh
11	for the consultants' work session on the 27th of		Town Hall
12	December.	12	1496 Route 300 Newburgh, NY 12550
13	MR. PROFACI: So moved.	13	
14	MR.GALLI: Second.	14	BOARD MEMBERS: JOHN P. EWASUTYN, Chairman FRANK S. GALLI
15	CHAIRMAN EWASUTYN: I have a motion by	15	CLIFFORD C. BROWNE KENNETH MENNERICH
16	Joe Profaci. Frank, you had the second?	16	JOSEPH E. PROFACI THOMAS P. FOGARTY
17	MR.GALLI: Yes.	17	JOHN A. WARD
18	CHAIRMAN EWASUTYN: A second by Frank	18	ALSO PRESENT: MICHAEL H. DONNELLY, ESQ. BRYANT COCKS
19	Galli. I'll move for a roll call vote starting	19	PATRICK HINES KAREN ARENT
20	with Frank Galli.	20	GERALD CANFIELD
21	MR.GALLI: Aye.	21	
22	MR.BROWNE: Aye.	22	APPLICANT'S REPRESENTATIVE: KIRK ROTHER and STANLEY SCHUTZMAN
23	MR. MENNERICH: Aye.	23	X
24	MR. PROFACI: Aye.	24	MICHELLE L. CONERO 10 Westview Drive
25	MR.FOGARTY: Aye.	25	Wallkill, New York 12589 (845)895-3018
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	62	1	64
-			
2	MR.WARD: Aye.	2	MR.BROWNE: Our next item of
-	MR. WARD: Aye. CHAIRMAN EWASUTYN: Aye. Okay.	2 3	MR. BROWNE: Our next item of business on our agenda, and our last, is
2	MR.WARD: Aye.	2 3 4	MR. BROWNE: Our next item of business on our agenda, and our last, is Golden Vista, project number 1999-33. It's
2 3 4 5	MR. WARD: Aye. CHAIRMAN EWASUTYN: Aye. Okay. MR. COPPOLA: Thank you.	2 3 4 5	MR. BROWNE: Our next item of business on our agenda, and our last, is Golden Vista, project number 1999-33. It's an amended site plan being represented by
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2 3 4 5 6 7	MR. WARD: Aye. CHAIRMAN EWASUTYN: Aye. Okay. MR. COPPOLA: Thank you. (Time noted: 8:00 p.m.)	2 3 4 5 6 7	MR. BROWNE: Our next item of business on our agenda, and our last, is Golden Vista, project number 1999-33. It's an amended site plan being represented by Kirk Rother. MR. SCHUTZMAN: And Stanley
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	60		74
1	69	1	71
2	be some trigger mechanism as to X number of units	2	conditions are such that it's more of a delay,
3	that the senior building number 9 currently shown	3	it's more of a staged thing. I don't know how
4	would have to be constructed because of that	4	practically to address such a thing. There may
5	concern. It could conceivably build out the	5	be opportunities within the notes or within in
6	bonus units less the one-third senior bonus	6	some bonding issues perhaps to address these as a
7	units, getting two-thirds additional units under	7	matter of comfort. I think as a practical matter
8	the plan by segregating them into one building	8	it would be difficult for the applicant to say
9	and conceivably not building that. So that's a	9	that on renting the on building the first 75
10	concern. I know the Board discussed at the work	10	units, all of a sudden they've got to build a
11	session possibly putting in a trigger, the number	11	senior building. I don't think that's fair if
12	of units when the senior units have to be	12	the market conditions are in difficulty at the
13	constructed. That's certainly a Board decision.	13	time.
14	Just the density calculation, unit	14	CHAIRMAN EWASUTYN: Cliff Browne wanted
15	calculation still refer to the affordable housing	15	to say something.
16	on the plans. Those need to be updated as	16	MR. BROWNE: But that's what you want
17	appropriate.	17	to do. Because that's what you want to do,
18	We thought the change in unit size was	18	that's what you have to work with. What we have
19	fairly minor and didn't change much on the plan	19	done in the past with other projects, not this
20	by way of grading in those areas, or the access.	20	type but condos, we have put triggers in place
21	Then it just looks like, Kirk, there	21	for building the entertainment and all those
22	may have been one line missing, but there's a	22	kinds of things after so many places and so on.
23	large unit on the end.	23	That's part of your risk that you're taking
24	MR. ROTHER: This is an interior line	24	building the project with that density kickback
25	shown. That was an exterior wall.	25	that you're getting. You're getting the
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
	70		
1	70	1	72
1 2	70 MR. HINES: With that, that's all we	1	72 kickback. We expect things to be done for that
2	MR. HINES: With that, that's all we	2	kickback. We expect things to be done for that
2 3	MR. HINES: With that, that's all we had on this. It was more of a concern of the	2 3	kickback. We expect things to be done for that kickback. It's as simple as that.
2 3 4	MR. HINES: With that, that's all we had on this. It was more of a concern of the timing issue for the senior units.	2 3 4	kickback. We expect things to be done for that kickback. It's as simple as that. MR. SCHUTZMAN: Right. I understand
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1	73	1	75
2	going to buy it. There's waiting room only on	2	them out in the front when you first start the
3	certain projects.	3	project.
4	MR. SCHUTZMAN: Well that's good to	4	CHAIRMAN EWASUTYN: I'm glad I live
5	know, but that might cut again some of the	5	close to Times Square so I'll never be isolated.
6	concerns that are raised, because if there's no	6	Maybe I'll never grow old like everybody else for
7	impediment to that, then there should be no	7	being too alone and too isolated. I don't
8	concern that it would be	8	comprehend it, personally speaking.
9	MR. GALLI: We want to make sure it's	9	John, you had something to say?
10	built because you're taking the bonus density.	10	MR. WARD: We were thinking about a
11	MR. SCHUTZMAN: I'll certainly raise it	11	certain amount of units. You're talking 18 units
12	with the applicant to see if I could have maybe	12	for the seniors and you're talking it's down
13	some guidance from the Board about what the Board	13	below. If you could say build the units that are
14	might consider under such circumstances.	14	doing that swap and have the number from there.
15	Certainly I'm in a position to go back to the	15	How many units per building?
16	applicant and raise it to see what can be	16	MR. ROTHER: 16s, and this one at 13
17	adequately addressed.	17	just because of our numbers. The larger ones are
18	MR. GALLI: When you say you're putting	18	16, the rest were 12 market rate. Here we did
19	building 9 back there and a building up there,	19	the swap with two units so that all the seniors
20	you want to separate them from the rest of the	20	were in one building.
21	project?	21	MR. WARD: What I'm asking is possibly
22	MR. SCHUTZMAN: Yeah. The goal was	22	build four to five 16 units per and then do the
23	the concern was as a marketing function, as a	23	senior as a trigger.
24	living function that where you integrate a	24	MR. SCHUTZMAN: I guess there are a
25	minority component of senior living in a full	25	number of ways to set the trigger. One of them
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	74	1	76
2	family community, that the seniors, for the most	2	might be to say that in the absence of the senior
	part, would be desirous of isolation and	2 3	density bonus, we would be entitled to, pardon me
2	part, would be desirous of isolation and separation wherever possible. We picked what we		density bonus, we would be entitled to, pardon me if the number is wrong, 115 units. So that we
2 3	part, would be desirous of isolation and separation wherever possible. We picked what we thought was the furthest building away from the	3	density bonus, we would be entitled to, pardon me if the number is wrong, 115 units. So that we should be entitled to build up to that 115 units
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1	77	1	79
2	effectively given us a density bonus if we	2	the plans so I understand the comment.
3	haven't built past that point, because under the	3	MR. COCKS: Maybe a couple of
4	current regulations we would be entitled to	4	additional handicap spaces in front of the senior
5	whatever that number is.	5	building.
6	CHAIRMAN EWASUTYN: Mike, can you	6	MR. ROTHER: That makes sense.
7	figure some verbiage?	7	MR. COCKS: I know Karen will discuss
8	MR. DONNELLY: The number I'll turn to	8	this with the landscape plan. The large paver
-		_	
9	Bryant to calculate. I think Stan's suggestion	9	section with the one bench in it, I mean that was
10	is a good one. We can say no more than X number	10	a change from the plan before. That just seems
11	of non age restricted units may receive	11	like an excessively large area for the pavers. I
12	certificates of occupancy until the age	12	didn't know what that was trying to accomplish,
13	restricted units are constructed and ready for	13	or if there's more benches proposed there, or if
14	occupancy, and the number that we plug in is that	14	that could be reduced. It seems like a rather
15	number of units to which the applicant was	15	large area for one bench.
16	entitled without application of the density	16	MR. ROTHER: At one point in time we
17	bonus. Bryant will tell us what that number is,	17	discussed having an area in the front where kids
18	and I think that's a good suggestion.	18	could wait for a bus because the bus won't go in
19	MR. MENNERICH: Six units per acre;	19	this area. In looking at it, actually while I
20	right?	20	was sitting here, I counted the blocks on the
21	MR. ROTHER: Roughly 108 units by	21	wall to get a sense of how big 43 feet is. I
22	right. 6 units per acre.	22	think it's a big area.
23	MR. DONNELLY: Does that sound right?	23	CHAIRMAN EWASUTYN: If you could
24	MR. HINES: Yeah.	24	redesign that.
25	MR. DONNELLY: What I did hear? I	25	MR. ROTHER: We'll make that paver area
_	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	/8	1	80
1	forgot it already	1	80 a little smaller We can add some more benches
2	forgot it already.	2	a little smaller. We can add some more benches.
2 3	forgot it already. MR. ROTHER: 108.	2 3	a little smaller. We can add some more benches. MR. GALLI: You look right up the
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1	81	1	83
2	it.	2	the senior location. We're being locked in on
3	MR. DONNELLY: The resolution I	3	the issue that we can't build out through the
4	fashioned as one that is a revised resolution of	4	senior density bonus unless we're allocating for
5	approval rather than an amended subdivision	5	senior residences. Respectfully, all that would
6	approval, because in fact all we've really done	6	have to be presented to the Building Department
7	is swapped around the units and made some minor	7	at the time that we're filing the building
8	adjustments.	8	permit. To do it today, I just respectfully
9	Using the conditions that were in the	9	think it's something that's a Planning Department
10	earlier resolutions, we'll need sign-off letters	10	issue downstream and not a Planning Board issue
11	from Bryant, from Pat and from Karen Arent to	11	today.
12	discuss their issues already. We'll make	12	MR. DONNELLY: I think part of the fear
13	reference to the description of the units and the	13	was that if we didn't flag it, maybe somebody
14	narrative that accompanied the application.	14	would forget. If we change the condition to say
15	We'll require the submission of a floor plan	15	a floor plan depicting compliance with the
16	showing compliance with the maximum floor area	16	maximum floor area requirements of the code for
17	for the	17	senior units shall be submitted as part of the
18	MR. SCHUTZMAN: May I ask a question	18	building permit review process, then it's flagged
19	about that? I'm not understanding why pre-	19	and your office would see it.
20	building permit applications were being asked to	20	CHAIRMAN EWASUTYN: Are you satisfied
21	provide that information. That is why is that	21	with that, Jerry?
22	something that should just be reserved for the	22	MR. CANFIELD: It's possible if that's
23	normal building permit process versus having to	23	acceptable. An option also may be if the Board
24	prepare and show at this point as a condition	24	wants to see it beforehand, perhaps you could
25	when the building is designated? We're required	25	develop or submit to the Board both the one and
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
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1	82	1	84
2	under law, there's going to be a map note to the	2	the two-bedroom apartments.
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	85	4	87
1		1	
2	delay set and the possibility of speaking with	2	MR. SCHUTZMAN: No problem. That sort
3	the Town Board and coming up with something	3	of tracks what
4	reasonable. I think that's another reason why a	4	MR. CANFIELD: Just another way to
5	certain amount of sheets were presented tonight,	5	cover it. CHAIRMAN EWASUTYN: Is that workable?
6	to just kind of bring closure to the project	6	MR. DONNELLY: Sure.
7	itself at this point since 1999.	7	
8	MR. DONNELLY: I'm not trying to step	8	MR. FOGARTY: Sure.
9	on Jerry's toes but I think what's important is	9	CHAIRMAN EWASUTYN: Do you want to
10	no building permit be issued for units larger	10	continue through, Mike?
11	than what's allowed.	11	MR. DONNELLY: Do you wish me to still
12	MR. SCHUTZMAN: That kind of condition	12	keep the language that says as part of the
13	is acceptable. The way you had phrased it is	13	Building Department review process? It's a given
14	something we don't object to, that at the	14	it is anyway. I might as well keep the language
15	appropriate time we have to certify it. That's	15	there. The next condition is no more than 108
16	fair. But to certify it for today in a free-	16	non age restricted COs will be issued until the
17	floating market and to be potentially putting	17	affordable I'm sorry, until the age restricted
18	expense that has no consequence, in light of the	18	units are constructed and ready for occupancy.
19	history of this, we just don't feel it's	19	There was always a condition that required
20	appropriate.	20	foundation staking for the buildings that were
21	CHAIRMAN EWASUTYN: There is a	21	close to the property lines. The Town needs an
22	similarity and a thread to this as far as even	22	easement authorizing the Town to enter onto the
23	what Bob Wilder is saying with The Marketplace.	23	lands to perform emergency utility repairs to
24	It's a free-floating entity right now and no one	24	water and sewer lines. We'll tie into the
25	knows for sure from today to six months from now,	25	out-of-district sewer user agreement granted by
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	86	1	88
2	from a year to now what may be concrete. It	2	the Town in 2000. This says, it was in the
3	reaches a point in the review process, whether	3	earlier resolution, the plans shall not be signed
4	it's 2004 when The Marketplace comes forward and	4	until final approval of the utilities, water,
5	we go through all these designs and all these	5	sewer and stormwater plans by the town engineer
6	critiques as to what is currently happening in	6	and the planning board engineer, and approval of
7	2011. Stan is saying in 1999 there was one	7	the Town of Newburgh Code Compliance Department
8	concept. Here we are in 2011 and they're still	8	of the current plans for building and fire code.
9	not sure of what 2012 could be like. How do we	9	The town highway superintendent has to approve
10	minimize this recreating and recreating and	10	the erection of signs on Meadow Hill Road. We
11	trying to bring some kind of closure to it?	11	have a requirement that you petition the Town
12	Jerry?	12	Board, under Vehicle and Traffic Law 1660-A, for
13	MR. CANFIELD: Just a suggestion. I'm	13	the authority to enforce vehicle and traffic and
14	in favor of either way it goes. It's not a	14	other local code violations on the property. ARB
15	requirement of the Building Department, I'm just	15	approval was granted in the past. We have the
16	trying to support the Planning Board's wishes in	16	standard condition on that. There will be a
17	this area. Another way to address this is	17	landscape security and inspection fee required as
18	perhaps just include it Pat and I just	18	before. I believe the inspection fee amount was
19	discussed, include it in the bulk requirements on	19	\$4,000. A stormwater improvement security and
20	the drawings. The apartments, whether it be	20	inspection fee.
21	one-bedroom or two-bedroom, it will comply with	21	Pat, does this require a stormwater
22	the Zoning Ordinance. That's another mechanism	22	control facility maintenance agreement as well?
23	of enforcement.	23	MR. HINES: It would now, yes.
24	MR. HINES: It needs to be updated	24	MR. DONNELLY: That's a new condition.
25	anyway, the bulk requirements.	25	That's a provision of the Code, 157-11 A. You'll
1	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018

1	89	1	91
2	take that up with Mark Taylor. A water main	2	CHAIRMAN EWASUTYN: You want to come
3	extension security and inspection fee. A sewer	3	back next month?
4	main extension security and inspection fee. The	4	MR. SCHUTZMAN: For a Christmas party,
4 5	Board's standard condition regarding the	4 5	sure. Who's buying?
	installation of outdoor fixtures and amenities,	6	CHAIRMAN EWASUTYN: I'll move for a
6	meaning you can't build anything that's not shown	7	motion from the Mike, this would be granting
8	on the approved plans. Finally, the payment of	8	approval
9	multi-family fees of \$2,000 per dwelling unit.	9	MR. DONNELLY: Revised final site plan
10	If the arithmetic hasn't changed, that total is	10	approval.
	2 .	11	CHAIRMAN EWASUTYN: I'll move for a
11 12	\$322,000.		
12	CHAIRMAN EWASUTYN: Are you satisfied with that?	12 13	motion to grant final site plan approval to the amended site plan for Golden Vista
14	MR. SCHUTZMAN: Yes.	14	MR. SCHUTZMAN: Excuse me, Mr.
14			· ·
	MR. ANNARUMO: I just have a question.	15	Chairman. I apologize. The issue of the
16	CHAIRMAN EWASUTYN: For the record,	16	playground equipment, is that something that
17	your name?	17	we're required to specify or not?
18	MR. ANNARUMO: Tom Annarumo. On age	18	CHAIRMAN EWASUTYN: Show some detail on
19	restricted active adult, it's 55? Someone told	19	the final plans of what you're proposing to do.
20	me it might be 50, or is it still 55?	20	Show some examples of what you're proposing to
21	MR. DONNELLY: My understanding is it's	21	install there.
22	55. It's in the Code. Whatever the Code says.	22	MR. SCHUTZMAN: Okay. Even though that
23	MR. ANNARUMO: One person has to be 55	23	might change as it goes?
24	in the family?	24	CHAIRMAN EWASUTYN: We need to have
25	MR. DONNELLY: Off the top of my head I	25	something as a base to what you're proposing.
	MICHELLE L. CONERO - (845)895-3018		MICHELLE L. CONERO - (845)895-3018
1	90	1	92
2	don't remember the ins and outs. It's in the	2	MR. SCHUTZMAN: Thank you.
2 3	don't remember the ins and outs. It's in the Code.	2 3	MR. SCHUTZMAN: Thank you. CHAIRMAN EWASUTYN: Anything else?
2	don't remember the ins and outs. It's in the Code. CHAIRMAN EWASUTYN: Check the Code.	2 3 4	MR. SCHUTZMAN: Thank you. CHAIRMAN EWASUTYN: Anything else? MR. SCHUTZMAN: No. Sorry.
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2	CHAIRMAN EWASUTYN: Myself. So
3	carried.
4	Thank you.
5	MR. DONNELLY: Can I clarify one thing?
6	Did we in fact grant ARB in the past?
7	MR. SCHUTZMAN: Yes.
8	CHAIRMAN EWASUTYN: I'll move for a
9	motion to close the Planning Board meeting of the
10	1st of December.
11	MR. GALLI: So moved.
12	MR. FOGARTY: Second.
13	CHAIRMAN EWASUTYN: I have a motion by
14	Frank Galli. I have a second by Tom Fogarty.
15	I'll ask for a roll call vote starting with Frank
16	Galli.
17	MR. GALLI: Aye.
18	MR. BROWNE: Aye.
19	MR. MENNERICH: Aye.
20	MR. PROFACI: Aye.
21	-
	MR. FOGARTY: Aye.
22	MR. WARD: Aye.
23	CHAIRMAN EWASUTYN: And myself. So
24	carried.
25	
	MICHELLE L. CONERO - (845)895-3018
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