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

----- X
In the Matter of

DZIEGELEWSKI TWO-LOT SUBDIVISION
(2020-14)

74 Cronomer Heights Drive
Section 75; Block 1; Lot 46
R-3 Zone

----- X

CONTINUED PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: January 21, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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2 CHAIRMAN EWASUTYN: Good evening,
3 ladies and gentlemen. We'd like to welcome you
4 to the Town of Newburgh Planning Board meeting of
5 the 21st of January 2021. We have three agenda
6 items and two Board business items.

7 At this point I'd like to call the
8 meeting to order with a roll call vote starting
9 with Frank Galli.

10 MR. GALLI: Present.

11 MS. DeLUCA: Present.

12 MR. MENNERICH: Present.

13 CHAIRMAN EWASUTYN: Present.

14 MR. WARD: Present.

15 MR. BROWNE: Present.

16 MR. DOMINICK: Present.

17 MR. CORDISCO: Dominic Cordisco,
18 Planning Board Attorney.

19 MS. CONERO: Michelle Conero,
20 Stenographer.

21 MR. CANFIELD: Jerry Canfield, Code
22 Compliance Supervisor.

23 MR. HINES: Pat Hines with McGoey,
24 Hauser & Edsall Consulting Engineers.

25 MR. WERSTED: Ken Wersted, Creighton,

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Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to John Ward.

MR. WARD: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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

CHAIRMAN EWASUTYN: The first item of
business is Dziegelewski. It's a two-lot
subdivision located on 74 Cronomer Heights Drive
in an R-3 Zone. It's the continuation of a
public hearing for the two-lot subdivision. It's
being represented by Jonathan Cella who is
representing Charlie Brown of Talcott Engineering
who can't be here this evening.

Jonathan.

MR. CELLA: Good evening. Jonathan
Cella representing the property owner. Thank you
for saying the name because I would have
butchered it.

CHAIRMAN EWASUTYN: Is there anyone
here for the continuation of the public hearing
that would like to speak, please raise your hand

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and give your name and your address. The gentleman back there.

MR. PALLADINO: Giovanni Palladino, 52 Cronomer Heights. Again, I'm just here representing the other ten residents that signed the letter last month and the other two members that were present last month. Again, just our concerns about another subdivision in our neighborhood.

The residents just want to make one statement. As a private road, as a group of people that pay for the private road maintenance, we hope that you understand and listen to the wishes of the neighborhood residents as they should have a big say -- it's not a Town road, a big say in your consideration of approval.

CHAIRMAN EWASUTYN: Thank you.

Additional comments from the public?

MR. MIRANDA: Brian Miranda, I live up at 89 Cronomer Heights. My wife and I just bought the house this past summer. We have a two and-a-half year old. We actually this summer had to stop walking our daughter. We have the house that -- we have a small access road that goes to

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the curve. I think you know what I'm talking about there. We actually stopped walking our daughter down to the mailbox because of the traffic. There's cars that just rip up that hill.

But I'm here for the same reason. I just don't know -- if we're going to try to raise a family there, I don't know if it's a great idea if we start making more and more houses up there. That's it. Just between the safety and the amount of houses, and the road itself I guess.

CHAIRMAN EWASUTYN: Does anyone else have anything to say?

(No response.)

CHAIRMAN EWASUTYN: At this point, from a legal standpoint I'm going to turn to the Planning Board Attorney, Dominic Cordisco.

Dominic.

MR. CORDISCO: Thank you, Mr. Chairman. Following the last appearance, the last public hearing for this matter, I did have an opportunity to review both the deeds of record as well as the prior plats that apply to this particular property. There had been mention at

1
2 the prior public hearing regarding a restriction
3 that would have allegedly applied to this
4 particular property that would have prohibited
5 any further subdivision. There is a note for no
6 further subdivision but it is not applicable to
7 this particular property. It was for the
8 adjoining subdivision that was done for prior lot
9 5 that was previously approved and was restricted
10 for no further subdivision. This particular lot
11 itself does not have any restrictions, either in
12 title via a deed restriction or a restriction as
13 a result of a note on a filed plat, that would
14 prevent either the applicant or the Board from
15 considering further subdivision of the property.

16 CHAIRMAN EWASUTYN: Would anyone from
17 the public like to question or comment on that?

18 (No response.)

19 CHAIRMAN EWASUTYN: At this point I'll
20 turn to Planning Board Members for any questions
21 or comments they may have. Frank Galli?

22 MR. GALLI: I have no additional
23 comment.

24 CHAIRMAN EWASUTYN: Stephanie DeLuca?

25 MS. DeLUCA: No.

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MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Dominic, can you, in reference to private roads, explain whose maintenance and all this, like he was saying?

MR. CORDISCO: Yes. In connection with the maintenance of the private roads, the maintenance of private roads are typically by agreement for those who have access and the rights to be able to use them. This particular lot has access to the private road but it is not proposing to extend the private road as I understand it. So as a result, they have the legal right to access that private road, and the owners of those future lots should participate in the maintenance and upkeep of that road along with everyone else on the private road. That's not an enforcement issue or an oversight issue for the Town. That is between the neighbors themselves.

CHAIRMAN EWASUTYN: Pat, have there been examples where there have been improvements of private roads and what was a trigger mechanism for that?

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MR. HINES: So there have been some private roads in the Town that have the applicants -- the owners of the property have gotten together and petitioned the Town to create an improvement district to make the private road a Town road. I'm aware of two cases of that. Laurie Lane I think was one where the residents of those roads contribute via taxes. The Town undertakes the work, and then they become taxed through a road improvement district and that becomes a Town road. It's rather cumbersome and takes a lot of time. There are often issues with right-of-ways being available. I don't know that there's a 50-foot right-of-way available along this road, from the Town road up Cronomer Heights Drive and the spurs along it. Certainly the residents that own along there could undertake requesting the Town Board do an analysis of that. The Town has a policy that does not require improvements to existing private roadways. We've had projects where existing private roadways were proposed to be extended to service new subdivision lots and then that extension would then have to bring that extended portion of the

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road up to current Town private road specifications.

As a matter of policy, this Board and the Town have not required existing private roads to be improved during subdivisions. So this one would not require this applicant to improve the roadway.

As the Attorney said, this applicant should contribute to the operation and maintenance of the private road, if there are such maintenance agreements. I'm not sure the maintenance agreements are in place. Obviously someone is doing the snowplowing and maintenance.

CHAIRMAN EWASUTYN: Cliff Browne, do you have any comments?

MR. BROWNE: Yeah. I'd just like to make, I guess, a comment. The Planning Board is required to approve plans when they meet code and all the various laws and so on. Every plan that comes before us has to meet hundreds if not -- well, hundreds of different codes and legal requirements. Our job isn't to choose which plan we like, which plan we don't like. Our job is to approve a plan when it does in fact meet all the

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codes, as in this case this plan does at this point in time. So even if we didn't like the plan, we're obligated to approve it. It's the plan we're approving, not the applicant or anything else. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing further.

CHAIRMAN EWASUTYN: This gentleman.

MR. DZIEGELEWSKI: (Inaudible.)

CHAIRMAN EWASUTYN: It's hard to hear. Can you speak clearer so the stenographer can get your name?

MR. DZIEGELEWSKI: Mask moments. Joe Dziegelewski, the owner and applicant. Good evening, Chairman and Members of the Board.

I just want to clarify a few issues that were brought up at the last hearing. There was a discussion about wells and electricity. Central Hudson currently has underground facilities up there.

My well is 500 feet, as a lot of the homes are up on top of the hill. I do have good water pressure and volume. Typical treatment systems that most single-family homes go on in

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the Town of Newburgh with sulphur and chlorinators and those types of things. So I have the systems. No issues with water or well.

There was a comment made -- actually, I had got into this issue with Central Hudson myself. I was experiencing what I thought at the home was dimming from time to time with the lights. So I had my electrician check out the entire house, from the service connection in the house, breaker boxes, outlets and everything else. It wasn't that problem. Finally, after several trips up there with Central Hudson, they discovered that there's a transformer across the street here that goes to a handhold that services my neighbor across the street. They do have one underground section of line in their own facility that's mis-performing, or not adequately performing, and shorts from time to time. That's a repair Central Hudson has told me they're obligated to do. This spring they're going to repair that section of line.

As when this project was originally subdivided and the roads were built and what not, Central Hudson does have, like you typically see

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in a subdivision, you know, existing facilities with the handhold transformer, two location pedestals that are on the lot line. There's preexisting service for electric, phone, cable on the lot that services my existing lot and would be servicing the two proposed lots.

In terms of the underground facilities, they're clearly adequate. Central Hudson has their own problem with this small section. My neighbor was experiencing this flickering. I didn't know if it was a systemic problem or a localized problem. Central Hudson did pin it down to this section of line which they're going to look to replace this spring.

CHAIRMAN EWASUTYN: Questions or comments from the public?

MR. PALLADINO: I have a comment. There was a comment made in regards to everything being legal. I would ask the Town and the Attorney, since the original subdivision road was not approved in accordance with the approval, does that make a C of O or building permit legal since the road was never built to the original approval spec? This is some of the comments

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2 we've been working with the Town now for about
3 seven years, because we discovered the road
4 wasn't built, and I mentioned this prior, in
5 accordance to the approved specifications. The
6 road was supposed to be widened. It wasn't
7 widened. They only put binder. They didn't put
8 a top coat. There's a lot of things that didn't
9 happen. Typically most subdivisions are not
10 issued a building permit or a C of O until those
11 improvements are built.

12 CHAIRMAN EWASUTYN: Dominic.

13 MR. CORDISCO: Building permits and C
14 of Os have been issued and houses have been
15 bought and sold and --

16 MR. BROWNE: I can't hear you well.

17 CHAIRMAN EWASUTYN: Move up a little
18 bit. There's room to move up. There's a chair
19 right there. There is an empty chair, so move
20 up.

21 MR. BROWNE: Okay.

22 MR. CORDISCO: So I appreciate the
23 comment. The question is whether or not there's
24 a requirement that would restrict the ability for
25 building permits or COs to be issued, or not

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issued rather, because of prior nonconformities or performance in connection with the private road. The short answer is no. There's no mechanism that's in place with this Board to force this applicant to bring that private road up to prior specs or prior approval.

MR. PALLADINO: That wasn't my comment. I wasn't asking -- it wouldn't be fair for him to pay for that. That's the reality. I'm just saying right now for the subdivisions that have happened with the promise from the developer in writing on an approved plan that when the project was fully subdivided and completed they would improve a road to a certain specification. That never happened. So now the owners that everybody forgets, the people that live up there, are now burdened with trying to improve the road to a point where it's degrading the way it is right now at a tremendous financial burden.

So what's the protection mechanism for the residents of the Town that live there with the understanding that if you go to the Planning Board or the Zoning Board, you expect the Town to issue an approval and somehow that's followed up

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2 that the approval has been completed in
3 accordance to the specifications on the drawings?
4 They haven't been. So now we're approving
5 additional lots with the understanding that the
6 original specification hasn't been met.

7 MR. CORDISCO: I understand the
8 question.

9 MR. PALLADINO: A lot of these
10 subdivisions -- this will be the first time this
11 has happened that I was involved in one. So
12 what's our protection? What's our protection
13 mechanism on a private road that we maintain, and
14 a subdivision, until the road is improved in a
15 way that a subdivision should be allowed?

16 MR. CORDISCO: I can't provide you with
17 legal advice. It sounds like you may have had a
18 claim against the original developer for
19 conditions that were created out there. The Town
20 does not oversee private roads to the extent of
21 requiring certain activities to be maintained
22 after buildings have been built and COs have been
23 issued.

24 MR. PALLADINO: C of Os are typically
25 issued prior to a road being complete. I can

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2 tell you when I built my house, I had -- the
3 Building Department at that time prevented me
4 from getting a C of O because of a potential curb
5 cut issue on the private road. I'm just saying
6 we're all residents here that are on a private
7 road or not a private road. I think we all
8 expect the Town to protect us. How are we being
9 protected? What's the protection? If there's
10 seventeen lots and ten people don't want it and
11 it's a private road that we're maintaining, I
12 just want the Board to be sympathetic to that and
13 understand that.

14 MR. CORDISCO: There's a difference.
15 There's a difference, if I may, between not
16 wanting a lot or not wanting a further
17 subdivision along your private road to -- there's
18 a difference between that and the fact that the
19 lot owner has the legal right to access that
20 road, and also has the legal right to subdivide
21 their property.

22 As Mr. Brown had mentioned, this Board
23 is in a position where it must consider plans
24 that come before the Board and must grant
25 approval if those plans meet all requirements.

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MR. PALLADINO: The plans from the original approval, they're not meeting those requirements. We're kind of skipping over the original approval from 2004 and prior. So we're just skipping over that and we're just looking at now. I'm just saying there's some sensitivity to that. Just understand that.

CHAIRMAN EWASUTYN: I think the Attorney did say, in due respect to you, that maybe you should apply a claim to the original developer of that road.

MR. PALLADINO: Sure. Two of them are dead.

CHAIRMAN EWASUTYN: Excuse me?

MR. PALLADINO: Two of the original owners passed away.

CHAIRMAN EWASUTYN: Are any of them living?

MR. PALLADINO: No.

CHAIRMAN EWASUTYN: I think that was his reply to where you could get satisfaction, that we may not be in a position, because legally, and as Cliff Browne had said, legally he's entitled to develop the land.

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Any further questions?

(No response.)

CHAIRMAN EWASUTYN: There being no further questions, I'll move for a motion to close the public hearing on the Dziegelewski two-lot subdivision and to render a decision based upon the return from the Orange County Planning Department for the meeting of February 18th.

MR. WARD: So moved.

CHAIRMAN EWASUTYN: I have a motion by John Ward. Do I have a second?

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

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(Time noted: 7:15 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of February 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MINARD II SUBDIVISION
(2020-02)

97 Leslie Road
Section 20; Block 1; Lot 31.1
R-2 Zone

----- X

INITIAL APPEARANCE
TWO-LOT SUBDIVISION

Date: January 21, 2021
Time: 7:15 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: The next item of business this evening is the Minard II Subdivision. It's an initial appearance for a two-lot subdivision located on Leslie Road in an R-2 Zone. Representing this is Talcott Engineering, Charles Brown. We have Jonathan Cella here.

MR. CELLA: Good evening again. Jonathan Cella representing the applicant from Talcott Engineering.

It's a two-lot subdivision of a 10.25 acre parcel which contains one existing single-family residence with one proposed single-family residence serviced by public water and an individual on-site septic system.

The proposed lot is 1 acre with a 125 -- approximately 130 feet of frontage on Leslie Road with the remaining -- with the balance of 9.25 acres remaining with the existing home.

Soil testing was conducted and a septic system was designed per the requirements.

We received the comments. I just got thrown into this yesterday, but I'll have Charlie -- I'll communicate with Charlie and have him

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address this sliver parcel he has here that's 14 feet. I was unable to communicate with him today to verify that.

We received the comments and we should be able to address all of these.

CHAIRMAN EWASUTYN: Pat Hines, can you highlight the comments that you made on your sheet?

MR. HINES: Sure. I know Mr. Brown from Talcott Engineering has the comments.

We have a comment on the bulk tables where there are some pluses and minuses. Those need to be definitive distances.

Mr. Cella just mentioned the 14-foot strip. I discussed that with the Board at work session. I'm suggesting that that not be provided in the lot geometry. It's kind of unusable land. Just the reason behind that lot geometry should be explained and possibly removed.

We need the highway superintendent's comments on the driveway and drainage.

We did note there's a note on the plans preserving the stonewalls except for the driveway

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cut.

I have a couple comments on the septic system.

This is its initial appearance and we will do the initial notification to the properties within 500 feet of it. I'll work with Talcott Engineering to get those out.

CHAIRMAN EWASUTYN: It's not within 500 feet of --

MR. HINES: Correct.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: Nothing.

MS. DeLUCA: Nothing.

MR. MENNERICH: Nothing.

MR. WARD: No.

MR. BROWNE: No.

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: All right. So then you'll revise your subdivision maps.

MR. CELLA: We'll coordinate with the Highway Department regarding the driveway and provide sight distances and any other details that they need.

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CHAIRMAN EWASUTYN: Good. Thank you.

MR. CELLA: Thank you, everyone. Have a good night.

CHAIRMAN EWASUTYN: How are you proceeding with Hammond?

MR. CELLA: I'm actually just working on that. I'll hopefully have that in the next two weeks.

CHAIRMAN EWASUTYN: Just for the benefit of all of us being here, Hammond is a how many lot subdivision?

MR. CELLA: It's five.

CHAIRMAN EWASUTYN: Located where?

MR. CELLA: It's on Cronk Road near the border of the Town of Plattekill. That will be a proposed approximately 700 foot private road.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 7:22 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of February 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

HUDSON PLACE/OVERLOOK FARMS
(2019-23)

Route 9W
Section 9; Block 1; Lots 10, 11, 12, 56.21 & 56.22
R-3/B Zone

----- X

203 MULTI-FAMILY UNITS WITH SENIOR COMPONENT
& COMMERCIAL SITE PLAN

Date: January 21, 2021
Time: 7:22 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: STANLEY SCHUTZMAN,
ANTHONY GUCCIONE, MARK PETRORO & PETER GAITO

----- X

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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: The third item of business this evening is Hudson Place/Overlook Farms, project number 19-23. It's proposed 203 multi-family units with a senior housing component and a commercial site plan. It's located on Route 9W in an R-3/B District. The engineers are JMC and the attorney representing them is a gentleman by the name of Stanley Schutzman.

MR. SCHUTZMAN: Yes, sir.

CHAIRMAN EWASUTYN: I'll turn the meeting over to whomever wants to speak first.

MR. SCHUTZMAN: Thank you. The presenter is momentarily delayed in the bathroom. Anthony will be out in a minute.

I thought I'd just take a minute then to speak about some of the overriding legal matters if I could.

First, the property consists of five tax lots. We've already taken title to three of them in a single entity. The other two will close in the exact entity. So all five lots will be in the single entity and they will be consolidated into a single lot as part of the

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process.

No variances are being proposed.

The only other legal matter that I'm aware of currently is the matter affecting the sewage treatment plant, and for that purpose there is a potential that the treatment plant will also serve a lot across the street depending on what happens in terms of possible further development. For the purpose today, that treatment plant is serving what will be the single lot combined consolidated by the current tax lots.

So with that, if I can turn the meeting over to Anthony.

MR. GUCCIONE: Good evening. Chairman and Members of the Board, my name is Anthony Guccione. Can you hear me with this mask on? I'm an associate principal with the firm JMC. Tonight I'm with Stan Schutzman, the project attorney; Peter Gaito, project architect; and Mark Petrero is with our office, the traffic engineer on the project.

As you know, we were last before your Board last December 2019. At that time we

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received some comments from your Board. We gave a whole presentation. We received comments from your Board and from the Town's consultants at that time.

Earlier this month we submitted some revised plans. We responded to all the comments we received from the Board and from other consultants.

At this time we'd like to take you through the revised plan. This is an aerial view of the site, existing conditions. Route 9W is here on the right side of the site. Morris Drive. The site is outlined in red. The site is 32.7 acres in size in total. Again, it's located at the intersection of Route 9W and Morris Drive. It's currently occupied by Overlook Farms which is the buildings here at the front, fronting on Route 9W.

The property currently consists of five lots. They're outlined in red, one, two, three, the fourth lot, and the overall fifth lot that contains most of the apple orchards. The proposal now is to combine those five lots into one single lot, so it would be a consolidation.

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Previously we were subdividing back into three lots. Right now we're proposing one lot for the project.

As far as topography, the site slopes down. It's higher in the back. It slopes down towards Route 9W from west to east. There are two existing manmade ponds on the site, one at the top, which would be modified, and then the lower pond. They're both manmade. They're used for irrigation by the farm. The proposal would be to leave this pond and use it as an amenity to the project.

There is a zoning boundary that runs through the site. Right here you can see it's in green. It's a zigzag line. On the Route 9W side is the B, Business, Zone, and uphill on the left side is the R-3, Residential, Zone. The project does meet all the zoning bulk requirements of those two zoning districts.

I'll take you to the layout plan. This is a revised layout plan which we prepared. This is the old plan if you need to refer to it. Just to take you through the new plan that we just submitted earlier this month, there are three

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major components to the project. There's the residential component, the retail component, and the sewage treatment plant would be the third component.

Starting with the residential, we are now proposing 203 apartment units in 15 buildings. That's a reduction of 2 buildings and 13 units. We previously had 216 units in 17 buildings. Again, now we're proposing 203 units in 15 buildings. Those residential buildings are all up in this location. That was the result of going through the land use calculations again. We were told by the Town's consultant and the engineer consultant that this pond can not be included in the land area. We removed that and it resulted with the proposed 203 units.

There are 439 parking spaces proposed up here, and that meets the zoning requirement of 2 spaces per unit in that area.

23 of the 203 units would be dedicated to senior housing. The senior housing units would be these two buildings here, a total of 23 units.

The buildings are designed such that

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the first level, the ground level, is at grade with the garages. The parking spaces and the road are here. And then the backs of the buildings are exposed to the lower level, exposed to the outside so they fit into the topography nicely. It helps the building step up with the site. So it works really well with the topography. They're arranged, as you see, on the serpentine road. So we now have access off Route 9W. The road snakes up through the site.

We've added these stabilized emergency access drives you see here in the darker green. That was one of the comments from the consulting engineer, that we have secondary access in case there was ever an emergency. So these dead ends are no longer dead ends. They can be accessed out to the emergency access on Morris Drive or can be closed off with bollards and chains. They could be accessed in case of an emergency.

I mentioned before the lower pond down here. That would serve as an amenity hub for the project, for the residents of the development. We would have a clubhouse here with a pool. There's a walking path around the pond. There

1
2 are also paths and sidewalks all throughout the
3 property to make a much more walkable community,
4 as well as a new sidewalk along Route 9W here,
5 along the whole frontage and into the site and
6 connecting all the lots. We have sidewalks
7 pretty much in every case on the uphill side of
8 the units as well as on the lower side of the
9 units that connect back in to get you back to the
10 pool, the clubhouse and the retail component if
11 people choose to walk down to there.

12 Other amenities. Around the pond is a
13 tennis court. I said the clubhouse and pool. We
14 have a bocci court here. A cabana. An area for
15 children. A dog park right here. A gazebo just
16 for passive recreation.

17 Another major amenity we added to the
18 project in response to some of the comments is
19 this drop-off area for children. There's
20 mailboxes located here. This is a new driveway
21 off the main entry driveway where you can loop
22 around the gazebo here. That's a safe place for
23 children to get dropped off from the bus. The
24 bus could pull up, the children could go in the
25 gazebo and can be picked up by their parents, or

1 they could get dropped off there in the morning.
2
3 It provides a convenience for the parents and the
4 children as well as much better safety.

5 The second component is the retail
6 portion. It still remains a 25,000 square foot
7 retail building at that location. You may
8 remember the previous plan, which is down here,
9 had the building in the back and the parking
10 between the building and Route 9W. We were asked
11 to relook at that and have the building fronting
12 on the road and the parking not between the
13 building and the road. We redesigned it. The
14 parking is now on the side. It works out pretty
15 nicely. You can have a nice facade facing 9W.
16 Peter will get into the architecture a little bit
17 more.

18 We also designed a larger landscape
19 space in here, between 9W and the retail building
20 and the parking lot, which helps buffer the
21 property. We also put larger landscaped islands
22 in the parking lots to give a lot more room for
23 trees and landscaping to grow and flourish and do
24 really well there.

25 There are 167 parking spaces for the

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retail here, and that meets the zoning requirement of 1 space for 150 square feet.

The third component I mentioned is the sewage treatment plant. If you recall, it used to be here, a little closer to Route 9W. There were some comments about being visible from Route 9W. We were able to move it back into the back behind the parking lot. It will be much less visible. We can screen it. That sewage treatment plant would serve all the uses on the site, the residential component, the retail component, and potentially, in the future if something were approved across the street, it could also serve that property in the future. The applicant has retained a sewage treatment plant specialist, a consultant, that is working on that design and is going to pursue the permits necessary from the Town and the DEC.

So that's kind of an overview of the plan as it's proposed today. I think we responded to a lot of the comments we received. We tried to address them head on and really improve the plan. I think with everybody's input the plan is better now.

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With that, I would like to introduce Mark, if it's okay with the Board, to come up and talk about the traffic improvements and access to the site.

CHAIRMAN EWASUTYN: Let's start with Peter. Let's start with Peter because I think as we -- not to drift off the site onto the road but to stay within the site itself and have Peter talk about the architecture, talk about what the proposed change in color of the dwelling units would be. There was a comment at the original meeting that the color seemed to be maybe not in harmony with the area. Let's talk about, as you said earlier, you relocated the buildings so now the facade along 9W will be more attractive. I'd be curious to know what the facade is looking at the building off of Morris Drive, because, there again, that's a focal point. So I think let's stay within the site and talk about the visuals of the site.

MR. GAITO: Sure thing. It's been a while. Hello everybody. So as just a quick refresher, part of the architecture is we cosigned with the landscape terrain so that the

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buildings were designed in a serpentine fashion and, as Anthony mentioned, cut into the ground as well. So you'll see with the colors in a second, we tried to really blend it in with the site and really blend it in with the hill. So they're tucked nicely into the landscape and the colors represent the natural beauty.

Also, in addition to the enhancement of the buildings, you'll see at the ground level there's pathways in and out of the buildings which allow you to access the site across the longer direction to the main road and also some shortcuts, if you will, getting back down to the recreation section down below.

With that, we did take the Board's advisement on several site parameters, certain landscape. We enhanced quite a bit of them.

I think what we didn't show last time was any retail aspect at all. I have this up for you now. Maybe I'll do a quick overview and you can go into any buildings you want to have. I have renderings for the three main components, the retail building and the clubhouse. As a point, the STP building will be treated as such

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so it will blend in with like a concrete box in the middle of this nice landscaping on the site. We're going to treat the outside of that architecturally to blend in with the other buildings on the site.

So again, here's a view coming from Route 9 this way where we rotated the building. Again, the enhanced landscape buffer is a great improvement. We tried to create sort of a modern farmhouse feel but have an eclectic nature in terms of the building. Whether it's one whole tenant or not, we're not sure. The architecture would kind of lend itself to what was there now and also to the rest of the buildings.

And then as an overall, the color schemes as you're referring to, Mr. Chairman, before we had a couple different colors, a couple different ideas. This is a series of taupes and browns and tans that will blend into the greenish landscape. The lots landscape in between seamlessly.

We have the pond here. The clubhouse is in the foreground. The STP building is here. The retail building is here. This is kind of how

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it will look. As you're driving by nothing will be jumping out at you say up on the hillside. It's enhanced with lots of trees and landscaping of the buildings themselves.

Close-ups. I'll do the buildings first. So here is a quick visual of generally the type of building we're looking at. Again, lots of tans. There are shadows in there.

CHAIRMAN EWASUTYN: We're looking at the facade of the building as if we were looking up from 9W?

MR. GAITO: Correct. It's a closer view, obviously, but this is generally what you'd see. You'd look up and see this sort of building. Actually, they are so far setback so it's hard to say. From Route 9 there's quite a distance. As you can see, Route 9 is here. The first building is here. So it's quite a distance. It's not going to be right in front of you. You have to look in deep. Depending on the speed you're going down 9, you might not even see it. If you're cueing up, you're driving up the site, as you approach the buildings you'd see something like this. So that's really the gist

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of it. It's quite far from Route 9. Once you get onto the campus you'd see a series of nice little modest size buildings of this nature.

MR. GALLI: Where are the front of the buildings?

MR. GAITO: This is the back as you approach it up the hill.

MR. HINES: There will be three stories facing 9W and two stories on the front?

MR. GAITO: Correct.

MR. GALLI: The front is the two story?

MR. GAITO: Three. Imagine you're coming up the hill, it's taller. You come up around the hill, it's two. I'll show you that in the elevation. Here's actually that view. So again, it's only two story when you come to park the car.

This view you're looking at here, the site plan, it's on this side, the high side of the hill. There's parking here. Two stories to this side, two stories on this side. Then the hill is coming down here. The pond is way down here below.

How it works in the section, just to

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show you, here's an example of the buildings. Again, so this is a two story on the roadside and then three story on the hillside. On this side, this is a section coming through, there are two different buildings types. This one we chose to have the space between the buildings serve as recreation for the different avenues. So it's not a continuous rolling hill if you come down the site. You step outside, there's actually a flat area and a chance to have some general light recreation, sitting, playing, enjoying in between the buildings. That's what this section represents.

This particular building had driveways in the front and the doorways to each building right here.

The other building is very similar, again with the toned down colors and sort of the woodsy theme color scheme. You see it's two story on the roadside, entrances, entrances, parking in the front, parking across the street, and then the lower level approaching up the hillside is three stories. We kind of kept that little pathway, more gradual landscape. We cut

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it back for some recreation area and still have enough for a natural transition from the upper to the lower level on this side.

Down below, I think you saw the plans of the clubhouse, but the clubhouse is sort of a little bit with the retail and the retail component. So we have the same sort of modern farmhouse vernacular, borrowing some colors from the upper houses up the hill. There's a little bit of red to the retail side as well. It's heavily landscaped in front. A drop-off area as the plans and site plan indicates.

The retail building we have, it's generally looking like this. There's a black and white version with your set. Again we're trying to tie in a little bit of red with the clubhouse, a little bit of red with the front, a little bit of the browns and taupes to match in with the houses. The whole campus will look like one cohesive unit, again keeping some attractiveness, some modern farmhouse aspects to it and keeping it mute and subtle.

Then I have some floor plans if you want to go through those.

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CHAIRMAN EWASUTYN: Let's stop for a second. There's a lot to digest.

MR. GAITO: Sure. I'm giving you an overall --

CHAIRMAN EWASUTYN: Let's stop. You've done a great presentation.

MR. GAITO: Thank you.

CHAIRMAN EWASUTYN: Just general questions. The three-story building of course will have three levels, bedrooms here, bathrooms there, so on and so forth. That's more of an interior look that we should know about.

Any questions from the Board Members?

Your thought process on this is to keep sort of a continuation of the Overlook Farms, a Marlborough look, apple orchards and sort of natural look.

Let's hear from the Board Members as far as what they understand, what they need to know a bit more about.

MR. GALLI: I understand that part of it. I see garages on the buildings. There's not a garage for every apartment; correct?

MR. GAITO: Correct.

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MR. GALLI: It's going to be set up like Gardnertown where garages are only with some of them?

MR. GAITO: Correct.

MR. GALLI: The garage is extra if you want that?

MR. GAITO: Some have garages, some do not. Correct.

Mr. Chairman, if I may, you bring up a good point. The buildings themselves are arranged in a serpentine fashion to theater seating so that there's opportunity in the living rooms and social spaces facing, I guess towards 9W, so you get to overlook the pond and nature. You're seeing over the houses in front of you to the distance and beyond. So it's sort of designed with that in mind. The bedrooms are in the back.

CHAIRMAN EWASUTYN: That's a good point. That's a good point.

MR. MENNERICH: All the balconies would be on that 9W -- facing 9W?

MR. GAITO: Again, yes. Taking advantage of the nice beautiful pond, the

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landscaping we're going to complete. Exactly.

CHAIRMAN EWASUTYN: And there's a lot of glass associated with these buildings? Or it seems like.

MR. GAITO: I think glass is appropriate for -- the views call for it. And then the regular code compliant bedroom windows for the different side of the building.

CHAIRMAN EWASUTYN: I'll have other questions. I'll let the Board Members ask questions.

Many, many years ago there was a project which never came to fruition in the Town of Newburgh. The architect, the developers talked to us about a similar look in Millbrook and we actually got a Town bus. It was a farm-type community with stables and all that. We actually drove to Millbrook and took a look at it. Have you designed or do you know anything similar to this within driving distance, just as a better visual comprehension of it?

MR. GAITO: I'm not sure. I think from what we're trying to achieve here, I think the Gardnertown project down the road, our client did

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a nice job with that one. They want this one to be a little more unique in terms of attractiveness and such.

MR. GALLI: There's an older project, John, it's pretty old, over on Route 9D going out towards Wappingers Falls. When you're coming off the bridge you take a left. On the left-hand side there's a project similar. The road is set up like that and the apartments tier all the way up. It's not Imperial Gardens.

CHAIRMAN EWASUTYN: That came up --

MR. GALLI: Montclair. It's called Montclair. That's not -- it doesn't look like that now. It's terraced up. You can't really see it when you're traveling on 9D because you're moving 35, 40 miles-an-hour. As you go up you can start seeing the building.

I have a question just real quick. On the road going up there's a pretty active landscape place to the left. They're moving dirt and stones. Cutrone.

MR. GAITO: This one?

MR. GALLI: Cutrone as you're going up. What's the plan to mitigate some of that? They

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create a lot of dust over there. I notice it's a pretty active site all the time.

MR. GUCCIONE: The site next to it? This is a little bit of artistic in terms of there are mature trees there.

MR. GAITO: I think he's asking the site to the south.

MR. GALLI: There's a big landscape yard.

MR. GUCCIONE: I don't know if we have much control over that.

MR. GALLI: Is there landscaping between?

MR. GUCCIONE: Absolutely.

MR. HINES: It's shown on your aerial if you want to put that up.

MR. GAITO: Let's identify where it is.

MR. GALLI: Going up your road. There it is.

MR. GUCCIONE: Right here. So yeah. That's a good point. There are a couple buildings next door there. So we'll have this -- there will be drainage coming through on this side. We'll make sure this area is nice and

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landscaped. Heavily landscaped. We can focus on evergreens in that area. That would give you year round.

MR. GALLI: We have the pool house, the dirt and stuff.

MR. GAITO: That's a good point. We'd like to landscape it so it's natural, and also so you're not looking at this as you're coming up.

MR. GUCCIONE: If we feel a fence would be appropriate there too, we could do something like that. Rather heavy landscaping. Thank you. That's a great point.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: I'll pass. I'll come back.

CHAIRMAN EWASUTYN: Do it now. Speak up. That's the purpose of it.

MS. DeLUCA: I guess I'm -- I appreciate that you want to keep the kind of farm feel environment because that's what Marlborough is. I'm just still getting used to the colors to be honest with you.

What else was there?

MR. GAITO: You can't wait to play tennis. Is that your question? Very suitable.

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MS. DeLUCA: Okay. I'll move along.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I was just curious about the type of materials you would use on the buildings compared to what we typically see. Could you give us a little insight?

MR. GAITO: Sure. We're looking at sort of traditional materials and arranged possibly in a different way. Generally they're going to be siding. It will be vertical siding similar to horizontal. You can sort of see the light tan is going to be vertical, and we're going to switch it up for the darker taupe horizontal. But generally common materials I think we're going to use. The building is a vernacular of the area. Nothing strange. Regular asphalt shingles but a dark to match the side. The balconies would be wider, more like a cable version, or it might be the hard pipe. It won't be wood railing. It would be cable. Give a little modern twist to what's happening.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: So I guess for your next presentation, as we go through this and we

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begin warming up to it, you'll have something available that we could understand what the color is? Visually we'll be looking at something, whether it's 6 by 6 inches or something, and say this is the difference in the lighter brown, the darker brown, this is what the trim will look like. I think, Peter, now that we sort of have a general look, and others are going to be speak, it would be good to see some solid colors.

MR. GAITO: An actual sample.

Absolutely.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Yes. Well I will say it looks nicer the way you laid it out with lesser buildings. Turning the retail store was a big plus, too.

What I was going to say is looking at the balconies facing 9W, how elevated are they for the front doors of the next tier for a visual going out? Like you're sitting on your patio and you're seeing the front doors below you for the next buildings. How separated are they?

MR. GAITO: There's definitely a distance. Quite a bit. In terms of the building

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spaces, the balconies are here and the distance --

MR. WARD: I'm talking up and down.

MR. GUCCIONE: He's talking about from here to here.

MR. GAITO: This is like 150 feet or something.

MR. GUCCIONE: This bay of parking is 60 feet. That distance is at least 100 feet. It's a good distance. There's plenty of room for green on either side of the road. There will be a nice space there.

MR. WARD: Between the buildings what do you have? They're connected?

MR. GAITO: The closest point is 30 feet and it widens to about 50 feet on the back end.

MR. WARD: Okay.

MR. GAITO: That's at least 30 feet. The closest point is at least 30 feet, which is bigger than this room, and 50 feet on the back. As it sort of turns and wraps around facing the pond, it's a wider distance there.

CHAIRMAN EWASUTYN: They did respond to

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Karen's original comments. The spaces between the buildings, Karen had asked that they be leveled and more usable. They did go ahead and redesign the site based upon her comment.

MR. GAITO: I thought that was actually a really good comment. It is a gradually sloping site but opportunity for level grade in between is really nice. Thank you, if she's here.

MR. WARD: My other question was where the buildings peak, now the first picture that you showed me, the first one, the very first one --

MR. GAITO: The rendering?

MR. WARD: Yes. I was looking at the peak and I was thinking if you had enough room to accent it or something. You're trying to give the barn effect instead of making it square, square. You know, a barn, barn, barn. Just to make it authentic looking. Do you understand what I'm trying to say, on the top?

CHAIRMAN EWASUTYN: I think what he's saying is something like a 9 on 12 pitch.

MR. GAITO: A steeper incline?

MR. WARD: Yeah.

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MR. GAITO: Right.

CHAIRMAN EWASUTYN: That would still have to comply with the building height he's allowed in that area.

MR. GAITO: Again, that's an interesting idea. We tried to balance that exactly. We're trying to balance the height of this with the height of the overall buildings. It is a bit more barn like. I think when you get close enough, like anything this rendering is showing, it looks a little flatter. Actually it is respectful of the gables there.

MR. WARD: Okay.

MR. GAITO: This one, you really can't see it.

MR. WARD: That's why I'm pointing it out.

MR. GAITO: I have a flatter perspective because it's looking at two different angles. I understand.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more. As they just mentioned, it's an interesting overall

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layout and design.

MR. GAITO: Thank you.

CHAIRMAN EWASUTYN: I'll let Dave
Dominick comment.

MR. DOMINICK: Thanks. Great job on
reducing the footprint and kind of opening up a
little more. Sometimes these projects, you get
that claustrophobic feel in the community.

Personally, I'm not sold yet on the
color scheme. I understand what you're trying to
do with the vineyards, the farm country feel. I
hope the samples help in that area.

Certainly we touched on this. A lot
has happened since your initial appearance in
2019. Again, we do this in two phases. Phase 1
is the housing and then a retail. What is going
to be the trigger mechanism to do the retail
piece of this?

MR. GAITO: The trigger? In terms of
when we would do it?

MR. DOMINICK: We've seen this last
year. You know, retail and brick and mortar did
a 180 as far as how we did business. What
happens if we go to a 360? Just explain the

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process of maybe why not doing it all together instead of a phased concept.

MR. GAITO: That's a great question.

MR. SCHUTZMAN: As far as that it's being presented not as a phase of construction.

MR. GAITO: It's one project.

MR. SCHUTZMAN: It's being presented as a singular construction project. It's the intent to build it out even if they're potentially exploring a tenant at that point.

MR. GAITO: I'm not sure we spoke about phasing last time. The overall intention is the entire thing at one time. There's a cost of savings, cost of the trucks coming in and out of the site from the Town's point of view, economy of scale when you have material and labor on the site. If behooves the Town and our client to do things all at the same time. I think that would be our intention.

MR. DOMINICK: Okay. That's logical. Parts on the site, dirt flying, noise, everything. Get it all over with. Tenants move in and you move forward. All right. My misunderstanding.

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CHAIRMAN EWASUTYN: Frank Galli.

MR. GALLI: Can you put up the road thing again? I just had a couple questions. For future submissions, maybe you could -- at the end of each driveway I know there's an emergency access. That emergency access a lot of times isn't open if the emergency vehicle comes in the normal way and there's not really an emergency. If you could widen out that end where there's no parking so an emergency vehicle can like turn around. Not completely, like in a complete circle, but if he had to do a three-point turn.

MR. GAITO: We have K turns and we eliminated --

MR. GALLI: What happens is they don't take the gate out just to get out or get in. They like to come in the normal road and they don't like to destroy that area unless they have to get a lot of equipment in there.

MR. GAITO: That would be mostly if there was something blocking the primary road.

MR. GALLI: If they're going in for a normal emergency, you get a ladder truck or fire truck, they still have to turn around and it's

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very difficult if there's cars parked.

MR. GAITO: We had a turnaround like this. We could put that back in.

MR. GALLI: Also, the second thing is snow storage. In your future submission, where are you going to put the snow when it starts snowing and you have to pile it up places? Just a consideration.

MR. GAITO: We can identify some areas for snow storage.

MR. GALLI: I've seen on projects that have already been built and you think of it after you see it a while.

CHAIRMAN EWASUTYN: A positive comment on Gardnertown Commons. I have driven through there when there was a recent snowstorm and their snow was plowed. They did put cones around the snow. I think that was --

MR. GALLI: Gardnertown Commons is very easy to negotiate with an emergency vehicle to get in the circle and turn.

CHAIRMAN EWASUTYN: They did have cones where they did have snow piled. Back to Gardnertown Commons. That is the first of this

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type that we had.

Are there street names associated with this development?

MR. GAITO: I think so.

CHAIRMAN EWASUTYN: My question is are the street names going to be incorporated on the facade of the buildings like they are in Gardnertown Commons or are they going to be individual poles with a street name? Just a question.

MR. GAITO: We'll have to speak with the applicant on that to confirm. We haven't gotten that far yet. They are all things we can certainly get back to you on.

CHAIRMAN EWASUTYN: I think for my eyes, I look and I reference Gardnertown Commons and I get ideas from what you've created there and I bring them forward.

MR. GAITO: We were speaking with the owner, the applicant yesterday. He did want to stress to the Board that this will be as good or better quality than Gardnertown Commons. He plans on having a real quality project. Gardnertown Commons came out very nice.

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CHAIRMAN EWASUTYN: If you don't mind, and you did present it earlier, can we now go back to the road and see how people are going to be moving up and down the roads?

MR. GAITO: Traffic?

CHAIRMAN EWASUTYN: You're being delayed by the intersection. For the record, your name, please?

MR. PETRORO: Mark Petroro from JMC. Thank you for asking me to present.

CHAIRMAN EWASUTYN: I didn't mean -- I'm living in my thinking. I like to stay focused and work my way out of a project rather than going back and forth.

MR. PETRORO: Not a problem.

CHAIRMAN EWASUTYN: Also keeping in mind that the DOT is an involved agency on this, so we have requirements that we can ask for. We have sort of a foundation in the project itself.

MR. PETRORO: Absolutely. As you mentioned, this would all be subject to DOT related to some of the aspects of the traffic improvements that we're proposing on the project. That will go through their process and they'll

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have comments, as they typically will, and then getting the permit to do the work obviously.

We did complete the traffic study for the project. In coordination with the Town's consultant we actually studied major intersections along Route 9W from Carter Avenue on the south all the way to Old Post Road in the north. A total of seven intersections were studied. We studied the peak weekday a.m./weekday p.m. and Saturday midday hours. The counts were conducted in late January/February 2020, so prior to the pandemic hitting us. So the volumes are reflective of preconditions of COVID. From the counts we've determined peak hour volumes to get a base condition for projecting our future volumes. To project the future conditions without the project, we considered several other developments and their volumes as well as general growth along the Route 9 corridor that we studied.

The future condition without the development, we consider the no build condition. Beyond there we looked at the build condition which is the same condition but with the

1 development's traffic on it. So we looked at the
2 traffic. We determined the volumes for the
3 development based on an industry standard
4 publication from the Institute of Transportation
5 Engineers for the trip generation manual. For
6 the purposes of our traffic study we assumed the
7 retail building as one tenant being a supermarket
8 use. That's what we incorporated into our
9 analysis when we projected those volumes out. So
10 when we looked at the overall intersection
11 operations under the build condition, they were
12 generally similar as the no build conditions when
13 you look at the future with the project versus
14 the future without the project.

16 However, the applicant is proposing
17 several improvements along Route 9W as part of
18 the application. One of those is a signal here
19 at the main entry drive on Route 9W, as well as
20 widening to accommodate a southbound right-turn
21 lane into the property, as well as a northbound
22 left-turn lane into the property. Additionally,
23 we're proposing to widen Morris Drive to provide
24 a left-turn lane here to go north on Route 9W.
25 This would help with the secondary access off of

1
2 Morris Drive as well. The signals at both Morris
3 Drive and the site driveway would be fully
4 actuated. So every lane on the signalized
5 approach would have their own detection. If
6 there's no cars there, it will skip that phase
7 and signal. So right now they are currently not
8 fully actuated. That's an improvement that the
9 developer would be implementing as far as at both
10 locations. So they would be fully actuated.

11 Additionally, there will be some
12 traffic signal timing improvements at Morris
13 Drive. Both these signals would be time based,
14 coordinated to improve the flow between the two
15 intersections so you don't go through one
16 intersection and then stop at the other. It's to
17 keep the flow going between the intersections.

18 So those are the proposed improvements
19 that are being implemented as part of the
20 project.

21 Obviously as Mr. Guccione stated, we're
22 putting in sidewalks along Route 9W.

23 Again, these are all items that would
24 be subject to DOT review and approval, and we
25 need a permit to do that work.

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That is the quick synopsis really to the traffic improvements and the traffic study that we completed.

CHAIRMAN EWASUTYN: Board Members, do you have any comments before we ask from our consultants?

MR. GALLI: What's plan B if the State doesn't give you the traffic light?

MR. PETRORO: We would have to look at that and work as we go on that one. I do know there were comments from Creighton, Manning, your consultant. We will respond back in writing with those. One of those was supporting materials on the traffic signal at that location. So that's one of the comments that I know Creighton, Manning had provided.

CHAIRMAN EWASUTYN: At this point we don't necessarily -- we'll turn to Dominic Cordisco, the Planning Board Attorney, to talk to us about SEQRA, the Type 1 action, and circulation. Please, Dominic.

MR. CORDISCO: Thank you, Mr. Chairman. This is a Type 1 action based on its scope of overall development. As a result, SEQRA

1 requires for Type 1 actions that you circulate
2 your intent to be lead agency to all other
3 involved and interested agencies. So at this
4 point the applicant has prepared an EAF. I do
5 know that -- I believe some others have comments
6 and some corrections in connection with the EAF,
7 and also Mr. Schutzman's comment regarding the
8 wastewater treatment plant and its potential use
9 for a neighboring separate property might require
10 a tweak to that EAF as well because it may
11 trigger the need for additional approvals.
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13 That said, once the EAF is in final
14 form, it would be in a position where this Board
15 could declare its intent to be lead agency and
16 start that process. You could do so also subject
17 to changes to the EAF being finalized because I
18 think the changes at this point are fairly minor.

19 CHAIRMAN EWASUTYN: Thank you, Dominic.
20 Code Compliance, Jerry Canfield?

21 MR. CANFIELD: Yes. Thank you. In
22 conjunction with what Dominic had said, the EAF
23 and the water source needs to be corrected. It's
24 Chadwick Lake and the aqueduct system, not
25 Brown's Pond and Washington Lake. They are City

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of Newburgh water sources.

Also on the EAF they identified that the project will be a phased project, two phases, one phase for the residential and one phase for the commercial. Just future submissions should show the phasing lines. Again, where to stop, where to complete. Obviously two separate certificate of occupancies.

Future submissions will, I'm sure, address details, water lines, utilities, that type thing.

I know Pat has a comment with respect to coordinating with the Water Department.

During your presentation a couple things come to mind. The buildings will be required to be sprinklered, and part of that analysis -- hydraulic analysis is due to the elevation difference and the water source on 9W and Morris Drive. That can be coordinated through the Water Department.

That's basically it that I have at this time.

CHAIRMAN EWASUTYN: Thank you. Ken Wersted on traffic. If you could highlight the

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bullets on what needs to be further studied.

MR. WERSTED: Certainly. We had a number of different comments. You guys can respond to them as necessary.

One of the ones that I had commented on before, maybe it wasn't clear, some of the roads that intersect road A might have some sight distance challenges, so I'd like to see a little bit more analysis on that. There's not a lot of traffic, obviously, going up into the residential portions and the speeds aren't going to be very high. We may just need to have a minimum amount of sight distance for a couple of those roads.

Mark had mentioned going through the traffic counts and covered everything there.

You did include the 5430 Route 9W site particularly across the street. There wasn't any elaboration. I don't think we received a site plan application. We don't really know what the proposed action is there. I believe we had a conversation about a year ago where you had mentioned that that might be coming up but you really didn't know at that time. If you could elaborate a little bit on that. Or even if you

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just made an assumption about what it was, we could then have some more background on that.

The retail portion you had mentioned was being studied as a supermarket. The architecture shows it cut up into individual tenants. I think the grocery store use will conservatively cover if the building is broken up into smaller retail tenants. I think that will be good.

The distribution for the residential portion I agreed with.

The retail I thought might be a little light relative to the amount of traffic that might come from the north. You've got the Hamlet of Marlborough to the north. If this was a grocery store, for them to go all the way up to Hannaford in the Town of Lloyd, it's about twice as far for them, they'd come down here. There might not be an attraction here for them to come down from the south.

Relative to the improvements on Route 9W, it looks like that will all be necessary. I was seeking an access to road A coming into the project. There may be a little bit more capacity

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unused, if you will, at Morris Drive. Morris Drive being kind of the back of the store. Some people will find it more convenient to come in and out from there. But for the most part, the new signal you're proposing is there to help get traffic in and out of this development.

I did note in the p.m. peak hour it appears the ratio of southbound through volume was 1.0. It's up there. The lights will be coordinated, but a lot of that is going to follow the DOT's jurisdiction.

The unsignalized intersections in the corridor are a challenge today. They'll continue to be a challenge in the future. As traffic volumes increase, whether it's from this project, projects in Marlborough, anywhere along the corridor, the more traffic that's added to 9W the harder it is for those side streets to pull in and out.

There are some level of service -- not necessarily level of service but delay impacts at those intersections that aren't necessarily mitigated. The challenge will be trying to either accept those or to at least mitigate some

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of the impact, or justify it.

One thing I noted. The site plan I believe shows a potential truck circulation, I'll say in a counterclockwise fashion. It looks like it would come in from Morris, drive around the north side of the retail, back into a spot and get out through road A. In future submissions if you could show that truck circulation so we can see where the plan for it is.

That's all I have.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: We have some comments on the preliminary plan. We'll have to do an adjoiners notice now that the unit count has been finalized. When you last appeared in 2019 we had questions on the unit count. We didn't do the adjoiners notice or the notice of intent for lead agency. Those are both items that we could do now that the unit count has been finalized.

The site was previously an apple orchard. I don't know, going through the Health Department, if there's going to be issues with potential pesticide residue. When the project does go to the Health Department, that's

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something they will be evaluating. I know with single-family residences they will address that. I don't know if they will with multi-family. We'll defer to the Health Department on that.

There is a 100-year floodplain on the project which is being altered, and we'll need the study regarding that.

The stormwater pollution prevention plan will be needed.

Connection to the potable water system. I know we've provided some information regarding pressures and water in 9W to the engineer in your office are they're working on that.

The sewage treatment facility will require approval from the DEC.

I'm glad that you clarified that there is no subdivision now. I spent a little time trying to find lot lines on there because it said lot consolidation and subdivision plan still. I wasn't losing my mind looking for some lot lines that weren't there. We have seen in the past where the business components were subdivided off for financing purposes and such. I guess that's not the case here. We were under that belief.

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2 The Planning Board may want to request
3 visual profiles. You do have the simulation, two
4 dimensional there. In order to address John
5 Ward's comments, maybe a section through the
6 project to show the heights of the buildings
7 versus each other. That may be some information
8 you can provide.

9 I have a comment on the trash
10 enclosure. At the work session Stephanie DeLuca
11 did mention a project that she was aware of that
12 had one centralized trash building where the
13 people could bring their trash, separate their
14 recyclables and such. I don't know if it's
15 something you considered rather than having the
16 dumpster enclosures through the project. We
17 talked about that at the work session and
18 Stephanie brought that up as a design component.

19 The project is also located in an Ag
20 District, which is another reason why it's a Type
21 1 action in addition to the greater than 10 acres
22 disturbance.

23 We do have minor changes to the EAF
24 that will need to be done. I think they are
25 minor and technical.

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If the Board wishes to declare its intent for lead agency, we could work with the applicant to clarify those changes to the EAF and begin that circulation process.

That's where we're at. We don't have a lot of design details yet. We'll be looking forward to them.

I think the notice of intent for lead agency will get the other groups involved. We'll consider the Marlborough School District as an interested agency as well to keep them on board. This project is in their school district and we like to coordinate with them as well.

CHAIRMAN EWASUTYN: I think for the benefit of the Board, we'll take the step forward in reaching out to the Marlborough School District and begin open dialogue with them.

Frank, the fire district that this is located in?

MR. GALLI: Middlehope.

MR. CANFIELD: Middlehope.

CHAIRMAN EWASUTYN: Plans will go --

MR. CANFIELD: Plans will be circulated to Middlehope.

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CHAIRMAN EWASUTYN: Any other additional questions or comments?

MR. WARD: Pat, you mentioned about a dumpster, them walking up the hill or whatever.

MR. HINES: Unit 10 I think didn't have a dumpster in front of it. I think Stephanie mentioned that the Board may want to explore a more centralized would be more conducive to recycling. I don't know if Stephanie knew that project location. It's something the Board may want you to consider. I'll defer back to the Board on that, though.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: Mr. Chairman, I do have an additional comment if I may.

CHAIRMAN EWASUTYN: And your name, please?

MR. CORDISCO: Dominic Cordisco, for the record. Thank you.

In connection with the wastewater treatment plant and the possibility that it would serve another property, it does create some additional procedural considerations that you may want to give consideration to now rather than

1 later. For instance, as you know, if it's a
2 wastewater treatment plant that is only serving
3 one consolidated property with a number of users
4 but it's all within one ownership, then there's
5 no need to form a transportation corporation in
6 New York so there's no need to involve the Town
7 Board in connection with the formation and
8 consent to form the transportation corporation.
9 If you are now serving a lot that's not in the
10 same ownership, such as the one across the street
11 that you were referring to, then the difficulty
12 is twofold. One, you have to get the consent of
13 the Town Board, so they would have to be listed
14 as an involved agency on the EAF. But perhaps
15 more importantly is that the transportation
16 corporation itself would need to own just the
17 wastewater treatment plant and so it would need
18 to be on its own separate lot. That would
19 trigger the need for subdivision approval. So
20 this would be a subdivision that would have the
21 wastewater treatment plant on its own individual
22 lot. Whatever the requirements were for that
23 would also need to be either shown or variances
24 would be needed. It's possible to do that later,
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you know, if that was the case where you're not prepared to make a determination now as to whether or not -- but it also could complicate things by creating a lot at that time. That would be needed.

MR. HINES: Along that line, there are SEQRA implications of that. Right now it is not addressed in their EAF for providing sewer service to the lot on the east side of 9W. If there is a SEQRA impact to that, it should be incorporated at this time.

MR. CORDISCO: Right. That's the thing. So I mean as part of this approval, if you're looking to preserve that option, to provide sewer service to the east side of 9W, then I think it's something that has to be addressed in the EAF to be properly considered to be part of the action overall. And as I said, the Town Board has to be identified. The Town Board already has jurisdiction over the project because it has to authorize the Planning Board to consider and ultimately grant approval, perhaps, for the 23 senior units. But if there's also a transportation corporation, then the Town Board's

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consent for that formation is also required.

MR. HINES: It's not even the 23 units.
It's the 6 to 9 density.

MR. CORDISCO: Yes. Correct. The
requirements associated with that. Yes.

CHAIRMAN EWASUTYN: Stan, have you and
the owner and the applicant discussed the matter
that Dominic Cordisco took the time to elaborate
on? I'm not even sure that the EAF, which we
will accept now with the understanding there's
some minor changes, and declare our intent for
lead agency may not in fact -- the consultants
can say, may not be minor changes because of the
impact of this interconnecting. How would you
like to proceed with this?

MR. SCHUTZMAN: I think for the moment,
since the issue of development across the street
is speculative at best, for today's purpose we're
looking at it as a singularity in terms of the
farm premises where the STP is located currently.
Originally we had proposed the STP be on its own
lot. The Board had commented at that time that
they were concerned about issues of foreclosure
and what not and they wanted it consolidated with

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that, which is why we took the treatment plant off of 9W instead of leaving it there on its own lot which is already existing, and moving forward that way. So the applicant has not made a determination at this point. I would say I'll go back and have that conversation certainly. For today's purpose we're at the point of looking at it as a singularity.

CHAIRMAN EWASUTYN: Dominic Cordisco, are you satisfied with that comment?

MR. CORDISCO: Certainly. I think there is -- if there's no proposal now to make that connection and it's speculative, then it can be addressed at a later time. But there may be additional procedural hurdles that were created as a result of that that have to be complied with.

MR. SCHUTZMAN: Understood.

CHAIRMAN EWASUTYN: Is the Board satisfied with that at this time?

MR. GALLI: Yes.

MS. DeLUCA: Yes.

MR. MENNERICH: Yes.

MR. BROWNE: Yes.

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MR. DOMINICK: Yes.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: If there are no other questions or comments, would someone move for a motion to declare our intent for lead agency subject to the EAF being looked over with the minor changes being incorporated in the new EAF?

MR. DOMINICK: I'll make the motion.

MR. WARD: Second.

CHAIRMAN EWASUTYN: Motion made by Dave Dominick. Second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: You'll work with

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2 Pat Hines as far as the informational letter that
3 is required to go out, the coordination with
4 Charlene Black at the Town Hall to properly
5 notify her in advance of just walking in and
6 dropping everything there. Okay. It's not
7 funny. People do that. We're all professionals
8 so we like to, you know, respect others. We will
9 work with the school district. That's
10 essentially, at this point, it. They're an
11 interested agency.

12 Anything else, Pat?

13 MR. HINES: I think that's it.

14 CHAIRMAN EWASUTYN: And then next time
15 you're here before us we'll have something to
16 look at as far as colors. That's something I
17 think we want to grow with, realizing that this
18 is the time in the project. Okay.

19 MR. GAITO: Yes.

20 CHAIRMAN EWASUTYN: What eventually
21 happens with all these projects, Pat Hines does a
22 great job in coordinating people like myself for
23 all the underground activities that happen.
24 Ultimately the Planning Board is, you know, kind
25 of responsible and they are the ones who hear

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from everyone as far as, you know, this is a handsome site or an attractive site. So we're looking for your support in that.

MR. GAITO: Absolutely.

CHAIRMAN EWASUTYN: I can't think of anything else. Anybody else?

MR. DOMINICK: No.

MR. GAITO: Thank you.

(Time noted: 8:22 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 1st day of February 2021.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

GAS LAND PETROLEUM
(2019-16)

5200 Route 9W
Section 43; Block 5; Lot 1
B & R-3 Zones

----- X

BOARD BUSINESS

Date: January 21, 2021
Time: 8:22 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

MICHELLE L. CONERO
3 Francis Street
Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: We have two items of Board business. One I think I e-mailed you from Chris Lapine. It's been well negotiated now that the proposed gas station that was going to be in conjunction with Pat's Towing, it's no longer going to be a two-part development. The owner is going to be buying the whole property and we won't have that junkyard appearance on 9W.

When we received the e-mail today, I started reading it at 4:00 this morning but that's neither here nor there, the thought came to mind it would be an ideal time, if the Board is okay with it, to make this part also of the consultants' meeting so that Pat and everybody could get familiar with it. This project has been around for a while. I think it's a great benefit.

MR. GALLI: Tuesday?

CHAIRMAN EWASUTYN: Tuesday the 26th.

Pat, would you bring that --

MR. HINES: We have a work session, a technical work session for the consultants scheduled all ready for the 26th with the Matrix project. That's at 1:00. I would suggest if the

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Board wants to add this one at 2:30 in the afternoon, it would be appropriate to add that. Matrix is just a technical work session for the consultants. We thought it best to just have that group at the meeting.

CHAIRMAN EWASUTYN: So would the Board be in favor of setting -- what's the name? Gas Land?

MR. HINES: Gas Land.

CHAIRMAN EWASUTYN: For a consultants' meeting also, a technical meeting on the 26th of this month?

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MR. HINES: Along with those technical work sessions, I sent Joe Pedi, the Town Clerk, a copy of the notice that we adopted at the re-org meeting for the technical work sessions. I stated the fourth Tuesday of the month, which they are. My office had accidently put a couple of the last Tuesdays of the month, the ones that had fifth Tuesdays. I corrected that schedule. I'll send it out to the Board.

We have secured for these meetings for the fourth Tuesday of the month this meeting room except for May where it has to be a Wednesday this room is already booked. I'll send out that revised schedule for the Board.

(Time noted: 8:25 p.m.)

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

----- X
In the Matter of

COSIMO'S RESTAURANT

1217 Route 300

----- X

BOARD BUSINESS

Date: January 21, 2021
Time: 8:25 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
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

----- X

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CHAIRMAN EWASUTYN: I'd like to turn the meeting over now to Jerry Canfield and Dominic Cordisco for an item of Board business as far as Cosimo's Restaurant, please.

MR. CANFIELD: The Code Compliance Department has received a building permit application for 1217 Route 300, the restaurant esbalishment, Section, Block and Lot 96-1-11.1, Cosimo's Restaurant. The applicant has requested relief from the Municipal Code of the Planning Board Section 185-57 --

MR. CORDISCO: It's 57-E as in Edward.

MR. CANFIELD: -- E as in Edward which authorizes the Planning Board, under special conditions and limited development to the project, to waive the Planning Board requirements of site plan.

In the work session we had discussed this. The Planning Board has -- the Chairman has polled the Board Members. They have indicated they're in favor of doing so.

In this particular application they also make note that the front setback requirement

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is not compliant and it must go before the Zoning Board which will be handled through the disapproval of the building permit from the Building Department and referred to the ZBA. This portion of the meeting is a requirement of the exemption and it is made part of the record. By doing so we enter it into the minutes.

CHAIRMAN EWASUTYN: You'll be preparing a resolution for this?

MR. CORDISCO: I don't think a resolution is necessary because you don't have a formal application before you. The issue before the Board is whether or not an application is even required. The Board has this ability, under special circumstances, to consider waiving the requirements of an application. In this case, as Mr. Canfield mentioned, you're talking about a 400 square foot area. That area is currently being used -- they're proposing to enclose it. That area is currently being used for outside dining at this facility. So given that, it seems rather minor and would be an inconvenience to require an application for this matter that can be dealt with both before the Building Department

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and the ZBA. The ZBA issue is triggered because the building itself is not set back -- it does not meet the current setback requirements. It's not as if just this extension of the building is creating the nonconformity. The nonconformity is already there but it is being slightly increased as a result of the proposal.

So as a result, the Board, in particular with this provision of the code, has to make a determination that an application is not necessary. As a result, the Board could make a motion, based on the information provided, that an application is not necessary.

CHAIRMAN EWASUTYN: Thank you. Can you summarize all of that and then present it one more time? I mean that in sincerity. You did an excellent job of explaining it. If you could one more time, and then we'll move to waive based upon what you were saying.

MR. CORDISCO: Yes. Perhaps it would be best to quote directly from 185-57 E, which deals with waiver requirements, and that is -- I'll selectively quote if I may -- upon a finding by the Planning Board that, due to the particular

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2 character or limited nature of the development,
3 the submission of a sketch plan, preliminary or
4 final site plan, or any portions of information
5 normally required as part of that process, may be
6 waived, and in the opinion of the Planning Board
7 that such waiver will be consistent with the goal
8 of promoting public health, safety, comfort,
9 convenience and general welfare of the community.
10 The findings for this waiver should be made part
11 of the public record.

12 My suggestion to the Board is that you
13 make a motion at this point, based on the
14 information provided, that you have met the
15 finding, that there's a limited nature of
16 development and as a result the application for
17 site plan approval for this modification to the
18 existing building is not required.

19 CHAIRMAN EWASUTYN: We would waive
20 that. Would someone make a motion based upon the
21 verbal description of the action presented to us
22 by our Planning Board Attorney, Dominic Cordisco?

23 MR. GALLI: So moved.

24 MR. DOMINICK: Second.

25 CHAIRMAN EWASUTYN: I have a motion by

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Frank Galli. I have a second, I believe Dave Dominick was first in line. Not that it really matters. Can I have a roll call vote starting with Frank Galli?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

I think there's no further business that I can think of at this point.

That being said; Dominic, you'll keep us abreast as far as the Association of Towns?

MR. CORDISCO: Yes. I'm interested in seeing the schedule myself, so I've been checking. Once I see that a more detailed schedule goes live, I'll circulate it to the Board.

CHAIRMAN EWASUTYN: Okay. Would someone make a motion to -- did we make that motion? The motion to waive was presented

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between Frank and Dave Dominick. Now can I have a motion to close the Planning Board meeting of the 21st of January?

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

(Time noted: 8:32 p.m.)

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