

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

LANDS OF ZAZON  
(2004-29)

Fostertown Road  
Section 20; Block 1; Lot 24  
R-2 Zone

----- X

11-LOT SUBDIVISION WITH DRAINAGE LOT  
EXTENSION UPDATE

Date: March 4, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: CALEB PAWELSKI

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 4th of March 2021. There are four items on the agenda. The third and fourth item are public hearings.

At this time we'll call the meeting to order, and then Planning Board Attorney, Dominic Cordisco, will brief us on the public hearings, the Zoom meeting.

So let's call the meeting to order with a roll call vote.

MR. BROWNE: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Domini Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

MR. CANFIELD: Jerry Canfield, Code Compliance Supervisor.

MR. HINES: Pat Hines with McGoey,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Hauser & Edsall Consulting Engineers.

MR. WERSTED: Ken Wersted, Creighton,  
Manning Engineering, Traffic Consultant.

CHAIRMAN EWASUTYN: Siobhan, would you  
introduce yourself, please?

MS. JABLESNIK: Siobhan Jablesnik,  
Zoning Board Secretary, doing Zoom for the  
Planning Board.

CHAIRMAN EWASUTYN: Dominic, can you  
speak on the two public hearings later on?

MR. CORDISCO: Yes. In accordance with  
the Governor's Executive Orders which allows for  
certain public meetings and public hearings to  
take place both in person and remotely, the  
public hearings that are scheduled tonight are  
hybrid public hearings in the sense that members  
of the public can come either to Town Hall to  
listen and speak about projects that are on for  
public hearings or they can participate via Zoom  
on the link that was included on the agenda and  
also posted on the Town's website. Until the  
time that the public hearings are called, the  
members of the public who are participating  
remotely will be muted and will be asked to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

unmute at the time of the public hearings so that they can comment when it is appropriate.

CHAIRMAN EWASUTYN: Thank you.

The first item of business this evening -- at this point I'll turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your cellphones or put them on vibrate, please. Thank you.

CHAIRMAN EWASUTYN: Thank you. The first item of business is the Lands of Zazon. It's an 11-lot subdivision with the drainage lot. It's an extension update. It's located on Fostertown Road in an R-2 Zone. It's being represented by Pietrzak & Pfau.

MR. PAWELSKI: Good evening to the Board. My name is Caleb Pawelski. As previously mentioned, I'm with Pietrzak & Pfau Engineering. We're representing the applicant.

Tonight we submitted the Lands of Zazon plan. A little bit of backstory. The last time

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

we had been here was back in October. We had been applying for an extension and at that time Pat mentioned that the project would require -- the project had initially been in conditional final approval and over the course of time had fallen back to preliminary. It required an update to the stormwater management plan, to wit we have done that. We've updated the drainage design. We're back here to discuss it and hopefully set a public hearing date to try and move forward towards final approval again.

CHAIRMAN EWASUTYN: Your first name was?

MR. PAWELSKI: Caleb.

CHAIRMAN EWASUTYN: Caleb?

MR. PAWELSKI: Yes.

CHAIRMAN EWASUTYN: At this time we'll turn the meeting over to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: This project has some history. It has a 2004 initial job number. I believe it received conditional final approval sometime in 2007 and became a victim of the 2008 economic conditions. At that time the Town Board

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

made a local law or allowed projects to drop back to preliminary, and this was one of them. It has been seeking extensions of that preliminary approval since then.

Due to the timeframe that's been involved, we suggested that the final public hearing, which was permitted in your ordinance, be held because of the amount of time the neighborhood may have changed over, people may not know about the project. We're suggesting that that happen.

There are a lot of outstanding permits, and we don't know the status of those. The Orange County Department of Public works for access is required.

There will be a requirement for bonding of the public improvements, including the stormwater management, and landscaping, and roadways.

There's a need for approval of the road name by the Town Board.

The status of the Health Department approvals for both the subsurface sanitary disposal system and the water main extension

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

should be updated with the Board.

We have received the updated stormwater pollution prevention plan. There were some detail conflicts in the plan. Some of the older details are still on the plan versus the newer ones. That should be updated. The updated stormwater plan was required to meet the current DEC regulations, including green infrastructure and runoff reduction. As part of that, the former stormwater pond has been converted into a bio-retention pond to provide both water quantity and quality control. Each of the new lots have been provided with rain gardens. We're looking to discuss with you the mechanism to assure that those are installed on the individual lots and may be part of the drainage district that's needed to be formed.

That leads me into the lot that has the stormwater pond on there will need to be created as a separate lot now owned by the drainage district. With the 2004 approvals, we didn't have drainage districts back then. The Town would require now that this type of drainage district be established, and those improvements will be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

owned by the district. We also need some work there.

We have some comments on the stormwater pollution prevention plan that are technical in nature.

We need updated water system notes. We have a 2015 version that we can provide you for that.

We're looking for the highway superintendent's comments. We've had several highway superintendents since the 2008 approval -- 2007 and `08.

We're looking for the limits of disturbance to be depicted on the plans.

The fencing for the detention pond, it looks like the fencing is down low in the detention pond and may need to be relocated further up on the plan, or the leader may be in the wrong spot. I'm not sure.

MR. PAWLESKI: I believe it's the leader. We had adjusted it.

MR. HINES: That will need to be revised.

A County Planning referral was done a



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

very long time ago. I believe that the Board is going to resubmit the project to County Planning for its review for the 239.

The lead agency circulation may also be redone because of the timeframe and the changes to the plan.

The gist of our comments is we need the updated approvals from all other agencies and the status of those. The public hearing will be set after the Board addresses the SEQRA issue, after recirculating the notice of intent.

MR. PAWLESKI: So if I may, last week we had sent an updated EAF as per the Planning Board Chairman's request. We had also sent the various approvals that had been required, and you've listed them. In the EAF we had listed the approvals. I just wanted to go through a couple of them.

Back in 2008 the Town of Newburgh Town Board did establish a drainage district. We couldn't find the specific verbiage. We printed out the minutes and shared it with you which shows the vote and the establishment of the drainage district.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

The DPW, we had received approval from them back on June 17, 2005. We had submitted for comment and they had approved the project.

I spoke with the Orange County Health Department. The water main extension approval is still good.

The realty subdivision, we just have to pay a fee in order to extend it. Seeing we have not changed anything with regard to the sewer -- the only thing that has changed is the pond is on it. To our knowledge that's still good. We just need to update it and do the fee.

Those were the main -- those were the main approvals we had found.

MR. HINES: You referenced the 2005 approval from the County DPW. We're going to want it affirmed that they're still okay with that. There's different regulations and different commissioners and such.

MR. PAWLESKI: That's fine.

MR. HINES: Those will all need to be updated.

MR. PAWLESKI: The question that I have is with the reestablishment of lead agency for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SEQRA, this project had already been listed as an Unlisted action and had received a neg dec back in 2006. When we filled out the updated EAF, we're not proposing any thorough wetlands on site and we're not proposing any type of disturbance. The updated EAF didn't show any endangered species or the like. I'm curious as to what the reason would be for reestablishing SEQRA review?

MR. HINES: My comment 21, I read it through before we got here. I ran it through the DEC's database and did notice that the endangered bat species aren't identified here and such. At the work session, and I'll defer to Dominic Cordisco on this, but it was felt because of the timeframe and the process that it was going to go back to County Planning, we had time to do the recirculation, and it may be a way to get the comments from the other agencies.

MR. CORDISCO: That's correct. It's actually very helpful -- if I may, Board Members and Mr. Chairman. It's very helpful that you've been able to chase down the status of those approvals, but the reestablishment of lead agency will certainly make it clear given the fact that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

at least sixteen years have passed since a lot of these events have taken place and will provide a mechanism for -- a very clean mechanism for those agencies to comment back to this Board as to the status of their review or their approval. I think it ties it all up together. Given the fact that, as I said, sixteen years has passed since the County referral to the Planning Department occurred, that's a mandatory thirty-day period before the Board could take any action on the project. Simultaneous with that recirculation for lead agency would provide an opportunity for a full review of all these aspects during that time period.

MR. PAWLESKI: Okay. My only concern with this is obviously -- when I'd come here previously I talked about how the previous owner had been looking to sell the property. The property is currently under contract and the new owner is looking to potentially try to build this out. At this time nothing had changed other than the pond design. We talked about -- I had written out a letter explaining some of the details of the project and some of the history.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

While it has been sixteen years since it had been approved, this project was going into pre-construction meetings and approaching final approval, ready for construction as recently as 2014. So this project, while it is very old, it was -- it didn't lay dormant for a period of that amount of time I would say.

MR. CORDISCO: Fair enough. I just provide advice to the Board. I just note that in 2014 I don't think I had any gray hair.

MR. PAWLESKI: That's fair.

CHAIRMAN EWASUTYN: So your point is you have information that could support some of the comments that we have from Pat Hines. The current owner and the future buyer are looking to close or transfer ownership in what period of time?

MR. PAWLESKI: That is -- well yes, they're under contract. So the new owner is looking to --

CHAIRMAN EWASUTYN: So there isn't, excuse the expression, time is of the essence?

MR. PAWLESKI: Well, there is. There is a bit of a time is of the essence.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: For conversation or for the record, on or about what is the time of essence?

MR. PAWLESKI: I'm not entirely sure. I just know I've been in contact with the, you know, new owner. He's looking to -- he's looking to build it out. At the very least, satisfy a due diligence on the project. But he's also looking to potentially build this out.

CHAIRMAN EWASUTYN: Pat, I believe you said it was on the 3rd of this month that you circulated to the Orange County Planning Department. Is that what you said?

MR. HINES: I have not circulated.

CHAIRMAN EWASUTYN: You still haven't circulated.

MR. HINES: I wait for the Board to authorize that circulation.

CHAIRMAN EWASUTYN: We are going to hold a public hearing on the property.

MR. PAWELSKI: Okay.

CHAIRMAN EWASUTYN: The Planning Board had discussed that. Several of the Members weren't part of the original subdivision and/or

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

public hearing. We will ask that the new buyer be present at the public hearing, --

MR. PAWLESKI: Okay.

CHAIRMAN EWASUTYN: -- that way we can become familiar with what his plans are, what he may be building. That would comfort those of the public who will be part of the process and also give everyone an education.

MR. PAWLESKI: I'll tell you now. If he's planning on building anything different from this, it's news to me.

CHAIRMAN EWASUTYN: The ultimate decision on what is being built, because we are the Architectural Review Board, it would then go to the Building Department just to make sure that there isn't a cookie cutter pattern to what is being built. We will eventually -- maybe it's good that we're talking about this, to think it through, it's been so long. There will be sort of an architectural review of it. So maybe get the owner to bring some idea of what he's looking to present.

MR. CANFIELD: Mr. Chairman, the architectural review is a ten lot and more.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Thank you.

MR. CANFIELD: Ten buildings and more. Although it's confusing because it's eleven lots, there will only be the creation of nine new structures, so the ARB does not apply.

CHAIRMAN EWASUTYN: I think it would be interesting to know what is being -- for this day and age, a subdivision of this size is somewhat unique based upon the history of the last few years.

MR. PAWLESKI: I would just like to correct that. It is the creation of ten lots. It's ten houses. It's ten houses with one --

CHAIRMAN EWASUTYN: Originally it was going to be twelve but then the drainage lot took over one of those lots.

MR. PAWLESKI: Correct.

CHAIRMAN EWASUTYN: I think we all said a lot. Where are we at this point in time? Are you willing to allow us to circulate to the Orange County Planning Department? Are you willing to allow us to declare our intent for lead agency? Putting those dates in mind, I guess the more reasonable time to consider a



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

public hearing would be on or about the 15th of April.

MR. PAWLESKI: Whatever is most -- whatever moves everything along in the most expedient manner.

CHAIRMAN EWASUTYN: Is that within reason?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Do we agree that's within reason?

MR. MENNERICH: Yes.

MS. DeLUCA: Mm'hm'.

CHAIRMAN EWASUTYN: Okay. So we know that we're going to move for a motion to circulate to the Orange County Planning Department. We know we're going to move for a motion to declare our intent for lead agency.

Dominic Cordisco, Pat Hines, is it reasonable or is it too early to tentatively set a date of the 15th of April for a public hearing?

MR. CORDISCO: My recommendation in connection with that would be to place the matter on your first meeting in April for consideration of adoption of a negative declaration at that

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

time.

CHAIRMAN EWASUTYN: And would we have enough time on the first to establish a public hearing date on the 15th of April?

MR. CORDISCO: Thirty days would not have elapsed at that point. It will be very close. It's off by a day or two.

MR. HINES: It can happen. It will be tight but we can prepare all the notices and such and have them ready to go.

MR. CORDISCO: Bear in mind that the thirty-day period is an outside period. That's the date by which the agencies must respond. If all of the agencies that have been contacted on the circulation list respond earlier than that, then the Board would be in a very clear position to act at its first meeting in connection with the negative declaration. That would require coordination I believe on the applicant's part to ensure that those agencies respond in a very timely manner.

MR. PAWLESKI: Okay.

CHAIRMAN EWASUTYN: Based upon all that we're hearing, we'll set this up for the meeting

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

of the 1st of April. Correct, Dominic?

MR. CORDISCO: Correct.

CHAIRMAN EWASUTYN: With the anticipation that we would hear from the outside agencies and that we could neg dec the project and set it for a public hearing on the 15th of April?

MR. HINES: Yes.

MR. CORDISCO: Yes. That is correct.

CHAIRMAN EWASUTYN: Okay. So I'll poll the Board Members. The motion would be to circulate to the Orange County Planning Department, to declare intent for lead agency, and to set this for the Planning Board meeting of the 1st of April. Would someone move for that motion?

MR. DOMINICK: So moved.

CHAIRMAN EWASUTYN: Thank you. I have a motion by Dave Dominick. Do I have a second?

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Second by Stephanie DeLuca. Any questions?

(No response.)

CHAIRMAN EWASUTYN: Can I have a roll

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you. You'll work with Pat Hines.

MR. PAWLESKI: Yes. The only other question I have is in regards to the minor plan details, we would have to resolve what would be the next -- what would be the appropriate submission date for that? Obviously as early as possible, but for that April meeting.

MR. HINES: When you have it ready you can coordinate with the Chairman.

CHAIRMAN EWASUTYN: I'll manage that with you.

MR. PAWLESKI: Sounds good.

CHAIRMAN EWASUTYN: Thank you for your time.

MR. PAWELSKI: Thank you.

CHAIRMAN EWASUTYN: If you can, speak

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

to the future owner to be present at the public hearing.

MR. PAWLESKI: I will.  
(Time noted: 7:20 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 15th day of March 2021.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

CPC OF THE WMM - USA, INC.  
(2020-03)

5208 Route 9W  
Section 24; Block 2; Lot 22.12  
B Zone

----- X

CHANGE OF USE - SITE PLAN

Date: March 4, 2021  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MINUTA & JOHN RICH

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Our second item of business this evening is CPC of the WMM - USA, Inc., project number 20-03. It's located on Route 9W in a B Zone. It's being represented by Minuta Architects. It's a change of use of a site plan.

MR. MINUTA: Good evening, Mr. Chairman, Members of the Board, Consultants. Joseph Minuta with Minuta Architecture. I have John Rich from my office with me to assist this evening. I'm not seeing my client in the audience but I believe they're on their way from New York City.

With regard to the project, it's been a while since we were here. I provided a narrative for all of you for your review.

I've also received the comments from the Town Engineer as well as Creighton, Manning for traffic.

To date we have received all of the variances that we discussed at our last meeting for the property. That consisted of parking, site impervious area and building and front yard setbacks. The Zoning Board agreed to 102 parking spaces for the property, and that is what we are

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

presenting this evening. That's what we have to work with.

There's also been a reduction in the impervious area. We're not expanding the parking area but rather re-striping it. We're actually removing a portion of the parking area to provide more green space. That area is located here.

In compliance with the sidewalk improvements, we proposed that the sidewalk be placed, which would be in New York State DOT right-of-way. Obviously we need permission and comment from them for that. We've done so in a similar project down the street. A couple of items will need to be addressed as far as that is concerned.

I would also like to depict a note that there is a 10-foot wide gas easement all way in the front of the property within the property line. So to that extent there are sections of the parking lot. Obviously if you've been to the site you know that the parking lot has been in disrepair for some time. Those potholes will be filled. We're also providing -- there's a full section cut that's going through this area to



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

improve this driveway and these three parking spots which are placed on the upper level of the property that accesses the second story.

I think that brings us up to date, and I'm happy to take any questions.

CHAIRMAN EWASUTYN: We'll start out with questions from Board Members. Cliff Browne?

MR. BROWNE: You just mentioned you're going to be filling the potholes. Are you going to do anything in addition to filling?

MR. MINUTA: Such as?

MR. BROWNE: Repaving.

MR. MINUTA: Well, we're going to be filling the potholes in the parking lot. There's no intent to repave the entire lot.

MR. BROWNE: Not even a coat over the whole thing? It's in bad shape now. Really bad shape.

MR. MINUTA: I assume it's going to be in worse shape after the snow subsides. I don't have an answer to that. I know that funds are limited for this project. None of this was anticipated to even come to Planning when they purchased the property, so they're really out of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

pocket quite a bit. We're trying to make use of the property and improve it to the best we can with the funds that are available.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I don't have anything.

MR. MENNERICH: On the gas easement, has Central Hudson given you approval to build what you want over that?

MR. MINUTA: We're not providing any construction on the easement itself.

MR. MENNERICH: Okay.

MR. MINUTA: The only construction proposed is for the sidewalk and fence area -- the screening here for the fence area. That's within the New York State DOT right-of-way.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Joe, walk us through, because in your initial appearance we talked about painting the building, it's multi colored, and making it one color. We talked about landscaping around the building to dress it up. Also, I'll defer to Jerry on this, as well as

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

there are several cars there that are in -- have flat tires, wrecked, repaired. Can we just knock them off one by one?

MR. MINUTA: Sure. I'll see if I can recall that one by one. With regard to the landscaping, we did provide a landscape plan. Let me just go to that. We did do calculations with regard to the landscaping. There is already landscaping on site, but we understand and we intend to improve that and remove the vehicles. There's also a stipulation, I believe it's one tree per eight cars. They don't necessarily need to be per car. They can be grouped and so forth to create landscape features. We have since provided that on the property. You'll note these symbols here represent new trees that are being planted on the property to provide some screening and to provide some interest. The front of the area already has landscaping there. There are some -- obviously you need to maintain that on a regular basis. There's a lot of landscaping there already. That's it.

Item 2, would you please --

MR. DOMINICK: Paint. The building

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

color.

MR. MINUTA: So the building has been painted. It's in the process of being restored and painted. You'll find there is a sort of beige color that it's painted now and there's a red band on it. That is the intent going forward.

MR. DOMINICK: Okay. And then the third was cleaning up the site with the vehicles that are wrecked, flat tired -- flat tires, seem inoperable that have sat there for many, many weeks, if not months.

MR. MINUTA: I am not familiar with that personally so I cannot speak to that. I'll be sure to convey that to the client. I'm not sure if they are their vehicles or possibly some of the neighboring vehicles. I can't answer to that. I'm not sure where you mean they're parked. I know there are vehicles, several here, and that is primarily used by the residents that live in the other area.

MR. DOMINICK: These vehicles are like right between the entrances and the building. In that first island adjacent to the building.

MR. MINUTA: I will be sure to address

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that.

MR. DOMINICK: Jerry, can you talk about that?

MR. CANFIELD: Those vehicles, like Dave had said, they are on the south side of the building in the parking lot. There's a Town ordinance allowing only one unregistered vehicle on site. I think there's like four there. And the bus that was behind the snowbank.

MR. MINUTA: Understood. That's noted. I will certainly address that with my client. Thank you.

MR. DOMINICK: Thanks. One other question. Just explain the fence in the front, the split rail fence.

MR. MINUTA: Take a look down the street at QuickChek.

MR. DOMINICK: Okay. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Where do you have the handicap parking?

MR. MINUTA: Handicap parking is located near the entrances where they are supposed to be. This sums up the parking for the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

lower level, and then we have two parking spots on the upper level so have access there.

MR. WARD: How about the lighting?

MR. MINUTA: The lighting plan. We have created a new lighting plan. We worked with Central Hudson. We identified the existing lights that are out there. I personally went out with a light meter and measured some of the areas. There are existing Central Hudson lights mounted to poles here, here and here, as well as on the building. That's insufficient to light the lot to the minimum level that we're looking for. We created this lighting plan to illustrate what the current lighting is and the new lighting that's here so that the entire lot is illuminated to those levels. We did add lights to this pole and to this pole, and we added one over here. There are also some lights off the building toward the back to get the upper side of this.

I just want to make one note clarification on the plan. This plan shows topography. The lighting plans that we use, the programs that we use do not necessarily show topography. You're looking at a flat surface.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

When you see land coming up this way, the throw of the light is actually much closer to the land -- to the flat portion.

MR. WARD: And the site by 9W there, you have it squared off. It's going around, you say a box?

MR. MINUTA: Yes.

MR. WARD: If you could make it like a curve around it. Not like --

MR. MINUTA: Fair enough. Okay. Will do. Thank you.

MR. WARD: Another thing. Are you having buses come in?

MR. MINUTA: So this project obviously has been at the Boards and planning for a while now. We have a letter from Pastor Cabrera that I included in the package which shows the occupancy, the days and times and maximum number of occupants they expect, which is about fifty occupants at the most at any given time, especially now during the pandemic. Obviously they're trying to grow the church. To the extent the buses are needed, we discussed last time the potential of doing busing. They do have a church

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

van which I believe seats ten. To the extent that I understand that to be moving forward, that's where we would be at this time.

What we did on the site plan was locate the 102 parking spaces which we were afforded through zoning. Should we need to utilize other areas or perhaps pull back from some of those to provide busing as an offset, that's something we would consider. I hope that answers your question.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance?

MR. CANFIELD: Joe, at the work session we talked about and dove into Pat's comment number 8 about the sprinkler system.

MR. MINUTA: Thank you. Yes.

MR. CANFIELD: Last week I had spoken with your consultant, Bob Smith, regarding that. The conversation was that I believe he eluded that he was going to file to the State for a variance. Is that correct?

MR. MINUTA: That is correct. Shall I continue?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CANFIELD: Absolutely.

MR. MINUTA: We intended on filing to the State for a variance. We spoke with the State with regard to that. We provided all the documentation ready to go for that variance and submit for it. Upon review it was noted that the lower level and upper level are separated, therefore even though the building is larger than 12,000 square feet, it is not 12,000 square feet. There's approximately 10,000 square feet on the lower level and approximately 5,000, 6,000 square feet on the upper level. Due to that separation, a sprinkler system is not required. However, the other factor is occupancy and occupant load. The building is what it is. It's an existing building. Provision of the building code does allow Code Enforcement to placard the building rather than cut the building down and segment it into those locations. Our request is to utilize the parking count as the --

CHAIRMAN EWASUTYN: Occupancy.

MR. MINUTA: Pardon me?

CHAIRMAN EWASUTYN: Occupancy.

MR. MINUTA: Essentially, yes. So you

1  
2 have three persons per car per the Town code per  
3 zoning. We have 102 spaces. Our request is  
4 that 299 individuals be permitted into the  
5 building. What that does is bring us below the  
6 threshold for a sprinkler system for the State on  
7 the occupant load. So that's where we are with  
8 that. The next phase is the local law, which I'll  
9 defer to you for.

10 MR. CANFIELD: Okay. As I explained to  
11 the Board at the work session, historically we  
12 advise applicants if sprinkler systems are  
13 required. It's more or less a Code Enforcement  
14 issue for the building, or the Fire Inspector's  
15 office to enforce at the time of the building  
16 permit application. So not to say that this will  
17 hold up the process of you moving through the  
18 Planning Board. You obviously are aware of the  
19 situation and aware of the Town's concerns. I  
20 think we can further have discussions with  
21 respect to whether you are or aren't and how  
22 you're going to address that. So not to tie up  
23 the Board with it at this point, but as long as  
24 you're aware of it and we'll continue  
25 communication.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MINUTA: Yes. Thank you. I would like to meet with you, discuss what options we do have. My biggest concern was the site plan and making sure we had the appropriate information on the plan with respect to that. That was part of it. For your knowledge and in case anyone doesn't know, this property does not have municipal water. In order to put a sprinkler system in, it's about \$100,000 more than -- about \$115,000 more than simply a sprinkler system.

MR. CANFIELD: Understood. We discussed that also.

MR. MINUTA: Thank you very much.

CHAIRMAN EWASUTYN: Ken Wersted, Creighton, Manning?

MR. WERSTED: Thank you. You received my comment letter. Some of those comments have been addressed here tonight based on your presentation and some other comments from the Board.

A couple of the ones that I'll follow up with is that the site has -- shares access to a couple other properties. There is a site driveway on the Family Deli property to the north

1  
2 that is pretty much contiguous to this project.  
3 Is there any concern with the Family Deli having  
4 congregation drive through that entrance to come  
5 into this parking lot? At the work session we  
6 discussed that there could potentially be Family  
7 Deli customers who might use the northern end of  
8 your parking lot, you know, to use their  
9 facility. Has there been any discussion, any  
10 concern with the cross use of the vehicles using  
11 the two different properties?

12 MR. MINUTA: Sure. We haven't had any  
13 specific discussions per se with the adjacent  
14 owner. There is an understanding -- I want to  
15 address the whole corner, if you will, for a  
16 moment, or a portion of the lot. So the access  
17 has existed forever. I don't anticipate there  
18 being any pushback or things of that nature. My  
19 client, the applicant, has been very open to  
20 continuing the use of the lot as it exists.  
21 That also refers to the homes that are to the  
22 north. There are some of their cars that are  
23 parked there. They're not looking to -- they're  
24 looking to be neighborly. To the best extent  
25 that works, that's what they're going to do. If

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

something more formal is required, obviously we would pursue that. I would ask for some guidance on that.

MR. WERSTED: I believe there's probably a couple of dumpsters I would assume that are part of the deli that are at the northern end of this property's parking lot.

MR. MINUTA: I don't know that they are actually on the property but I can certainly take a look.

MR. WERSTED: Okay. We had talked about the sidewalk comment.

There is a cross access easement, I think to the north side of the building, that provides access to the multi-family home immediately behind it. They likely have a couple of their vehicles use the parking lot because they don't have the room to park them all in their driveway. As long as that is mutually agreeable between the parties, and if the project isn't using all 100 parking spaces, which based on the narrative that you provided in terms of how many people are coming in and using the facility, it doesn't seem like that's going to be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

an issue.

MR. MINUTA: Thank you.

MR. WERSTED: Your statement as well.

Thank you. That was all I had.

CHAIRMAN EWASUTYN: Pat Hines with  
McGoey, Hauser & Edsall?

MR. HINES: Our first comment just  
notes that the variances were received in August  
of 2020.

We previously commented, when you were  
before us about a year ago now, on the condition  
of the parking lot. It's deteriorating in many  
spots. It looks like it has subbase issues. I  
suggested to the Board that the parking lot be  
evaluated, as Mr. Browne commented on. There  
needs to be some work on that parking lot.  
There are large areas of the parking lot in  
complete pavement failure. I would suggest when  
the weather clears a little more, that you take a  
look at that. I think there should be some  
defined areas where that parking lot needs to be  
at a minimum repaired rather than patching  
individual potholes. There's a lot more potholes  
in some locations than there is pavement. I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

think that parking lot needs to have a hard look taken as to what the extent of the work is there. You have a full pavement parking lot detail, and I'm not sure that the plan shows where that is. There's a note that says area of new parking to be paved with that detail. I'm not sure where on the plan that detail pertains to.

MR. MINUTA: Thank you. With respect to that detail, depending on where we are on the site, obviously there's going to be improvements made. The section of drive area that comes up to the upper level, that obviously will be the pavement section through there. If there are large expanses, my anticipation is we would use that section to repair any of the areas within there. So I'm happy to delineate those and take a look at that.

MR. HINES: I think that will help. I just want to note. I just wondered about the look of the patchwork versus --

CHAIRMAN EWASUTYN: May I make a suggestion?

MR. MINUTA: Sure.

CHAIRMAN EWASUTYN: Out in the field

1  
2 Pat Hines, McGoey, Hauser & Edsall, Jerry  
3 Canfield is also invited, to do a field  
4 inspection of the parking lot and actually define  
5 the areas that will be recommended to the  
6 Planning Board that they be improved and they be  
7 made mention as far as the actual site plan  
8 approval. I think there needs to be a field  
9 inspection of these areas. Okay?

10 MR. MINUTA: Fair. I will certainly  
11 bring that to my client. Thank you.

12 CHAIRMAN EWASUTYN: And when you feel  
13 you're ready for that, then contact Pat Hines'  
14 office. He'll coordinate with Jerry Canfield and  
15 arrange a date that's convenient for everyone.

16 MR. MINUTA: Understood.

17 CHAIRMAN EWASUTYN: Thank you. Pat.

18 MR. HINES: The proposed walkway within  
19 the State right-of-way, we're going to need some  
20 details on that for both us and DOT. Standard  
21 details. DOT comments will be requested.

22 That goes along with because this was  
23 referred to the Zoning Board of Appeals, this  
24 Board has not made an intent for lead agency with  
25 the DOT being an involved agency. That is an



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

action the Board could do tonight.

A County Planning referral is required as it's an action along the State highway.

Those are two actions that could be taken tonight, the DOT -- notice of intent for lead agency, which will bring DOT into the review, and the referral to County Planning.

MR. MINUTA: Thank you.

CHAIRMAN EWASUTYN: Any additional questions or comments? Dominic Cordisco?

MR. CORDISCO: No other than I would encourage the Board to circulate for lead agency at this time, as well as making the referral to the Zoning Board.

MR. WARD: The old sign out by 9W, the south side, there's a sign. Is it being removed or are you planning on using it?

MR. MINUTA: That's a very good question. The intent is to reuse that location, which is noted here on the plan. So obviously once the work is done, the improvements will be made there as well to the sign.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Then would someone

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

make a motion to circulate to the Orange County Planning Department and declare the Planning Board's intent for lead agency.

MR. MENNERICH: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Cliff Browne. Can I please have a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

(Time noted: 7:42 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 15th day of March 2021.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

THE POLO CLUB  
(2018-12)

Route 300 & Jeanne Drive  
Section 39; Block 1; Lots 1 & 2.12  
R-3 Zone

----- X

242 UNIT MULTI-FAMILY WITH SENIOR HOUSING  
CLEARING & GRADING PUBLIC HEARING

Date: March 4, 2021  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ, JAYNE DALY,  
DAVID WEINBERG

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: The third item of business is the Polo Club, project number 18-12. It's a 242 unit multi-family with senior housing, here for a public hearing on the clearing and grading. It's located on Route 300 and Jeanne Drive. It's in an R-3 Zone. It's being represented by Engineering & Surveying Properties.

As a matter of order to the public hearing, those here in the audience that wish to speak on the project, please raise your hand, give your name and your address, speak slowly for the stenographer. Once we've heard from the public, then the Zoom meeting, Siobhan, you'll open that up to the public.

MS. JABLESNIK: Yes.

CHAIRMAN EWASUTYN: Do you have any announcements or protocol you want to make in reference to that?

MS. JABLESNIK: No. Just, you know, you can just open it up, like are any of the members of the public here to speak about the meeting on Zoom. I'll allow them to be able to unmute themselves to speak, then they can go

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ahead.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, do you have anything to add?

MR. CORDISCO: No. That would be the right process.

CHAIRMAN EWASUTYN: At this point, Ross Winglovitz from Engineering & Surveying Properties will discuss the action before us this evening.

MR. WINGLOVITZ: Good evening. As you said, Ross Winglovitz with Engineering & Surveying Properties. I'm here with David Weinberg and Jayne Daly regarding the Polo Club project.

This is a project that has been in front of the Board for many years. It got original approval back in 2008, an amended approval in 2013 or '14, and a further amended approval that we're seeking with the new project that was a modification from townhouses to apartments.

We're not here before you regarding the merits of that. This is solely regarding

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

clearing. It's a grading and clearing permit which under the Town's code requires a public hearing. The entire project was subject of a public hearing back in August. That hearing was opened, comment was taken and closed, and that was the public hearing regarding the entire project and the merits of the entire project. To be clear, for tonight the public hearing is really regarding the clearing permit.

The need for the clearing permit is due to protect the Indiana Bats. Many people know the bats hibernate in the winter and they come out in the summer. To protect the bats we need to clear at a certain time of year. That window closes on March 31st.

The project itself had completed the SEQRA process last month. We're pursuing all the final State permits and County permits for it and hope to be under construction this summer. So if we did not remove the trees, there would be a potential problem with the protected bat species. We need to do that now. So we had applied for a clearing permit to allow us to clear this spring, ahead of the final approval for the project.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

That's the subject of the hearing tonight.

I'd be glad to answer any questions the Board has, and I'll listen to whatever the public has.

CHAIRMAN EWASUTYN: Does the Board have any questions? Cliff Browne?

MR. BROWNE: My understanding is you're going to be dropping the trees in place and leaving everything because you can't do anything beyond that. Is that correct?

MR. WINGLOVITZ: Correct.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: My question was already answered. Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Nothing further.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: They'll be cutting down the trees but you'll still keep the buffer?

MR. WINGLOVITZ: Correct. There's a defined buffer on the plan. The limits of



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

disturbance will be staked to show where the clearing limits are.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: As we said now, anyone in the audience who would like to speak, please raise your hand, give your name and your address.

MR. MENNERICH: Do you want the notice read?

CHAIRMAN EWASUTYN: For the record we're going to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Chapter 83 of the Town Code on the application of Polo Club clearing and grading permit, project 2018-12, in regard to an application to clear 21.81 acres of land of a total 36.23 acre site. The clearing will involve the removal of standing trees without excavation or removal of stumps. The site is located on New York State Route 300, south of Jeanne Drive. It is designated on Town of Newburgh tax maps as

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Section 39; Block 1; Lot 1 and 2.12. The clearing and grading is in support of a 242 unit multi-family apartment complex with 27 of the units being designated for senior housing. The project is located in the Town's R-3 Zoning District. The purpose of the clearing and grading permit is to avoid impacts to protected bat species by clearing vegetation while the bats are not utilizing the site. A public hearing will be held on the 4th day of March 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 10 February 2021."

CHAIRMAN EWASUTYN: Thank you, Mr. Mennerich.

I'll ask the audience one more time. Is there anyone here in the audience who has any questions or comments?

MR. GALLI: I have a question. Hello.

CHAIRMAN EWASUTYN: I'm talking about the audience, meaning the audience who presently

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

are here and then we'll turn it over to you.

Anyone here in the audience that has any questions?

(No response.)

CHAIRMAN EWASUTYN: Okay. At this time I'll turn the meeting over to Siobhan.

MS. JABLESNIK: Go ahead.

MR. GALLI: Hi. Frank Galli. Was there anything put into place if they cut outside the limits to affect their final approval?

MR. WINGLOVITZ: The permit does require bonding. There will be a bond posted to protect or to replant anything if anything was done wrong. So there will be monies available to correct anything that may be done wrong.

MR. GALLI: Is there anything the Town can do to hold up your final approval?

MR. WINGLOVITZ: I can't answer that.

CHAIRMAN EWASUTYN: Pat Hines? Dominic Cordisco?

MR. HINES: The project is before us tonight for the clearing and grading permit.

Just for everyone in the audience, Mr. Galli speaking is also a Planning Board Member.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

So it does not have preliminary or final approval yet. There will be -- upon getting preliminary approval there will be certain conditions that they need approval from numerous outside agencies. So the project will be back before the Board on numerous occasions in the future. Should that occur, the Board would have the ability to address that at that time through conditions of approval or other remedial measures.

In addition, the clearing and grading permit has a clearing limit line that's approximately 22 acres of the 36 acre parcel to be affected. That can also be an enforcement issue through the Code Enforcement Office who issues the clearing and grading permit.

This Board is giving advisory comments to them and approval allowing that permit to be issued. So there are that checks and balances. There is a bond required. They will be back before you and we will have the opportunity to review that tree clearing between now and the other approvals required. The window for clearing is only until March 31st, so it will be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

three or three and-a-half weeks from now when we'll know the extent of the clearing that's been done. The applicant's representative did identify that the line will be demarcated in the field in order to control that.

MR. GALLI: As long as we're holding several mechanisms to make sure they don't clear above and beyond.

CHAIRMAN EWASUTYN: Jerry Canfield, Dominic Cordisco, do you have any comments to Frank Galli?

MR. CORDISCO: Nothing in particular other than the point of having the clearing and grading permit in place would be to allow them to remove the trees while they don't yet have full project approval.

CHAIRMAN EWASUTYN: Jerry Canfield?

MR. CANFIELD: Nothing additional.

MR. FETTER: This is Bill Fetter. I have a question.

MS. JABLESNIK: Go ahead.

MR. FETTER: A couple things. I assume that the new local law that was drafted originally by Jim Presutti will be in effect for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

this clearing project. That bonding will be in effect.

And secondly, given the nature of the soil, and especially being saturated now, what measures will be taken to avoid tracking mud out on to the road? Thank you.

CHAIRMAN EWASUTYN: I think in reference to Jim Presutti's law, this applicant predated that law. Is that not correct?

MR. FETTER: Understood. Thank you.

MR. HINES: Two items. This application predated that law but that law has not been adopted by the Town Board yet. It is under review. There was a proposed tree protection ordinance, I believe it's entitled, but it has not been adopted. But the clearing and grading ordinance, Chapter 83 of the Town Code, does require the need to post security to remediate or reclaim the site. We also noted in our comments that some erosion and sediment control measures will most likely be required.

It's important to note this is going to be a clearing of the trees only. No stumping and no removal of any soil.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. FETTER: Right. Right.

MR. CANFIELD: In addition, Bill, Jerry Canfield speaking, if they are to remove the lumber from the site, there's a requirement for a tracking pad to be installed. So that would eliminate the mud on the road. They're also required to maintain -- have material on site to continually address the tracking pad.

MR. FETTER: Will the materials be dragged to a pad at the entrance or will trucks be driving in and out of the site throughout?

MR. WINGLOVITZ: We can not remove any of the trees now, Bill. They can only be dropped. It wouldn't be until we had our erosion and sediment control in place that we can physically remove the trees and skid them out.

MR. FETTER: I apologize. Thank you.

CHAIRMAN EWASUTYN: Any other questions, Bill?

MR. FETTER: That's it for me. Thanks.

MS. JABLESNIK: Do any other members of the public on Zoom wish to speak?

(No response.)

MS. JABLESNIK: No.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Okay. There being no further questions from the public at this point, and no questions I believe any further from the Planning Board Members --

MR. WARD: I have one.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Ross, in reference to at the time when you remove the wood, the roadways outside, to maintain it with the dust control and mud on the roads from the trucks going in and out. Basically like Route 17 -- you know, 17K, what they've done with Amazon.

MR. WINGLOVITZ: Yes. So the trees can't be removed until we have our SWPPP in place. That requires our tracking pad and all our other erosion control measures, including dust control, sweeping if necessary of the road. There will be a permit with the DOT at that point for a temporary entrance for construction. So there will be a lot more controls in place if we were to -- at the time we were to remove the logs.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Any further



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

questions or comments?

(No response.)

CHAIRMAN EWASUTYN: Then would someone move for a motion to close the public hearing on the Polo Club for a clearing and grading permit?

MR. MENNERICH: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by, was that John Ward?

MR. WARD: Yes.

CHAIRMAN EWASUTYN: John Ward. May I please have a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. WINGLOVITZ: Thank you.

MR. HINES: That was the close of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

public hearing. I don't know if the Board wanted to address the approval.

CHAIRMAN EWASUTYN: Thank you. Would someone move for a motion to approve the clearing and grading application for the Polo Club?

MR. DOMINICK: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by John Ward. May I please have a roll call vote.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

MR. HINES: That would be conditioned on posting of the necessary security. I rounded up the 22 acres and that equates to \$77,000 to be posted, as well as obtaining the requirement that the applicant obtain a permit from the Building Department prior to undertaking the activity.

CHAIRMAN EWASUTYN: Dominic, would you add that into the resolution of approval, please?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. CORDISCO: Certainly. As well as meeting all other conditions and requirements of the chapter.

CHAIRMAN EWASUTYN: Pat Hines, Jerry Canfield, thank you.

MR. WINGLOVITZ: Thank you. I thought my hearing aid battery died and I missed something.

(Time noted: 7:55 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 15th day of March 2021.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

DARRIGO SOLAR  
(2019-24)

86 Lakeside Road  
Section 86; Block 1; Lot 96  
R-1 Zone

----- X

PUBLIC HEARING - SOLAR SITE/MIXED USE  
CLEARING & GRADING

Date: March 4, 2021  
Time: 7:55 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE &  
JEFFREY LEASE

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Our fourth and last item of business, regular business this evening, is the Darrigo Solar. It's project number 19-24. It's a public hearing on the solar site's mixed use and clearing and grading. It's located at 86 Lakeside Road in an R-1. It's being represented by Jeffrey Lease.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law and Chapter 83 of the Town of Newburgh Code, Clearing and Grading, on the application of Darrigo Solar Farm, project 2019-24. The applicant is proposing a 5 megawatt solar array on approximately 40 acres of a 60 acre parcel of property. The solar array will be split into two sections. The project is bounded by Lakeside, Patton and Meadow Hill Roads and Interstate 84. The site will continue to operate as a farm/supply yard on the 20 acres of the parcel not

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

included in the solar array. The project also involves a request for a clearing and grading permit under Chapter 83 of the Town of Newburgh Town Code. The clearing and grading permit is being sought to remove trees in order to mitigate potential impacts to protected bat species. Access to the project will be at three locations, one from Lakeside Road, one from Patton Road and one from Meadow Hill Road. Connections to existing utilities will occur at the project access point on Meadow Hill Road. A public hearing will be held on the 4th day of March 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 10 February 2021."

CHAIRMAN EWASUTYN: Thank you. And for the record, you are?

MR. MORGANTE: My name is Michael Morgante, I'm the project engineer for this application that is before the Planning Board.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

With that, I can give a brief presentation of the project that's before us. What you have shown here essentially is what's known as Darrigo Farm. What's being proposed is a 5 megawatt solar farm on this particular site. The solar arrays are shown in these locations here where you can see a lot of these kind of like black lines that are shown horizontally traveling between east and west.

As noted in the public hearing notice, we have a few access points that will provide -- that are provided for emergency vehicles, maintenance vehicles, one located here off Lakeside Road, and one located over here off of Patton Road, and another here located near the intersection of Meadow Hill Road and Monarch Drive.

It's worth noting that there's a portion of the site located right here in the southeastern corner that is a DEC remediation area. It's interesting that the DEC encourages the use of remediation areas for solar farm activities. So this particular site is somewhat of a poster child for a solar farm to be proposed



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

on.

We have gone through a lot of different agencies in terms of looking at the approvals for this project. We've dealt with the FAA from a visual and solar farm glare situation. We've been before the ZBA for variances for this use on the project. We've been before the ZBA I think at least twice, held two different public hearings with them. We've been before the Town Board for them to take a look at this project also as it relates to what's going on. We've gotten approvals from the DEC as it relates to development of this particular site here with the solar farm on the remediation area. We've dealt with the State Historic Preservation Office due to archeological sensitive areas around the site. We've obviously dealt with the Planning Board. We've prepared stormwater pollution prevention plans. This has been reviewed by the Town and its consultants. We've worked with the Planning Board to increase vegetative buffers around the neighboring residences. We've been glad to do all that. We've revised the plan accordingly in order to accommodate that. We've also worked with

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the Board and Code Enforcement Officer to relocate certain items on the site, to clean up the site so to speak.

We've proposed entry pillars at the various locations to the site to give it a nice appearance when you're entering into the site.

We've prepared extensive landscape plans to enhance the visual aesthetics of the site. We've prepared a nice little shrub and tree area throughout the middle of the site here.

As part of our stormwater pollution prevention plan we looked at installing level spreaders to make sure that as rainwater falls off the edges of the solar arrays, that they are able to collect in level spreaders where they would essentially fill up and flow again or create a sheet flow condition for stormwater pollution prevention.

We have done a lot of work on this site, to say the least.

We also would like to note that it's a perfect use for the site. It would be difficult to use the site for anything else as it relates to the DEC remediation area. It would provide a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

really nice additional ratable for the Town.

That's a good general brief overview of the project as it stands right now. I will turn it over to the Board and its consultants to open up the public hearing. I'll be glad to answer any questions the public may have and any questions the Board or its consultants may have.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: We are considering two separate items on this, clearing and grading as one, site plan the other?

CHAIRMAN EWASUTYN: Correct.

MR. BROWNE: So on the clearing and grading, again the same scenario, you're going to be dropping the trees and pulling them out, stumps and everything, or are you dropping in place currently?

MR. MORGANTE: Dropping in place. No erosion sediment control. We'll have that in place but there is no grading involved. We're just cutting trees before the 31st.

MR. BROWNE: So for that particular item it's just the drop in place, done, that's the end of it --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MORGANTE: Correct.

MR. BROWNE: -- at this point in time?

MR. MORGANTE: Correct.

MR. BROWNE: The site plan portion, I'm very encouraged by your clean up in the front. When I say the front, by 84. I would like to see -- how did we say it earlier -- a sheet showing the improvements so we can look at that. You just paved that.

MR. MORGANTE: We worked with the Town's consultants last week to kind of make some modifications.

MR. BROWNE: The discussion is I think we would like to have a little time to look at that before you move on to the actual site plan itself. I'm encouraged with what you've done.

MR. MORGANTE: Thank you very much.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Nothing.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I agree with what Cliff had said.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Can you explain to the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

public how it works, where the power is going out, transferring?

MR. MORGANTE: So our interconnection point is shown right here near the intersection of Meadow Hill Road and Monarch Drive. You've got a few equipment pads that are shown in these various locations here. There are inverters, if I'm not mistaken, at the end of each one of those arrays that kind of collects the power and brings them to these particular pads. We ultimately will connect to the poles that are shown in this rough location here on Monarch. That's where the power will exit the site.

MR. WARD: For the clearing and grading, I'm going to say the same thing, if you can establish the buffer that we have.

MR. MORGANTE: Absolutely.

MR. WARD: At the same time, when the time comes, make sure for the roadway down the line.

MR. MORGANTE: We'll make sure that the erosion and sediment control is set up and the limits of disturbance are clear.

MR. WARD: That includes the public

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

70

road when you're --

MR. MORGANTE: Correct.

MR. WARD: Which way will you be going out, do you know?

MR. MORGANTE: I would defer -- I'm not sure.

MR. LEASE: Lakeside.

MR. MORGANTE: Lakeside.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Okay. At this point we'll turn the meeting over to the public. It was mentioned earlier for those individuals who would like to speak, would you raise your hand, give your name and your address and the Planning Board will recognize you.

The lady in the front.

MS. PEEL: Mary Peel, 93 Patton Road, Newburgh, New York. I can speak now. I have copies because I want my comments to be a matter put into the minutes of this meeting. I want my concerns for the Darrigo Solar Farm to be made part of the minutes of the Planning Board meeting of 3/4/2021.

I want you to know I have read all the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

minutes of the Planning and Zoning Board minutes from the time of 2018.

My name is Mary Peel. My husband Rob and I live at 93 Patton Road. Our property lies directly next to the Darrigo's proposed solar farm. Actually, this would be us right here. We share a 400 foot boundary line with the Darrigo property.

In June 2017 Mr. Lease and Mr. Darrigo went ahead and set up a Town meeting and proposed a 4 megawatt system. We were all in agreement. It was explained to us. There were a hundred neighbors there. Nobody was going to see any solar panels and it was going to be held at the back end of the farm. I'm submitting a letter that one of my neighbors received on January 19th --

I'm having a hard time, Bob. Do you want to read this? Finish reading.

MR. PEEL: I am submitting a letter that one of my neighbors received on January 19, 2018 which states that the proposal has not changed. It also stated that the farm had to be located near a substation. Originally we were

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

told that the power would come from the farm to Lakeside Road and then fed to the Coldenham substation. A ZBA meeting was scheduled to get a use variance since the farm is agricultural in R-1. The very next piece of paper we received was a Planning Board notice of a public hearing 3/4/2021, tonight, for a solar site and mixed use clearing and grading. There were many ZBA meetings held and no notice was ever given to the residents. On 5/24/18 it was still being proposed as a 4 megawatt farm and using the Coldenham substation. It was approved 6/18/2018. It appears that the Darrigo family did not act quick enough and the application expired. On 11/21/19 the ZBA received an application for a new and improved 5 megawatt farm. Again, no notice to the residents. On 1/2/2020 they submitted the site plan to the Planning Board. 62 percent of the trees were going to be removed. At this time the Zoning Board did not approve the use variance. During this time different maps were being used, one for a 4 megawatt farm and another for a larger 5 megawatt farm. Eventually the Planning Board kicked it back to



1 the Zoning Board. On 8/27/2020 there was another  
2 Zoning Board meeting. The project was officially  
3 changed to a 5 megawatt solar farm. There was a  
4 lot of concern about Meadow Hill Road, Amber  
5 Fields and Route 84. At this point there was  
6 still no mention of any concerns of our property  
7 which borders the solar farm, nor our neighbors  
8 who have water issues from that property. Again,  
9 no notification to us or our neighbors. On  
10 9/24/2020 at a Zoning Board meeting they received  
11 approval for the variance. Here is a direct  
12 quote from Attorney Bloom: "I respectfully  
13 submit that I think my client has done his best  
14 to accommodate the Board and to make a  
15 presentation that will be beneficial to the Town  
16 and the neighbors." I think the very fact that  
17 we haven't heard any Zoom audience from anyone  
18 feeling aggrieved by the presentation for what's  
19 proposed, I submit would be beneficial to the  
20 community, bah, bah, bah. When it is constructed  
21 we will now have backup -- environmentally sound  
22 backup for the electrical grid. Again, there was  
23 no notices sent to the neighbors. On 11/5/2020  
24 it went back to the Planning Board. Again there  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

was a lot of discussion, Terror Dome buildings, Route 84. Still no mention of Patton Road. On 2/23/21 the Darrigo Solar Farm applied for a clearing and grading permit. The public hearing was scheduled for tonight.

When I received the Planning Board agenda for March 4th I had no idea what it was about. I did call John from the Planning Board who advised me to call Jeff Lease. I called Jeff. He was so happy to hear from me. We set up an appointment for Tuesday, 3/2, to come to our home. Well the maps he had were old. My husband, myself and our neighbor Joe Candela were in attendance. Jeff Lease actually admitted that was never took into consideration, our property, except that the trees were going to be cut, the lot would be graded. On 3/3/21 I spoke again with the Chairman of the Planning Board and Attorney Daniel Bloom and the Building Compliance Office. If this project is approved tonight, the impression I get is that they'll begin clearing the trees tomorrow. I don't know how all of these meetings took place with no knowledge or notification.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. PEEL: Now you can read yours.

MR. PEEL: I'm sorry. Can I go?

CHAIRMAN EWASUTYN: I think for the benefit of everyone, we ought to stop for a moment and separate what is being discussed without just going on and on, because we're going to lose what your meaning is all about.

MR. PEEL: First of all, my wife --

CHAIRMAN EWASUTYN: Let me stop you for a second. Not to be rude. Mr. Morgante began the presentation by talking about the SWPPP program. I'll let him discuss with you what a SWPPP is and how SWPPP relates to drainage. So let's go with SWPPP as the beginning.

The second item that you mentioned were buffers.

It's not as part of the site plan as far as the relocation of the existing structures. That's not really what we're going to be acting on tonight. Let's talk about be the SWPPP. Let's talk about the buffers.

MR. MORGANTE: Sure. So what we did was we performed what's called a hydrological analysis --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Not to me. The Planning Board is familiar with that.

MR. MORGANTE: It's basically a fancy name for trying to figure out how much water comes off the site before construction versus after construction. So what we took a look at here was the amount of trees that were being cleared and what would be inserted in its place. So the trees will be cut, will be stumped, will be replaced by like a meadow grass. The meadow grass will remain fairly tall. It only needs to be cut a few times a season. The intention is to let it remain fairly tall. That helps actually with runoff reduction on the site. If you take a look at stormwater manuals, you'll note that trees have a certain amount of runoff that's associated with them, and so does meadow grass. The amount of runoff that comes from meadow grass and trees is a very similar amount.

The other thing that we took a look at to make sure we had dealt with is erosion and sediment control issues. We do have some slopes on the site. There's no question about that. So we recognize that water will roll off of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

solar panels, fall on the ground. Remember, it looks like it's impervious surface but it's not because underneath is the same grass that was always there. All you have is a post that's in the ground. The actual arrays are lifted up off the ground. So the water will run off onto that grass. Remember, this is not like grass that's in your front yard that's a few inches tall. This is twelve inches, eighteen inches. It's a pretty tall grass. It only needs to be maintained a couple times a year. It's typically cut with a weed whacker. That's how they go in and take care of it. The idea here is that you'll have a nice thick layer of grass underneath the arrays that will help to absorb some of that water, slow down how fast it runs.

Then on top of that we've also installed something called a level spreader. The idea behind the level spreader is it's about a one or two foot deep trench filled with stone, maybe about one or two feet wide. If the water starts to kind of gather in a certain spot too much, that might cause erosion. Eventually it will get into this level spreader. The idea is

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that it will fill up and kind of spill over like a waterfall. So it establishes what's called kind of like sheet flow. It doesn't let it concentrate in one area. It will help to prevent erosion. It will slow down the amount of water that will run off the site. We have them located at various locations on the site.

So this all combined together -- I'm trying to keep it as simple as possible so it's easier to understand -- will help to maintain the current amount of runoff on the project before construction, the same as it would be after construction.

These plans have been prepared by me. I'm a licensed professional engineer. They've been reviewed by the Town's consultants. We're confident that that will work. This is not my first solar farm that I've actually designed nor constructed. So we're pretty confident it will work. So that's how we deal with the stormwater pollution prevention plan.

CHAIRMAN EWASUTYN: Discuss buffers with us.

MR. MORGANTE: Sure. If I'm not

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

mistaken, we had originally started with 50-foot buffers around the perimeter of the property. We worked with the Town Board, the Zoning Board of Appeals and this Planning Board to increase the buffers up to 100 foot. So what we actually have here is 100 foot of existing natural vegetation that's going to remain.

MS. PEEL: On this side on the back where our house is located? This is where our house is located.

MR. MORGANTE: Correct. I believe this is like a 50-foot buffer here that's vegetative, natural existing vegetation, with 100 foot to the nearest actual array.

MS. PEEL: Is it 100 foot from our property line or --

MR. MORGANTE: Correct. 100 foot from the property line. There's also a fence in between us. So you're going to have like a seven or eight foot tall fence here that's all the way around the edge of the property, plus on this side we have at least 100-foot natural vegetative buffer with 150-foot distance to the actual nearest array. So we're fenced in all the way

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

around. We're keeping that a vegetative buffer. We've taken great care. All these Boards are very well aware --

MS. PEEL: What kind of fencing is it?

MR. MORGANTE: It's a chain link fence. A typical chain link fence.

MS. PEEL: Great.

MR. MORGANTE: The Board has been very aware --

MR. PEEL: This is the problem. We were not aware. I don't know who is supposed to notify us when these meetings take place.

MS. PEEL: Not one notification.

MR. PEEL: Neither did our neighbors.

CHAIRMAN EWASUTYN: Excuse me. There's a requirement that an informational letter goes out at the beginning, and then there's a requirement that there's a public hearing. There isn't a requirement in the Town Code that requires the Planning Board to notify the residents each time the application is before the Planning Board. It's not a requirement.

MS. PEEL: A question. If an application expires and they have to go for a new



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

application before the Zoning Board, would that be considered new, and do you know if notices would have to be sent to us?

CHAIRMAN EWASUTYN: The question that you raise, and I can't answer that question, you're stating -- I'm not denying what you're saying, that you weren't notified when the ZBA reheard the variances. I can't speak on that because this isn't the ZBA. I'm going to say that the mailing list that we received today that notified you is provided by the assessor's office. That same list is provided to the Zoning Board of Appeals. It's not necessary. Siobhan, who is here tonight, is the secretary of the Zoning Board of Appeals. I'm not going to ask her unwillingly if she wants to speak on the notice or not, but it's not something that we could speak on.

MR. PEEL: Okay.

MS. PEEL: Okay.

CHAIRMAN EWASUTYN: Go ahead. One more question and I'll turn it over to others. Go ahead.

MR. PEEL: I want to speak. I have a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

presentation about how he doesn't know how -- all this property floods here. I have pictures. I've got witnesses. Nothing is taken into consideration.

CHAIRMAN EWASUTYN: I'll let Pat Hines who -- as Mr. Morgante said, he prepared a SWPPP. Pat Hines is with McGoey, Hauser & Edsall who works for the Planning Board and also works for the residents of the Town. He reviewed that SWPPP as far as runoff. Pat Hines.

MR. HINES: So as Mr. Morgante had explained earlier, a stormwater pollution prevention plan was prepared which takes into account the site in the predevelopment condition as it exists out there today and evaluates the site after the proposed construction.

Solar projects differ from other types of development. They remain in a vegetative condition. The idea of that stormwater pollution prevention plan is, as Mr. Morgante said, to keep the runoff from the site in the preexisting condition.

The purpose of the public hearing like we're having tonight is to hear things the Board

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

may not know. We're hearing that there may be a condition from the site causing stormwater runoff issues.

MR. PEEL: What I'm saying is right now, okay, we have flooding around our house.

MR. HINES: Understood. That's the purpose -- I want to keep going here. So the purpose of the public hearing is to bring these items to the Board's attention that we may not be aware of. I'm taking notes tonight. We will reevaluate that area during the completion of this project.

The project is here for two issues tonight. One is the clearing of the trees and the other is the site plan public hearing. As a condition of that site plan public hearing, we're hearing about a drainage issue which, with the Board's permission, we will go out in the field and evaluate that condition.

The stormwater pollution prevention plan doesn't identify that flooding condition. If it's an existing condition, we're here to hear you tonight and we'll take a look at that.

MR. PEEL: On the east side of our

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

property we have a 300 foot French drain which is on the border of Mr. Darrigo's property. I had to put that in just to dry out our property. On the west side of my house I have a swale, between my house and my aunt, to handle the stream of water that comes out of the Darrigo property and around our houses -- in between our houses. My leach field is in the back southwest corner of this property. All the runoff is going to go that way. If my leach field fails, I have no house. You know, so there's more to this -- I have pictures from this. This flooding has been a problem for fifty year. She's lived here since 1965, 95 Patton Road.

MS. WIDA: 1965.

MR. PEEL: I have pictures from the '70s when they built 84 and they dumped tons and tons of dirt on the Darrigo property. The mounds are still there. It changed all the direction of the water. It flowed down her lot, my father's lot and flooded them out. There was a handshake agreement between the Darrigos, my father, my uncle and the State. He dug a ditch, which I have pictures of, down the property, the Darrigo

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

lot, to handle a lot of the runoff. It was supposed to be taken care of a year later, every few years, but it was a handshake agreement, nothing in writing. The ditch is still there. Here's pictures. There's running water in it year-round. When it rains a lot, it comes right out of that ditch and around my house. Our groundwater -- you dig a foot down and you've got water. We can't take no more water over that way.

When Jeff was at our house the other day, he proposed putting a swale in, 400 feet, right up to the farm here and planting trees and stuff so we wouldn't see that. I don't know where that drawing is.

And then if the water does come down, there's nowhere for it to go. There's an 8-inch pipe in that ditch and there's a 12-inch pipe in the road. It can't handle it. It can't handle the water now, it overflows.

So I've got a whole list of stuff here. It just -- everything flows this way. That's just the way the property is.

CHAIRMAN EWASUTYN: Pat, you'll go out

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

in the field?

MR. HINES: That's what I'm recommending, myself and the applicant's engineer can go out in the field. This is the purpose of the public hearing, to get your input on this.

UNIDENTIFIED SPEAKER: We'd love to show you.

CHAIRMAN EWASUTYN: For the record, one person at a time speaks. We have to keep in order. It's not a referendum.

Mr. Peel, are you finished?

MR. PEEL: At one of the meetings Mr. Lease brought --

CHAIRMAN EWASUTYN: We can't get into the discussion of what Mr. Lease said and what he didn't say.

MR. PEEL: It was in the meeting minutes.

CHAIRMAN EWASUTYN: Go ahead.

MR. PEEL: On the farm under the panels they were going to put beehives, plant mushrooms and have sheep so that they could keep their agricultural exemption.

CHAIRMAN EWASUTYN: Right.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. PEEL: So where does that come in?  
You're going to have sheep running around next to  
my house?

CHAIRMAN EWASUTYN: It was mentioned.  
Jeffrey.

MR. LEASE: May I speak? That was a  
proposal I believe at -- this is Jeff Lease.  
That was a proposal at one of the ZBA meetings.

MR. PEEL: It said it would be brought  
up again.

MR. LEASE: We're not doing that.  
It's just going to be grass for now. It's too  
complicated to get the other uses in place.

MR. PEEL: Just one more item if I  
could, please.

CHAIRMAN EWASUTYN: Do you have a  
quarter?

MR. PEEL: Yes. I'll give you a  
dollar.

CHAIRMAN EWASUTYN: What I'm trying to  
say to you is relax, take a deep breath, okay.  
It's not a --

MR. PEEL: I just want to know if there  
is any way we could get something in writing from

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the people doing this project that it's not going to affect us with the drainage. I want these people to come back and talk to us in like five or ten years. Somebody has to be responsible, because if this floods us out, what do we do? Who do we turn to?

CHAIRMAN EWASUTYN: That's part of the site plan that you're discussing. As Ken Mennerich mentioned, there are two actions before us tonight. One is a clearing and grading, the other is a site plan. If I could finish, because I've got a quarter too.

MR. PEEL: I didn't say a word.

CHAIRMAN EWASUTYN: Pat Hines is going to go out in the field with Mr. Morgante. They're going to look at what the drainage issues might be. They're going to come back and make recommendations.

Bringing over to Dominic Cordisco as far as what guarantees from here to ten years out, I can't speak on that. Dominic.

MR. CORDISCO: Traditionally -- you may not like to hear this. Traditionally drainage issues where someone has changed the course of



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

their property that negatively affects their neighbor's property is a private right between parties, private right between landowners. That's -- hold it. Let me finish. That's the traditional approach and has been the common law for hundreds of years. The reality is that now projects that meet certain criteria, such as this one, have to implement stormwater management practices and the stormwater pollution prevention plan. The current state and the current level of requirement is that they actually have to improve the situation where they address more runoff than would typically be passed. In the past -- if I may.

MR. PEEL: Yup.

MR. CORDISCO: In the past it used to be that you had to have a net effect where you were not creating any new runoff. Now there's actually runoff reduction as part of the process. I don't want to speak -- I know that Pat speaks on legal issues from time to time and I pretend that I'm an engineer from time to time. But in any event, my technical review -- if I may. If I may. The technical review would be related to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

that. So this Board has jurisdiction over the stormwater pollution prevention control plan. It will become a requirement of the site plan. It has to be installed in a way that was approved. The Town has jurisdiction over that facility. The Department of Environmental Conservation also has jurisdiction over that process. So it's different than what it was in the past where if you didn't like the drainage that was coming onto your site, you sued your neighbor. So now there are measures to address that.

MR. PEEL: How can he fix what he don't know is the problem? You know what I'm saying? You're saying he can make it better. He didn't even know there was a problem. He told us he never even looked at our property.

MR. CORDISCO: Congratulations. That's the purpose of a public hearing.

MR. PEEL: Thank you. The reason we're asking so many questions is because we were never notified about the other meetings, so we're trying to bring everything up we can.

CHAIRMAN EWASUTYN: Keep in mind, even

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

if you weren't notified of the other meetings,  
which isn't a requirement, those meetings would  
not be public hearings.

MR. PEEL: Okay. Okay.

CHAIRMAN EWASUTYN: The lady in the  
back. You can sit.

MS. WIDA: I just want to say that I've  
lived there for --

CHAIRMAN EWASUTYN: Your name, please?

MS. WIDA: Mrs. Wida. My house is  
between Bob's and Joe's, and I've lived there 57  
years. I have lot of problems with water from  
the Darrigos. As he explained, the elderly  
people handshake, took care of what they had to  
do. I have continually had problems with the  
water coming towards my house, and there's  
nothing more that I can do except the road was  
dirt when I moved there. There was a pipe across  
the road, up from the road they're planning on  
making. So I just want -- I can't ask questions  
because I'm not ready for it, but my son is here.  
If he has a question could he talk, please?

CHAIRMAN EWASUTYN: That's the purpose  
of the public hearing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. WIDA: I can't hear you.

MR. PEEL: Yes.

CHAIRMAN EWASUTYN: That's the purpose of the public hearing.

MS. WIDA: Do you want to talk?

MR. WIDA: I'll just clarify.

CHAIRMAN EWASUTYN: For the record, your name?

MR. WIDA: Paul Wida.

CHAIRMAN EWASUTYN: How do you spell that?

MS. WIDA: W-I-D-A.

MR. WIDA: My mom is at 95 Patton Road. She's next door to my cousin at 93 Patton Road. She's had water problems ever since they built Interstate 84. She's got a sump pump in her backstairs that runs constantly this time of year. The water problem has to be mitigated because there's already a water problem, and you're just going to compound it once you start putting solar panels and regrading. That's the issue. The water problem has to be solved.

CHAIRMAN EWASUTYN: So for the record, we understand that there is a drainage problem.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

There is going to be a site visit with Mr. Morgante and Pat Hines at the subject properties.

The gentleman there, do you have something to add?

MR. CANDELA: Joe Candela, 97 Patton Road. Just since we're talking about that, a lot of it is not the surface water, it's the groundwater. Actually, more of the problem is groundwater because you get a lot of water that sits. Like he said, if you dig down a foot you're going to hit water. I have a sump pump system. My neighbor, his basement is one foot deeper than mine, year round his sump pump is working.

Can I come up to that map? Thank you. So right here it doesn't really do it -- you don't see the contour lines. This is a steep hill that comes down through the woods. Right now it's trees and hardwoods. With trees you get a lot of groundwater absorption. Right? So you take out those roots from operating, okay, so you get the runoff. But where is that water going to go? If it's heavy raining and flooding it's going to nicely go down to that ditch that goes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

out ultimately to Patton Road.

MR. PEEL: Where is the swale?

MR. CANDELA: When Jeff met with us on Tuesday he talked about maybe proposing to put in a swale maybe 3 feet deep coming from Patton Road, going all the way up to the back here, and then on this side, the Peel side of the property, facing the property, and that's 100 foot off their property line going east, it would be about a three foot high berm, and then behind that would be pine trees, you know, to block it. Right now you're just going to see the panels.

CHAIRMAN EWASUTYN: Can we allow for the field inspection to occur? That's why they want the solar farm. Let's allow for the field inspection. I can't speak to what Jeff Lease is saying that he wants to do to mitigate something because in that sense, too, different than Mr. Morgante and Pat Hines, he's not a licensed PE. So to design something, it's not under his umbrella so to speak. Let's understand the drainage.

MR. CANDELA: One more issue with the drainage. You have that ditch that goes there

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

now. So a few years ago the Town, instead of -- you used to have a big ditch going along the length of Patton Road towards Lakeside Road, and that took all the water. On heavy rains that would flood. It was quite deep. On the driveway we had a 16-inch culvert pipe. It was the galvanized aluminum from years ago so it rippled. The Town replaced it with 12 inch and they buried it. Now there's no ditch any more, it's just a buried 12-inch plastic corrugated pipe. On the inside it's smooth. Apparently what -- that's only 12 inch. We have a 16 inch here that overflows. They're saying with a 12 inch, it's smooth inside, it will run better. Okay, fine. What they did -- that's what you have going from up the hill. This is a hill up here. It comes right on down the hill on this curve, all right, and then it just grades all the way down. So here you have a hill like this that grades down, eventually kind of levels out but slopes. If you look at all the backyards here, it's just slope. That's why we have a lot of groundwater. For surface water coming off the woods, you have that ditch. Well with decent rains they have two --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

what the Town, did they put in two --

MR. PEEL: One.

MR. CANDELA: There's two. One is buried in the snow.

CHAIRMAN EWASUTYN: Can you go out in the field and inspect it?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Pat Hines will go out. We get what you're trying to say.

MR. CANDELA: Okay.

CHAIRMAN EWASUTYN: He'll speak with the Highway Department. He'll get a history as to what may have been installed so he has more information.

MR. CANDELA: We live there.

CHAIRMAN EWASUTYN: I understand that.

MR. CANDELA: Those 8-inch pipes can't handle a heavy rainstorm. Now can you imagine all that extra rain coming off the panels?

CHAIRMAN EWASUTYN: Understood.

MR. CANDELA: You're going to get more surface water.

CHAIRMAN EWASUTYN: Last question.

MR. PEEL: Could we go with these guys



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

and walk the property?

CHAIRMAN EWASUTYN: I think at first let them meet together so there isn't any distraction. If there's a follow up need, you can leave your number with the Planning Board and I'll get it to Pat Hines and he'll then further that discussion with you.

MR. PEEL: Yup.

CHAIRMAN EWASUTYN: Sometimes what happens is --

MR. PEEL: I understand.

CHAIRMAN EWASUTYN: -- too many people, too much conversation and you lose the focus and the meaning and the purpose. Let them do the initial inspection.

MR. PEEL: Okay.

CHAIRMAN EWASUTYN: I should have your number. I didn't delete the numbers when the messages come up. If I doubt myself, which I do a lot, maybe I'll call you. We spoke a few times. I'll let you know the --

MR. CANDELA: After they do the initial inspection will we get a call?

CHAIRMAN EWASUTYN: You'll be notified.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Again, what we're discussing now is two things. We're discussing the clearing and grading and we're discussing the site plan. There are two actions. The probability of approving the clearing and grading tonight is the action that's really before us. The return of the site plan will then be -- will happen one more time.

MR. CANDELA: The other point I had was we knew originally that this was a 4 megawatt --

CHAIRMAN EWASUTYN: Now it's 5. We understand that. It's part of the record. We understand it's a 5 megawatt. We understand that. The Board is aware of that. We understand.

MR. CANDELA: Neighbors weren't duly noted about that increase. As a matter of fact, your September 24th meeting, they were supposed to mail out to the neighbors the results of that meeting. Of course we didn't know about the meeting in August.

CHAIRMAN EWASUTYN: This is the ZBA meeting you're talking about. Again, I don't know what was discussed at that meeting, what was supposed to be mailed out. We can't speak for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the ZBA and their action.

MS. PEEL: Excuse me. Does that mean if you give permission to drop the trees, they can come in tomorrow or the day after and just drop them?

CHAIRMAN EWASUTYN: Correct.

MS. PEEL: Similar to what's across from the Newburgh Mall where all those trees were dropped and nothing else happened?

CHAIRMAN EWASUTYN: Correct. Well nothing else happened there because of the downturn in retail business.

MR. CANDELA: Is it the Board's contention they'll first have this water issue investigated first?

MS. PEEL: Before dropping the trees?

CHAIRMAN EWASUTYN: I can't speak for that at this point. A decision hasn't been made.

MR. CANDELA: Okay. And then I know Mr. Lease, when we met with him the other day he talked about putting --

CHAIRMAN EWASUTYN: We just discussed that. Again, what he said, if he's a licensed professional. We have to depend upon our

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

consultants to see what design may be necessary.

MR. PEEL: Who are we supposed to believe?

MR. CANDELA: Is there a recourse that we have that this changed? I have the original plans. The neighbors approved. We all approved of the original plans because it was really these towers -- I mean these panels here weren't going to be this far down. It was going to be into the field where the old --

CHAIRMAN EWASUTYN: That was changed over time. That was changed over time.

MR. CANDELA: Nobody in the public knew.

CHAIRMAN EWASUTYN: Again, that discussion was an informational meeting that I believe the Town Board instructed Mr. Lease to go out and introduce the project to the residents of the Town. It wasn't an action before the Planning Board. So what was discussed at that meeting was what Jeff Lease had on his mind at that time. We bring it forward tonight as to what's before us, it's a 5 megawatt solar farm. I think the important thing is that we don't go

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

back in history talking about things that were said, that may not have been completed, i.e. whether there was going to be sheep, whether there was going to be colonies of bees, whether special kinds of annuals. This is what's before us now.

MR. CANDELA: Right. My concern I think, and what you could pick up, is that we weren't notified. We didn't know this project was being enlarged. When it was first proposed, these drawings --

CHAIRMAN EWASUTYN: It wasn't necessary. That's the purpose of a public hearing. It wasn't necessary. It isn't part of the code to notify the public throughout the different stages of a site plan or subdivision, preliminary approval leading into a final approval.

MR. CANDELA: Okay.

MS. PEEL: So nobody gets notification of any large developments?

CHAIRMAN EWASUTYN: Mary, I said that at the beginning. There's two notifications. The first one is within ten days after the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

initial appearance before the Planning Board, people within 500 feet of the subject property are notified. That notification is based upon a list that's established by the assessor's office. That's the informational letter. The second letter is the letter that brought you here this evening, again based upon that assessor's list and people within 500 feet. That's the code.

MS. PEEL: Okay.

CHAIRMAN EWASUTYN: The lady in the back, do you have a question? Your name, please?

MS. CANDELA: Hi. My name is Susan Candela, I'm a registered nurse and I live at 97 Patton Road.

My concern, number one, I'd like to thank the Board because of course we have a wonderful road that we live on. You've done such a good job with this road, I've lived there since 1983 with my family. The road is so good now it's higher than my driveway. Any time it rains, I get water in my driveway. And not during Hurricane Sandy but the night after Hurricane Sandy, because Hurricane Sandy made it so wet that the water went right into my basement and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ruined my basement.

Now, that nice man told us that he's going to have these nice holes. There will be a waterfall. Guess what, I'm going to have Niagara Falls in my backyard.

Please, 7-foot fences that I'm going to see. Who would want to live by this? I know I don't. 7-foot fences. That means that the poor 8 deer that I have at my house eating around, trying to scavenge and find things are going to have nowhere to go because there's going to be a 7-foot fence. They can only go to one neighbor, two neighbors, us, somebody else, or else they have to go over on Lakeside Road. That is so frustrating. Would you want to live by a solar farm that's going to take away your views? Take away your wildlife? Did anybody take the time to look at a wildlife study to see what's going to happen to these poor animals?

CHAIRMAN EWASUTYN: I think that would be considered if they were considered endangered species.

MS. CANDELA: Well they're doing really good.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: I don't believe --  
I'll let Dominic Cordisco who had been the lead  
attorney for the DEC for a number of years. Are  
deer considered endangered species?

MR. CORDISCO: They are not.

MS. CANDELA: So the other thing is a  
7-foot fence is what I'm going to see out of my  
backyard.

CHAIRMAN EWASUTYN: What would you like  
to see?

MS. CANDELA: I'd love to see trees.  
I'd love to see the wildlife be able to come in.  
We have turkey that visit us.

CHAIRMAN EWASUTYN: So your opinion is  
that rather than see a 7-foot fence, you would  
prefer to see natural vegetation planted?

MS. CANDELA: Definitely.

CHAIRMAN EWASUTYN: My next question to  
you is, and not to be sarcastic, when the deer  
start eating this vegetation, because deer have  
the habit of eating anything and everything, it  
won't be a matter of concern that the vegetation  
no longer exists?

MS. CANDELA: The way it looks --



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: I have a question for you.

MS. CANDELA: Okay. So with the vegetation --

CHAIRMAN EWASUTYN: That's my concern many times in planting. I'm not opposed to planting, but the deer begin eating everything.

MS. CANDELA: If they are regular trees along with the new vegetation, that would be like a --

CHAIRMAN EWASUTYN: Natural buffer.

MS. CANDELA: -- natural buffer. If there's the regular trees around the natural buffer, they're not going to get the other trees.

CHAIRMAN EWASUTYN: So then we'll keep that in consideration for the site plan.

MS. CANDELA: Can we move that to 250 or 300 feet instead of the 100 feet?

CHAIRMAN EWASUTYN: Right now that was what was agreed upon. That's what's before us.

MR. PEEL: Now they say he's not a licensed architect so we can't --

CHAIRMAN EWASUTYN: There is a licensed architect that worked for Jeff Lease on the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

landscape.

MS. CANDELA: Not that it's going to change anything, but we did agree to the 4 instead of the 5. If it could be moved over and further away from us, we'd really appreciate it because we need a bigger buffer. But not only that, we need some type of -- not just the wonderful grass he's talking about because we're under water. We had that much water.

CHAIRMAN EWASUTYN: Understood. We discussed the water. We discussed the water. We understand that you're not satisfied with a stockade fence or a chain link fence 7-foot high. That's part of the discussion and the purpose of a public hearing. Okay?

MS. CANDELA: Yes. Thank you.

CHAIRMAN EWASUTYN: You're welcome.

Any additional questions or comments?

One more time, please.

MR. CANDELA: The berm, is that actually in the process now, Jeff?

CHAIRMAN EWASUTYN: I'll let Mr. Morgante speak on that because he's the engineer for Mr. Lease.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Is the ditch part of what's going to be on the revised site plan that Mr. Lease spoke with out in the field?

MR. MORGANTE: Mr. Lease contacted me about that that very day, the afternoon. I've already been looking at it. It's not fair for me to show that design on the plan right now before the Board and the public because it's not something that I proposed on the plan for. I'm already one step ahead and already looking at it. I'm glad to meet with Mr. Hines.

CHAIRMAN EWASUTYN: So to answer your question, it is under consideration.

MR. CANDELA: Including the trees, the pine trees?

MR. MORGANTE: I personally sent Mr. Lease an e-mail already with that design. It's going to be vetted and looked at before we can make it available to the Board.

CHAIRMAN EWASUTYN: We're going to open the meeting now, the public hearing, to the Zoom. Thank you.

MS. JABLESNIK: Do any members of the public on Zoom wish to speak?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(No response.)

MS. JABLESNIK: No.

CHAIRMAN EWASUTYN: Okay. One more comment from anyone, but I would rather prefer that we don't repeat the same comments. We understand now that the ditch is under consideration. If the ditch is shown on the site plan, it will be designed by a licensed professional engineer. We've heard from Susan, is your name? Thank you. We've heard from Susan, and that will be given consideration. She would prefer that it not be a 7-foot chain link fence, that it be a natural vegetation. Okay. So we know that drainage is before us. We know that there's going to be an inspection out in the field. There may be a redesigning of the trench.

I'll turn back to Planning Board Members. Ken Mennerich, I'll start with you. Any comments?

MR. MENNERICH: Just that we appreciate getting the comments about the environmental concerns. I think it's been spelled out what's going to be done. I hope everyone is satisfied with that.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

109

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I just want to add that we hear you.

CHAIRMAN EWASUTYN: Okay. Cliff Browne?

MR. BROWNE: I think it's all been pretty well covered. I do appreciate the input. I'm looking forward to the response.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I just want to thank the public, the Peels, the Widas, the Candelas. Thank you for bringing that to our attention. I too am not a big fan of this time of year as I have two sump pumps in my basement. I've very confident in Mr. Hines and his team, that they will go out there and come back with some type of resolution to help mitigate your problems. We appreciate that. Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: Do you have a landscaping plan with you?

MR. MORGANTE: Yes, I do.

CHAIRMAN EWASUTYN: That's part of the site plan. Can we get into that at a later point?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. WARD: Okay.

CHAIRMAN EWASUTYN: There again, we don't want to start defining that until we may have to redesign the replacement of a 7-foot high chain link fence with a natural buffer.

MR. WARD: Okay.

MR. MORGANTE: If I can add one point on that.

CHAIRMAN EWASUTYN: Do you have a quarter?

MR. MORGANTE: I'll check.

CHAIRMAN EWASUTYN: See Mary.

MR. MORGANTE: I would just make a note to the Board. I mean it's an electrical power facility. Protection of the electrical power facility is paramount.

I would also note that the fence is on the inside of the buffer for the most part. So it's got trees, 50 to 150 feet of trees in front of the fence. I don't even think they're going to see the fence.

CHAIRMAN EWASUTYN: Did you hear that, Susan?

MR. CANFIELD: I don't believe it.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: He's making a point.

MS. CANDELA: Can I ask a question? 150 feet of trees and then it starts the --

MR. MORGANTE: Then the fence.

MS. CANDELA: Then the fence and --

MR. HINES: No, no. That's not the case.

MS. CANDELA: Thank you. I didn't think it was.

MR. HINES: In this portion of the project there's a 50-foot undisturbed buffer, and then a fence, and then another 50 foot to the first array.

MR. MORGANTE: Correct.

MR. HINES: 100 feet from the first folks that spoke to the property line.

MR. MORGANTE: So right here there's the property line. There's a 50-foot natural buffer.

MR. HINES: And the array is 100.

MS. CANDELA: I mean if it was 150 foot I might not have such a problem with it, but 50 foot, I'm sorry --

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

112

MR. MORGANTE: It's 150 feet all along  
the frontage.

MS. CANDELA: The frontage doesn't mean  
anything to me.

MR. MORGANTE: Your side is 50 feet of  
natural vegetation and then a fence.

MS. PEEL: Is it the natural  
vegetation?

MS. CANDELA: 150 feet. I would rather  
have you take the 100 from there and give it to  
us.

CHAIRMAN EWASUTYN: We'll keep that  
under discussion.

MS. CANDELA: Thank you.

CHAIRMAN EWASUTYN: It's not a point of  
argument.

MS. CANDELA: They're just driving by  
so they don't care about the 150 feet.

CHAIRMAN EWASUTYN: But we care about  
what you're saying.

MS. CANDELA: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

Okay. If there are no further  
questions, I'll move for a motion to close the



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

public hearing on the clearing and grading application. The first action before us would be to discuss that. The actual site plan approval will not be discussed this evening until further items are addressed based upon the public comment this evening. Is that understood?

Mary, I apologize, I can't speak for the mailings as to --

MS. PEEL: I know.

CHAIRMAN EWASUTYN: -- what occurred and didn't occur.

MS. PEEL: It was very disheartening.

CHAIRMAN EWASUTYN: I remember saying to you in the conversations that I can't explain that. I just can't. I did listen to you and I understood what you said.

MS. PEEL: I did read every single minute from every single Zoning Board meeting and Planning Board meeting. It took me a whole day.

CHAIRMAN EWASUTYN: I appreciate your husband's comments. I realize it's not easy to speak in public.

MS. PEEL: I have tremors, so it didn't help any, when I get nervous.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MORGANTE: I think we all do --

MS. PEEL: Mine are real.

MR. MORGANTE: -- to an extent.

CHAIRMAN EWASUTYN: It will be somehow connected after Pat Hines. Pat Hines will be the lead person as far as how he contacts. He'll make you and your husband a contact person if that's all right with you.

MS. PEEL: That's fine.

CHAIRMAN EWASUTYN: Pat?

MR. HINES: That's fine.

CHAIRMAN EWASUTYN: Okay. So the action before us tonight, does the Planning Board want to close the public hearing and approve the permit for a clearing and grading on the Darrigo Solar? Will someone make that motion?

MR. DOMINICK: I'll make the motion.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. Is there a second?

MR. MENNERICH: Second.

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

MR. HINES: John, that would also be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the similar conditions we discussed.

CHAIRMAN EWASUTYN: Subject to providing the bond. Correct?

MR. HINES: Yes. So the clearing and grading ordinance in the Town requires that the applicants post security should they cause an issue that the Town needs to address or not complete the project in an acceptable manner. So this project is proposing to clear 22 acres and -- is that correct, Mr. Morgante?

MR. MORGANTE: About that.

MR. HINES: 22 acres of trees. Other portions of the site, the array is much bigger than that. I think it's approximately 40 acre. 22 acres of trees that will be cut. The stumps are going to be left there at this point until the project receives other approvals from this Board. But because of the protected bat species, cutting of trees has been limited by the DEC to certain times of the year when the bats are not present on the site. They're cave hibernators and there are no hibernating areas on this site. That security would be -- for that 22 acres, the security would be \$77,000 that would be required

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

116

to be posted.

In addition, a permit from the Building Inspector's office must be secured prior to cutting of the trees under Chapter 83 of the Code.

MR. CORDISCO: I believe, Mr. Chairman, the next procedural step would be to consider closing the public hearing in connection with the clearing and grading.

CHAIRMAN EWASUTYN: I think I mentioned that as part of the approval. Do you want me to take each item individually?

MR. CORDISCO: Please, sir.

CHAIRMAN EWASUTYN: I did combine them both. The first action before us is to close the public hearing on the Darrigo Solar. Does someone want to move for that motion?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Stephanie DeLuca. May I please have a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

The next item would be to approve the clearing and grading permit subject to the conditions that Pat Hines will speak of now.

MR. HINES: The condition would be posting of the required security in the amount of \$77,000 as well as obtaining a permit from the Code Enforcement Officer prior to undertaking the work. The approval will be only for cutting of the woody vegetation and not the removal of stumps.

I don't know if Mr. Cordisco has any additional.

MR. CORDISCO: The standard conditions, Mr. Chairman, in connection with the payment of all outstanding fees.

MR. HINES: The limits of disturbance should be demarcated in the field so that there is no excessive cutting in order to preserve the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

118

existing vegetation where it was identified on the plans to be preserved.

CHAIRMAN EWASUTYN: Can we summarize that so the Board can move on approving that subject to the conditions that will be spelled out in the resolution? So between you and Dominick Cordisco, can you summarize that?

MR. CORDISCO: The condition would be posting the performance security as previously stated.

CHAIRMAN EWASUTYN: The dollar amount of that is?

MR. CORDISCO: \$77,000.

CHAIRMAN EWASUTYN: Thank you.

MR. CORDISCO: Delineating the extent of clearing in the field, obtaining a permit from the Building Department, and the standard conditions associated with each resolution including the payment of all fees and escrow to the Town that may be due and owing.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything to add to that?

MR. CANFIELD: Nothing.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the clearing and grading permit presented by Dominic Cordisco and Pat Hines in the final resolution, would someone make a motion to approve that?

MR. BROWNE: So moved.

CHAIRMAN EWASUTYN: I have a motion by Cliff Browne. Do I have a second?

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Second by Dave Dominick. Can I have a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MS. PEEL: There goes our woods.

Thanks.

CHAIRMAN EWASUTYN: The action of site plan approval will not be taken up this evening. It will be taken up at a later date. We're

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

120

waiting for the --

MR. BROWNE: Did you close the public hearing?

MR. HINES: Folks, don't leave yet. The Board is still taking action that I think you want to hear.

CHAIRMAN EWASUTYN: Did I close the hearing on the site plan?

MR. CORDISCO: You did not.

CHAIRMAN EWASUTYN: I'll move for a motion to --

MR. HINES: John, I would suggest maybe possibly leaving that open until we resolve the drainage issues so the members of the public will be able to have input on that.

CHAIRMAN EWASUTYN: Okay. Let the record state that the public hearing will be left open.

As a matter of record; Mary, there isn't a notification as to when the public hearing is.

MR. HINES: We'll put it to a date certain. I'll let Dominic jump in.

MR. CORDISCO: Depending on the



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

121

applicant and when the applicant can perhaps submit revised plans that respond to comments in coordination with that, the Board should set a date that --

CHAIRMAN EWASUTYN: Would you be ready for the 15th of April?

MR. MORGANTE: I think so.

Can we meet in the next week or so, Pat?

MR. HINES: Yes.

MR. MORGANTE: Then I can absolutely have that ready.

CHAIRMAN EWASUTYN: So then we'll keep the public hearing open until the meeting of the 15th of April at which time we'll discuss the site plan issues, the field measurements and such. Okay?

MS. PEEL: Thank you.

CHAIRMAN EWASUTYN: You're welcome.

Any additional questions or comments? What is it, Susan?

MS. CANDELA: Are we allowed to be here April 15th?

CHAIRMAN EWASUTYN: If you have a

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DARRIGO SOLAR

122

quarter.

MS. CANDELA: Can I give you a check?

CHAIRMAN EWASUTYN: You know I'm not too smart, so I'll take the check.

MS. CANDELA: It won't bounce unless St. Luke's closes.

CHAIRMAN EWASUTYN: I'll probably lose it once I put it in my pocket. You will be allowed to come. At that time conditions may actually change as far as meetings, but we'll talk about that at a later date.

Thank you for attending.

(Time noted: 9:00 p.m.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 15th day of March 2021.

*Michelle Conero*

---

MICHELLE CONERO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HYBRID MEETING WITH PARTICIPANTS ABLE TO ATTEND VIA ZOOM

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

----- X

In the Matter of

TRINITY SQUARE  
(2008-07)

Request for a Six-Month Extension from  
March 4, 2021 to September 4, 2021

----- X

BOARD BUSINESS

Date: March 4, 2021  
Time: 9:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

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

----- X

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: The final item of business this evening, I'll let Mr. Mennerich read that.

MR. MENNERICH: The Board business item is Trinity Square, project 2008-07. They're requesting a six-month extension from March 4, 2021 to September 4, 2021. There was no additional information provided on this.

CHAIRMAN EWASUTYN: Okay. Pat, do you want to carry this forward for us, please, from today's date to what that date may be for a six-month extension?

MR. HINES: For Trinity?

CHAIRMAN EWASUTYN: Yes.

MR. HINES: I believe it's there, September 4th.

MR. MENNERICH: That's what it says.

MR. HINES: I think Kathleen did that math.

CHAIRMAN EWASUTYN: I'm looking at the actual letter itself. You're right.

MR. CORDISCO: The meeting date, Mr. Chairman, would be September 2nd, if you wanted to hold it over to be consistent.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN EWASUTYN: Let's do that to the 2nd. Would someone make a motion then to approve a six-month extension for Trinity Square, project number 08-07, until September 2, 2021?

MR. WARD: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Ken Mennerich. Can I have a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Okay. At this time I'd like to have someone move for a motion to close the meeting of the 4th of March.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Dave Dominick. I'll take a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 9:03 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 15th day of March 2021.

*Michelle Conero*

---

MICHELLE CONERO