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

----- X  
In the Matter of

HANOVER SUBDIVISION  
(2021-06)

Route 32  
Section 2; Block 1; Lot 57.2  
RR Zone

----- X

INITIAL APPEARANCE  
FIVE-LOT SUBDIVISION

Date: April 15, 2021  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Planning Board meeting of the 15th of April 2021.

There are five agenda items this evening. The first item is a subdivision, the following three items are public hearings, and then the fifth item is a continuation of a public hearing.

At this time we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. WARD: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MS. CONERO: Michelle Conero, Stenographer.

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

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CHAIRMAN EWASUTYN: At this time we'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. Thank you.

CHAIRMAN EWASUTYN: The first item of business this evening is the Hanover Subdivision, Planning Board project number 2021-06. It's located on Route 32. It's an initial appearance for a five-lot subdivision. It's in an RR Zoning District. It's being represented by Engineering & Surveying Properties, Ross Winglovitz.

MR. WINGLOVITZ: Good evening. For the record, Ross Winglovitz, Engineering & Surveying Properties, here on behalf of Hanover Development for a proposed five-lot subdivision.

The property is a 53 acre, almost 54 acre parcel on New York State Route 32, opposite East Road. The proposal is to construct five single-family homes. Three of the lots -- excuse me. Two of the lots will be approximately 2 acres, the third lot is 3.6, and then there will

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be two large lots in the back, 6.9 acres and 39 acres.

The wetland delineation has been completed.

Soil testing has been completed.

We actually also had met with the DOT at the site to review sight distances for driveways and have made some improvements for that -- proposed improvements for that.

I think everything conforms to zoning.

I'll be glad to discuss any comments.

CHAIRMAN EWASUTYN: Comments from Planning Board Members?

MR. GALLI: Nothing, John.

MS. DeLUCA: No. Nothing right now.

MR. MENNERICH: Nothing.

MR. BROWNE: Nothing.

MR. WARD: No.

MR. DOMINICK: Nothing, John.

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

MR. HINES: We have several comments, most are procedural. The DOT, the approval for

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the driveways are required.

We're requesting the limits of disturbance be shown on the project.

The project will require coverage under the DEC's stormwater permit system for projects which disturb greater than 1 but hopefully less than 5 acres. So we'll need that limitation identified in a stormwater pollution prevention plan which will be the erosion and sediment control plan for that residential project.

A common driveway access and maintenance agreement is required for lots 4 and 5. That will need to be submitted to the Planning Board's attorney for review.

Orange County Planning will be required as the project is located on a State highway.

I have a couple of comments on the septic systems which the applicant's representative is aware of.

We're requesting a copy of the wetland delineation report to complete the Town's file.

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We're suggesting that it would be appropriate for the Planning Board to circulate your notice of intent for lead agency for the SEQRA review.

Also, the project is in detail enough form now to submit to County Planning.

CHAIRMAN EWASUTYN: So I think there's one other item that you mentioned during the work session, and that would be for the Planning Board to waive topo. I'm assuming it's for the 6.9 acre parcel and 39 acre parcel.

MR. HINES: Correct. The applicants have provided the topography in the area of the proposed development. The lot is very long to the back where no development is proposed. We're suggesting that you provide the applicant a waiver for topography on that portion of the lot.

CHAIRMAN EWASUTYN: That being part of the conversation tonight, would someone move to waiver the requirement for topo on the two lots that Pat Hines from McGoey, Hauser & Edsall just mentioned?

MR. DOMINICK: I'll make the motion.

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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. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Okay. Then would someone make a motion to declare our intent for lead agency for this Type 1 action, and also to circulate to the Orange County Planning Department.

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. May I please have a vote.

MR. GALLI: So moved -- aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. WINGLOVITZ: Thank you very much.

MR. CORDISCO: Mr. Chairman, there was also the referral to the Orange County Planning Department.

CHAIRMAN EWASUTYN: I mentioned that.

MR. CORDISCO: I'm sorry. I missed it.

(Time noted: 7:07 p.m.)



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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X

In the Matter of

LANDS OF ZAZON  
(2004-29)

236 Fostertown Road (County Route 86)  
Section 20; Block 1; Lot 24  
R-2 Zone

----- X

FINAL PUBLIC HEARING  
ELEVEN-LOT SUBDIVISION

Date: April 15, 2021  
Time: 7:07 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CALEB PAWELSKI

----- X

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CHAIRMAN EWASUTYN: At this point in time I'll have Mr. Mennerich read the notice of hearing for the Lands of Zazon.

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 on the application of Zazon eleven-lot residential subdivision, project 2004-29, located at 236 Fostertown Road in the Town of Newburgh, designated on Town tax maps as Section 20; Block 1; Lot 24. The project proposes an eleven-lot residential subdivision of a 13.56 acre property. The project previously had conditional final approval from the Town of Newburgh in 2008. The lots are proposed to be served by on-site septic and an extension of the Town of Newburgh municipal water supply. A stormwater management lot as well as a proposed Town road are included as part of the project. The site is located in the Town's R-2 Zoning District. A public hearing will be held on the 15th day of April 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh,

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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 24 March 2021."

CHAIRMAN EWASUTYN: And we'll pause for a moment before we open it up to discussion by the applicant's representative.

Pat Hines, would you give us the history on this subdivision?

MR. HINES: Sure. As you may notice, the project, during the public hearing, had a 2004 Planning Board project number assigned to it. The project has been -- was before the Board at that time and proceeded through our review process. Some time in 2008 the project received conditional final approval with a couple of conditions that needed to be completed, mainly having to do with security of the public improvements, the road, the drainage and the water system.

During 2008 the economy was such that residential projects weren't very viable at that point. The Town Board had a resolution or a

1  
2 modification of the zoning allowing projects to  
3 drop back to preliminary approval because  
4 conditional final approval was only valid at that  
5 time for six months with two 90-day extensions  
6 for just under a year to keep your approval.  
7 Most projects were able to do that. This project  
8 was one of them and took advantage of the process  
9 to drop back to preliminary approval. It has  
10 been sitting with that preliminary approval since  
11 2008, receiving extensions every six months since  
12 then.

13           At my suggestion and as allowed in the  
14 code, because of the time that has past the  
15 project is now before the Board for final  
16 approval. The zoning ordinance allows you to  
17 have a final public hearing, which is what the  
18 project is here for tonight. The concern was  
19 that since 2008 many of the adjoining properties  
20 may have changed hands, the people that lived  
21 there at the time or that were in the public  
22 hearings in 2007, 2008 may not be familiar with  
23 the project. So the applicant was required to  
24 re-notify the people within 500 feet for this  
25 final public hearing, and that's what we're here

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for tonight.

It has quite a history. The Board has seen it for many years but it might be new to some of you.

CHAIRMAN EWASUTYN: So what's being discussed is the Lands of Zazon, application 2004-29, located on Fostertown Road. It's a final public hearing on an eleven-lot subdivision. It's in an R-2 Zoning District. It's being represented by Pietrzak & Pfau.

For the record?

MR. PAWELSKI: Yes. Good evening to the Board. My name is Caleb Pawelski from Pietrzak & Pfau Engineering representing the applicant.

If I could, I'd like to just give another brief overview of the project, even though Mr. Mennerich did a fantastic job explaining what the project is.

As mentioned, this is a 13.5 acre parcel, Section, Block and Lot 20-1-24, located in the Town of Newburgh. It's off of Fostertown Road, near Frozen Ridge Road.

The existing conditions on the site.

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There is an existing house with some existing structures as well. We propose to do an eleven-lot subdivision with an additional lot as a stormwater parcel for the construction of ten additional buildings. The existing house on the site would remain.

These houses will be serviced by a water main extension and individual septic systems. The individual septic systems have been sized for each of these houses for four-bedroom maximum.

As mentioned, we would also be proposing a road that would be going through the project.

As Pat Hines had mentioned, a stormwater pollution prevention plan had been originally prepared as part of this project so as to control the peak flows for the project and to ensure that no runoff goes off the property.

In keeping with the updated design for this project, the stormwater design was updated to have one type F-5 bio-retention basin down on the stormwater parcel which will help to both capture the water quantity volume from the site

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and also provide runoff reduction volume.

With those items in mind, we also have proposed landscaping for the plan to make the project as visually appealing as possible.

With these items in mind, I'd like to open it up for comment.

CHAIRMAN EWASUTYN: Okay. For the record, the way the public hearing is presented, those of you in the audience who have any questions or comments, please raise your hand and introduce yourself. We'd like to have everyone have one round, and, if possible, if the person before you has a comment that is, reasonably so, the same comment that you have, we'd like to avoid redundancy. So again, whoever has a question or a comment, please raise your hand, give your name and your address.

The gentleman in the back.

MR. HAMILTON: My name is Herb Hamilton. I'm the property just east of your project. I had a question about the wetland between your project and me as far as water runoff coming to that side of your project. I see you have a storm basin on the other side.



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How much do you think will come on the east side of your project?

MR. PAWELSKI: That's a very good question. Thank you. We have tried to size and design the project to grab as much flow as possible to run into the stormwater basin. The existing house here as well. We've also designed for the runoff off the buildings to go into additional rain gardens with respect to at least the roof leaders and the footing drains. Those would take care of the individual -- additional impervious pavement off the property.

Beyond that, for erosion control we have prepared, along the wetlands, lines of silt fencing.

As part of the stormwater pollution prevention plan, it's designed that we have to reduce or keep the same -- the proposed flows as close to the existing. Through the design of the project we reduced the flows over the 110 and 100 year storms for any runoff that would go off the property.

MR. HAMILTON: The reason I ask is because your runoff is going to run through my

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property in the front where the drain or the culvert is going underneath Fostertown Road. The only reason I'm asking is because with the building that's going on behind me, the projects over the years, I've got a lot more rainwater coming down on my property. So that's why I was asking.

MR. PAWELSKI: Okay.

MR. HAMILTON: Thank you.

CHAIRMAN EWASUTYN: Pat Hines with McGoey, Hauser & Edsall. Pat reviews the drainage plans.

MR. HINES: My office reviewed the original plans back in 2004 to `08 as well as the modifications to the plan to meet the current Town and DEC standards.

Mr. Hamilton, your name is on here. I do see there's a County culvert which drains that Federal jurisdictional wetland area across the property. I concur with the applicant's representative's analysis that the properties will have those stormwater improvements, the rain gardens for water quantity and runoff reduction implemented into that.

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MR. HAMILTON: Thank you.

CHAIRMAN EWASUTYN: The gentleman.

MR. GIOIA: Hello. Good evening. My name is Paul Gioia, I live at 2 Spring Meadow Way. I'm not sure but I think I'm on the opposite side of Herb. I'm at the corner of Fostertown Road and Frozen Ridge.

Every time it rains I get flooded out because there's a mountain across the street from your place. My neighbors, you know, let the water run through their property.

I spoke with the Town engineer a number of years ago. He informed me that water runs downhill and --

MR. HINES: It wasn't me, but I do concur with that.

MR. GIOIA: That was his assessment. So I've had no relief at all from that. Every time it rains, like right now, my garage floods. When it rains really hard my basement floods. When there's a storm, a winter storm and the melt comes, I get water in my basement. I can't really do much with my basement at this point.

From where I'm looking at that, I'm on

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the opposite side of the road.

MR. PAWELSKI: On this side you're saying?

MR. GIOIA: I'm on the opposite side of --

MR. PAWELSKI: You're down. Okay.

MR. GIOIA: That doesn't look like it's any good to me, but I don't know, I'm not an engineer. Is that -- is there any way that that's going to affect the opposite side of the road?

MR. PAWELSKI: That's a very good -- again, thank you for your question.

MR. GIOIA: I hope I'm being clear enough.

MR. PAWELSKI: I completely understand. I completely understand your concern. As part of the design for this bio-retention basin, we do have it sized to provide stormwater capacity for, as we said, the 110 and 100 year storm events. Any water that would be -- as much area as we can we can pull off of the road and --

MR. GIOIA: Where is it going to go?

MR. PAWELSKI: So it will discharge

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through an outlet control structure which has been sized to reduce the flows as much as possible. That outlet control structure -- I'll pull it up on the plan for you -- comes out of the culvert. It does discharge onto the side of the road where there are culverts and a ditch alongside of the road. It's on this side of the property.

MR. GIOIA: The side that the development is on?

MR. HINES: Yes.

MR. PAWELSKI: Yes.

MR. GIOIA: Because when it's a big storm, the side on -- my side floods, too. It's like a river there. And, you know, the property next to it gets soaked, you know, a couple inches of water.

MR. HINES: There are also -- in addition to the stormwater management facilities proposed for this project, there are also off-site improvements, increasing the size of the culverts along the County roadway down to Frozen Ridge Road. So it will convey that flow down the road.

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MR. GIOIA: That was downhill. You see water passing.

MR. HINES: The stormwater pond designed -- for lack of a better term, it kind of acts like a bathtub. It fills up and then releases that water in a slow process. It's been designed to attenuate any increased peak flow from the project site.

MR. GIOIA: That means it's going under Fostertown Road?

MR. HINES: No.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

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

MS. JABLESNIK: If anyone on Zoom is here to speak about this application, you can unmute yourself.

MR. FETTER: Hi. This is Bill Fetter. I just want to -- Rockwood Drive. I just want to verify -- I think they answered the question in the public announcement. I just want to verify that it's going to be a road dedicated to the

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Town?

MR. PAWELSKI: That is correct, yes.

MR. FETTER: It is correct. Okay.

Thank you.

MR. PAWELSKI: You're welcome.

CHAIRMAN EWASUTYN: Any additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: There being no further questions or comments from the public, would someone make a motion to close the public hearing on the eleven-lot subdivision?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. I'll ask for a -- was it Dave? It was Cliff. Thank you. It's hard to hear.

I'll ask for a motion starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Pat Hines, would you bring us forward on the action this evening?

MR. HINES: Yes. Again, this is here for a final approval which the project had at one point many years ago.

The Orange County Health Department -- we did recirculate the environmental documents to interested and involved agencies as personnel may have changed in those as well.

The Orange County Health Department came back stating that the subdivision application and approval has expired and that the applicant must seek re-approval and/or extension of that. So that will be a condition.

The project requires approval for the road name by the Town of Newburgh Town Board.

We will be requiring updated cost estimates for the proposed public improvements, including the roadway, the water main extension, the stormwater management improvements and the



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required landscaping for the Town roadway.

I did some research. The Town of Newburgh Town Board had approved the drainage district on 15 September 2008, so the drainage district has been established.

We are requesting that the drainage improvements be placed on their own lot to be owned by the drainage district so that the eleven lots in this subdivision will pay for the operation and maintenance of the stormwater management facilities in the subdivision. Rather than the Town fund in general, the individual lots will pay for that maintenance. The Town has an annual contract that is let out from a landscaping -- bid out by landscapers. The successful landscapers will provide the operation maintenance at no cost to the Town taxpayers in general but only to this project.

Approval from the Orange County Department of Public Works for the access road and utility as well as the off-site stormwater improvements is required.

This project is an eleven-lot subdivision with ten new houses, so it falls

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under the requirement for architectural review by the Planning Board. The idea there is that you don't get cookie cutter houses all looking alike. Sometimes the Planning Board defers that review for residential subdivisions to the Building Department just to make sure they're not all similar in design and look, but that is part of the process as well.

I think those are the conditions of approval that we have outstanding.

CHAIRMAN EWASUTYN: Would someone make a motion to refer the ARB approval of the ten new homes, and it's written in our code that we can do that, to the Building Department?

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick. I have a second by Ken Mennerich. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Dominic, can you read aloud the conditions of approval for the eleven-lot subdivision?

MR. CORDISCO: Yes. Certainly I may do so.

In addition, before you continue on, I would like to note that the referral came back from the Orange County Planning Department for the 239 review which recommended a Local determination.

In connection with SEQRA, the Board had previously adopted a negative declaration when you granted preliminary approval, but my notes are that given the extensive period of time that has passed and the updates that have been made by the applicant, it would be my recommendation at this time for the Board to reaffirm its prior negative declaration.

CHAIRMAN EWASUTYN: Let's take that action first before we move on to the final resolution.

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Would someone make a motion to reaffirm the negative declaration for the Lands of Zazon?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second by Frank Galli. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Okay. And now, Dominic, the verbiage for the resolution approving the eleven-lot subdivision?

MR. CORDISCO: Yes. This would be a resolution of final approval, and the conditions would be -- I think I have most of the same as what Pat had said but maybe one or two slightly different. The conditions would include the re-approval from the Orange County Department of Health, Realty Subdivision approval, the approval

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of the road name by the Town Board, updated cost estimates for the public improvements, updated cost estimates for the private improvements, the submission of a declaration of restrictions to preserve and maintain the rain gardens on the individual lots, the posting of a landscaping bond, the conveyance of the drainage lot to the drainage district, and in connection with the water main extension, a performance bond and an inspection fee, as well as obtaining approval from the Orange County Department of Public Works for the access road and the construction of the utilities within the roadway.

CHAIRMAN EWASUTYN: Pat Hines, are you in agreement?

MR. HINES: Yeah. I just need to add the cost estimates and security for stormwater as well as the inspection fee, and a landscape inspection fee for the street trees.

MR. CORDISCO: Thank you.

CHAIRMAN EWASUTYN: Having heard from Pat Hines of McGoey, Hauser & Edsall and Dominic Cordisco, Planning Board Attorney, to grant final approval for the eleven-lot subdivision, all

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conditions will be noted in the resolution of approval, would someone move for that motion?

MS. DeLUCA: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion from Stephanie DeLuca. I have a second from John Ward, was that? Cliff Browne. I'm sorry. Stephanie DeLuca, Cliff Browne.

Frank Galli, can we start a roll call vote?

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. PAWELSKI: Thank you all very much.

(Time noted: 7:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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

----- X  
In the Matter of

GERENTINE TIMBER HARVEST  
(2021-05)

Old Post Road  
Section 8; Block 1; Lots 49.1-49.7  
AR Zone

----- X

PUBLIC HEARING  
CLEARING & GRADING

Date: April 15, 2021  
Time: 7:28 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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



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CHAIRMAN EWASUTYN: Item number 3 on this evening's agenda is the second public hearing.

At this time I'll ask Mr. Mennerich to read the public 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 Gerentine Timber Harvest, project 2021-05. The project is a proposed timber harvest of a 24.61 parcel of property. A selective timber harvest will be performed on 18 plus or minus acres of the combined parcels. The project is located in the AR Zoning District. Access to the parcel will be via Old Post Road. The project is proposing to harvest 154 trees at a rate of approximately 9 trees per acre. The parcels subject to the timber harvest are known on the tax maps of the Town of Newburgh as Section 8; Block 1; Lot 49.1, 49.2, 49.3, 49.4, 49.5, 49.6

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2 and 49.7. A public hearing will be held on the  
3 15th day of April 2021 at the Town Hall Meeting  
4 Room, 1496 Route 300, Newburgh, New York at 7  
5 p.m. at which time all interested persons will be  
6 given an opportunity to be heard. By order of  
7 the Town of Newburgh Planning Board. John P.  
8 Ewasutyn, Chairman, Planning Board Town of  
9 Newburgh. Dated 24 March 2021."

10 CHAIRMAN EWASUTYN: Thank you.

11 So the item that was just mentioned is  
12 the Gerentine Timber Harvest, project number  
13 2021-05, located on Old Post Road. It's a public  
14 hearing on the clearing and grading. It's in an  
15 AR Zoning District. It's being represented by  
16 Chris Prentis of Lower Hudson Forestry Services.

17 Chris.

18 MR. PRENTIS: Thank you. Good evening,  
19 Board. For the record, Christopher Prentis,  
20 Lower Hudson Forestry Services.

21 I'm here this evening for a selective  
22 timber harvest on seven tax parcels on Old Post  
23 Road. The parcels total 24.61 acres of which we  
24 are proposing harvesting on 18 of those acres.

25 The species are all hardwood species

1 ranging in size from 8 to 35 inches in diameter.  
2 A total of 154 trees are being harvested. No  
3 other vegetation will be removed, just the trees  
4 will be cut. The debris will be loped down to a  
5 height of 3 feet or lower.  
6

7 There are no DEC classified streams or  
8 wetlands on the property.

9 The erosion control plan for the  
10 project is the installation of DEC approved best  
11 management practices for timber harvesting. They  
12 will include water bars, regrading, skid trails,  
13 landings and reseeding the landing when the  
14 project is done.

15 There is a DEC restriction for  
16 harvesting due to Indiana Bats. Harvesting can  
17 only occur from October 1st to March 31st. That  
18 was imposed by the DEC as part of the EAF long  
19 form.

20 The project should, under optimal  
21 conditions, take two to three weeks to complete.  
22 We'll follow all the Town's hours of operations  
23 and days of operations.

24 CHAIRMAN EWASUTYN: Thank you.

25 For those in the audience that have any

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questions or comments, please raise your hand.  
Ma'am.

MS. RIFKIN: My name is Cynthia Rifkin,  
I'm at 7 Rathmore Road. I'm adjacent to that  
property on the Old Post end. I have 2.2 acres.

I don't have as much property on that  
side and I was wondering if you could consider  
some sort of buffer, like 40 feet. Nothing  
harvested within 40 feet of the property line.

I was wondering what other conditions  
had to be made for wildlife in addition to the  
bats. Anything?

MR. PRENTIS: The only other  
consideration was the DEC identified Bald Eagles  
in the area. The Bald Eagle's nest was outside  
the allowable distance and the DEC biologist said  
that the project wouldn't have any adverse  
affect.

MS. RIFKIN: Yeah. I'd like to consider  
a buffer.

MR. PRENTIS: Where are you located?

MS. RIFKIN: 7 Rathmore Road. Do you  
have a map? This is Old Post. That's where  
you're going to go in?

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MR. PRENTIS: Correct.

MS. RIFKIN: I'm here. That's me over here I think. That's me right there. I think it's me. Yeah. That's the house behind me. I'm right here. So you're coming in in here?

MR. PRENTIS: So we're fairly close to the line. But the way that the topography is, it drops off.

MS. RIFKIN: It does drop off.

MR. PRENTIS: Individually speaking, I don't know how much you're actually going to see just because of the topography drop.

MS. RIFKIN: Do you know how many trees are in that area?

MR. PRENTIS: Adjacent to your line, I wouldn't imagine there's more than a handful, to be honest with you. The majority of the trees are in the center portion of the property.

MS. RIFKIN: I would like to preserve some sort of buffer.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. GOODENOUGH: I'm James Goodenough, I reside at 4 Rathmore Road. I have two pieces

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of property. One of them is 1.9 acres that my house resides on, and I also own 10.4 acres that totally adjoins his property here. Actually, I just got out of the woods a little while ago looking at -- I had asked -- I talked to Austin and I guess Chris. I had asked for a property line markout. I don't want my trees taken down or damaged on my property. He said he flagged it. The flagging is not done to my specs, you know. You can see a flag maybe every 100 feet. I'd like to see more on the boundary lines put up.

I know the destruction of these machines that these guys bring in. I know the wood to harvest with no houses and such. I know the destruction the machines do to people's property. Like you might not be running the machine yourself, the other people that work for you. I don't want them on my property. I would like to see lines up every, I don't know, 10, 15 feet. Markers for --

MR. PRENTIS: Okay.

MR. GOODENOUGH: -- the survey.

I don't want to pay money to survey my

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property because I don't really need this done.

MR. PRENTIS: Okay. Understood.

MR. GOODENOUGH: I asked you that and you told me -- somebody said to me that it would cost me money.

MR. PRENTIS: I think the e-mail you're referring to, sir, between myself and Austin and you was that Mr. Gerentine didn't want to pay the cost of neighbors who just wanted to walk around the woods if there was not any actual issue. So the offer was made that I would come out, and if there was an issue there would be no cost but if there wasn't an issue, then the cost would be then borne by yourself. So that was what the e-mail exchange was.

With what you're saying, I have no problem, before the project starts, flagging that line extra heavy at no cost to you.

What, as I said, Mr. Gerentine was trying to avoid was just having neighbors say, you know, I don't understand the project, can you come out and walk it with me. So that's what we were trying to avoid.

MR. GOODENOUGH: I'd like to see

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markers all the way across to see your property and my property, this way you guys aren't damaging my trees.

MR. PRENTIS: I understand.

MR. GOODENOUGH: I do walk back there and hunt, nature walking, and I do like the trees. Wish you guys could plant the trees, too. That would be great, too. We do need trees to breathe with air and oxygen.

MR. PRENTIS: I understand.

MR. GOODENOUGH: And I do know we need trees to build houses, too. Thank you.

CHAIRMAN EWASUTYN: Pat Hines of McGoey, Hauser & Edsall, you'll do part of this field inspection and the trees that will be marked?

MR. HINES: It's my understanding the trees are marked at this point.

MR. PRENTIS: Yes. All the trees are marked.

MR. HINES: The trees that are to be cut have already been marked by the forester. They are painted at the stump at approximately 3.5, 4 feet up. The trees to be cut are marked



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already.

MR. GOODENOUGH: The property line is not marked, though.

MR. HINES: Understood. But the trees are. Unless there's a discrepancy that the trees are on your property or not, they've been marked.

MR. PRENTIS: The trees have been marked. The property line was flagged. That line that's adjacent to this property is a brush field, essentially 8-foot tall brush. There is flagging there but there's not enough for your liking. Like I said, we can go through and re-flag it very heavy. But in that area there are no trees marked within about 40 feet of the line just because there aren't any trees.

MR. HINES: There's no virtual timber there.

MS. RIFKIN: Even for me, I found one little flag in the bush for a marker.

MR. PRENTIS: Behind your house there's actually triple blue slashes on the trees --

MS. RIFKIN: Is there?

MR. PRENTIS: -- because there's a stonewall there.

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MS. RIFKIN: What does that mean?  
They're not going to touch them?

MR. PRENTIS: Triple blue means the  
logger doesn't go past that. It's a property  
line, those trees don't get cut. In the case of  
your property, there wasn't any trees to mark, it  
was just a brush field. That's why you see  
flagging and not triple blue slashes.

MR. GOODENOUGH: It's a pretty long  
run, though.

MR. PRENTIS: Correct.

MR. GOODENOUGH: You've seen the run  
between my land and the land you're doing work  
on?

MR. PRENTIS: Correct.

MR. BANYACSKI: Stephen Banyacski. I  
share a property line to the south with Mr.  
Gerentine. I have a couple questions.

How close to the property line did your  
survey attempt to identify the trees? In other  
words, do you know where the property line is?

MR. PRENTIS: Yes. It's been all  
surveyed.

MR. BANYACSKI: I'm sorry?

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MR. PRENTIS: It has been all surveyed in the past.

MS. BANYACSKI: In the past?

MR. PRENTIS: Correct.

MS. BANYACSKI: As in when I bought it fifty years ago? I mean it's not marked currently. There are no stakes. No surveyor stakes.

MR. PRENTIS: There are surveyor stakes and stonewalls throughout much of the property. There's flagging on the property lines.

MR. BANYACSKI: I beg to differ with you. I don't know that it's adequately marked today. It was marked initially when I purchased the property, say fifty years ago.

So the question is -- remains, how close to my property from your folks in there identifying trees? Because of the tick population, I'm not about to go up there and try to determine where the line is without -- I'm not a surveyor, so I don't know that I would identify it accurately to begin with.

The question is do you know from your work there if any trees are close to the property

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line?

MR. PRENTIS: There are some  
approximately 20 feet.

MR. BANYACSKI: There are some?

MR. PRENTIS: Correct.

MR. BANYACSKI: So how can we determine  
if you've crossed that line or not?

MR. PRENTIS: Like I say, there's  
pretty good evidence of property lines with  
surveying stakes and stonewalls. So that's the  
way that the property line was.

MR. BANYACSKI: There's a stonewall  
near the street end of the property line. That's  
the end of the stonewalls. The next stonewall  
is, you know, way up on top of the hill. Way,  
way, way on top of the hill. There's nothing in  
between.

MR. PRENTIS: On this map where is your  
property?

MR. BANYACSKI: To the south. That's  
the line.

MR. PRENTIS: This is Old Post Road.

MR. BANYACSKI: That's me right there.

MR. PRENTIS: Okay. So there's a

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stonewall here.

MR. BANYACSKI: There's a little bit of a stonewall here.

MR. PRENTIS: There's pins here and there, and then there's a stonewall along here and back into here.

MR. BANYACSKI: There are pins here and here?

MR. PRENTIS: Pins there and there.

MR. BANYACSKI: So where are the trees that you've marked?

MR. PRENTIS: Roughly through here, here and back here.

MR. BANYACSKI: This red line?

MR. PRENTIS: The red line is the trail, the skid trail.

MR. BANYACSKI: So you can't tell me if you've got anything on the side of that line at this point?

MR. PRENTIS: No. I'm confident there's nothing on that other side of the line.

MR. BANYACSKI: You're confident?

MR. PRENTIS: There are stonewalls and survey pins there, sir. I don't know what else

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to tell you.

MR. BANYACSKI: Well I beg to differ about the pins. It's woods, and brush, and trees, and rocks, and what have you. The rebar that they put in fifty years ago is probably difficult to identify today.

Did you have any sort of survey maps? What were you using?

MR. PRENTIS: A survey map from Mr. Gerentine when they did the subdivision. Those parcels were all surveyed out.

CHAIRMAN EWASUTYN: Your next question? You said you have a few questions. Any other questions?

MR. BANYACSKI: First of all, how accurately did they identify the property line, and did he cross over the line to cut any trees that belong to me?

CHAIRMAN EWASUTYN: As a licensed --

MR. BANYACSKI: I'm sorry?

CHAIRMAN EWASUTYN: As a licensed forester we take his consideration as record.

MR. BANYACSKI: This gentleman?

CHAIRMAN EWASUTYN: Right.

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MR. BANYACSKI: He's done all of that?  
He's qualified? He's located everything?

CHAIRMAN EWASUTYN: Right.

MR. BANYACSKI: All right.

MR. PRENTIS: Like I said, the trees  
are painted with bright blue paint. You can see  
them.

MR. BANYACSKI: Well I'll wait when you  
start cutting and we'll check it out. Thank you.

CHAIRMAN EWASUTYN: The lady in the  
back.

UNIDENTIFIED SPEAKER: What is the date  
of the survey we're basing all of this on?

MS. RIFKIN: I don't know when the  
subdivision was approved. Sometime in the '90s I  
believe.

MR. BANYACSKI: Subdivision?

MR. PRENTIS: Correct.

MS. RIFKIN: This doesn't warrant  
the --

MR. BANYACSKI: I purchased the  
property in '70.

CHAIRMAN EWASUTYN: There is no  
requirement for a recertification of the existing

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survey.

Do you want to turn it over to Zoom now?

MS. JABLESNIK: If anyone from the public on Zoom wishes to speak about this application, you can unmute yourself.

MS. VELICE: I have a question. I'm sorry, it was a little bit hard to hear over Zoom. I'm sorry if it's already been asked.

Why is the land being cleared and what is being built there?

MR. PRENTIS: The land is not actually being cleared. We're just selectively harvesting merchantable, mature, hardwood trees. There's not going to be any building. That would be a separate application that would go in front of the Planning Board. At this time it's just the selective harvest of the 154 trees.

MS. VELICE: Thank you.

MS. JABLESNIK: Anyone else on Zoom?

MR. WISEMAN: I have a quick question on that as well. What percentage, roughly, of the trees will be selectively harvested from the property?



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MS. JABLESNIK: Anyone that speaks on Zoom, can you state your name first?

MR. WISEMAN: Of course. My apologies. This is John Weisman of 5 Camelot in Marlborough. Nearby.

I'm just wondering what percentage, roughly, of trees will be removed from the parcels?

MR. PRENTIS: Overall it will be approximately 10 to 15 percent of the trees. So there will be 85 percent remaining.

MR. WISEMAN: Thank you.

MS. SMITH: Hi. If you're through, Mr. Wiseman. Are you through?

MR. WISEMAN: Yes. Thank you.

MS. SMITH: Okay. Hi. My name is Donette Smith, I live at 7 Rockwood Drive.

I'm not sure if I got the math correct. When you were talking about how many trees were going to be harvested at the beginning of the presentation when this was being read, I heard the gentleman say that it was going to be 9 trees per acre. So when I calculated that, that was about 225 trees. But now, in this verbal

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presentation, it was stated 164 trees. That's a difference of 60 trees. I'm just wondering which number was the right one? That's my first question.

MR. PRENTIS: The correct number is 154.

MS. SMITH: How many? Sorry.

MR. PRENTIS: 154.

MS. SMITH: 54?

MR. HINES: 154.

MS. SMITH: Right. 154.

MR. PRENTIS: So the 9 trees per acre calculation comes from the area that we're harvesting. You're multiplying --

MS. SMITH: Okay. And as of right now this is being done for? What was the reason? I know you said nothing is going to be built there right now, but what was the reason?

MR. PRENTIS: It's just a selective harvest of mature and overmature hardwood species.

MS. SMITH: Okay. And the folks who participated, I think they've brought up some really valid concerns as the homeowners there.

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You know, I heard one woman mention about buffers and I heard a couple people I think, you know, with concerns about their property lines and their own trees, and then this issue about the survey.

I know someone on the Board, I think, just said that they are not required to do a new survey. Given the concerns that the folks have, is there a reason why you wouldn't do a new survey just so that everyone can feel assured that -- you know, that their property is intact and it's not encroaching, you know, on them? Would that be unreasonable to ask them for an updated survey be provided to folks?

MR. PRENTIS: I mean an updated survey is probably \$10,000 or more. So it kind of takes any of the profit or money out of the project.

MS. SMITH: Okay. Is there any other way then to give them some kind of assurance? Is there a way to common market out if you have --

MR. PRENTIS: I mean other than the fact that --

MR. HINES: What we heard from the forester is that there is evidence in the field

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adequate for him to feel comfortable that he has delineated the timber harvest within the confines of the parcel. One of the things to note here is that because of the DEC time restriction, the trees can not be harvested until October 1st. They've been marked in the field, so I think that the neighbors that are here that have concerns can certainly go to their property lines and take a look at the trees that are marked in the field. If they feel there's a discrepancy, I'm sure the forester will address those discrepancies with them.

MR. PRENTIS: I'd be more than happy to, because ultimately I'm the one that's responsible, and ultimately it's my insurance that someone would make a claim against. You know, it's not the landowner or the logger.

MS. SMITH: Okay. So then -- again, so then the residents, the best suggestion was for them to go out and actually look themselves for the trees that are marked to see how close they are to their property line?

CHAIRMAN EWASUTYN: Pat Hines?

MR. HINES: Yeah, that would be my

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suggestion. The forester has told us there's adequate evidence in the field. I do know it was subject to a subdivision at some point because there are seven tax map parcels involved in this of the 20 plus or minus acres.

Again, the trees have been marked. It's one of the requirements the Town has as well as the forester. That's how they determine the timber to be cut. Again, 9 trees per acre. We've seen numerous projects of this type before the Board. 9 per acre is about an average timber harvest that we do see.

I will note that Mr. Prentis has presented projects such as this before this Board before and they have been completed without any issues to my knowledge.

MS. SMITH: You know, I just wanted to make sure that consideration -- everything we can think of to try to help folks feel more at ease that they're not going to be infringed upon, you know, and they're going to be -- you know, that they are going to be okay with this. That's all. If there was any way you could do anything at all to help those folks feel a little better about

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this, that's all I was looking for.

But thank you very much, and thanks for the consideration.

CHAIRMAN EWASUTYN: The last question, please.

MS. RIFKIN: What's the Town's responsibility in ensuring the project happens the way it's supposed to happen? What is the homeowner's recourse if we feel something is not going as planned when the work is being done?

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: The Town of Newburgh will require two forms of security, one of which will be in conjunction with the highway superintendent regarding the location of the access to the Town road. The Town typically requires a \$5,000 security should there be damage to the Town roadway at the truck access point.

In addition, there is an inspection fee posted with the Building Department such that representatives of my office and/or another consultant at the Building Department, if they feel it's necessary, will review the work. Typically it's done after the fact to make sure

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it was done in conjunction with the plan. If there are issues during the timber harvest, you can contact the Building Department. There is that posting of the security to allow a Town consultant, my office often times but we have had times when they hired a separate consulting forester.

I think the most important thing is that prior to this meeting the Town required the timber to be cut to be marked so that if you have concerns between now and that October 1st date -- you can see the timber in relation to your property lines and where it is marked. So if there is that discrepancy, I'm sure Mr. Prentis would be available to work that out with you.

CHAIRMAN EWASUTYN: The last question.

MR. BANYACSKI: Last question. How are they marked? All trees are marked with a what? A circle, or Xs, or checks?

MR. PRENTIS: The saw timber trees or the log trees are marked with a horizontal slash on two sides and the stump mark. The firewood trees are dots or Xs on two sides.

MR. BANYACSKI: Say it again, please.

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MR. PRENTIS: Saw timber trees are marked with a horizontal slash about chest height on both sides of the tree with a stump mark. So after the tree is cut you can see that the stump has paint on it, knowing that that was a marked tree. The firewood and cull trees are marked with dots or Xs, and they all have stump marks as well. So after any tree is cut you can see that they were marked beforehand.

MR. BANYACSKI: So everything so marked comes down?

MR. PRENTIS: Correct.

MR. BANYACSKI: All three?

MR. HINES: With the exception of the trees that he mentioned that have three slashes. That's a forestry designation that the timber harvest stops at this point. There are several that I think he mentioned along some property lines that delineate the timber harvest stops prior to this. Some trees are marked with three slashes which the loggers will not cut and will not go beyond.

MR. BANYACSKI: I understand. Thank you.



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CHAIRMAN EWASUTYN: Okay. At this point, having heard from the public, I'd like to move for a motion to close the public hearing on the Gerentine Timber Harvest. Would someone make that motion?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Stephanie DeLuca. Can I have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Pat Hines, in cooperation with Dominic Cordisco, Planning Board Attorney, can we discuss the resolution for permitting a clearing and grading timber harvest?

MR. HINES: I had some comments that would be conditions of approval. The highway superintendent's comments regarding the location

1 of the access point at Old Post Road, which I'm  
2 aware was the original subdivision access point,  
3 should be received. In accordance with Section  
4 Code 83-12, the performance guarantee is  
5 required. I'm suggesting that that be the  
6 typical \$5,000 performance guarantee for security  
7 at the access point. In addition, there is a  
8 requirement for an inspection fee, which is  
9 typically \$1,000, to cover the cost of any  
10 outside consultants the Building Department would  
11 require to bring in. The tree clearing time  
12 period for protection of the bat species allows  
13 cutting only to occur between October 1st and  
14 March 31st. That should be a condition. We had  
15 requested some soil erosion control details be  
16 provided. Those have been provided to me via  
17 e-mail. I would suggest that that continue as a  
18 comment, that the soil and erosion control plan  
19 be implemented both at the log landing area and  
20 the access point, and for the rehabilitation of  
21 the skid roads afterwards. The hours of operation  
22 should comply with the Town's hours of operation  
23 for construction activities in the Town Code.  
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25 CHAIRMAN EWASUTYN: Dominic Cordisco?

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MR. CORDISCO: The only other comment that I had was that a stabilized construction entrance consistent with the DEC's soil --

MR. HINES: I thought I mentioned that one.

MR. CORDISCO: If you didn't. Sorry. I'm trying to make sure I capture everything that you're saying as well.

Nothing additional beyond that, Mr. Chairman.

I note that the Board had previously adopted a negative declaration, and so SEQRA is completed in connection with this project.

The Board could consider a resolution of approval with the conditions as outlined by Mr. Hines.

CHAIRMAN EWASUTYN: Having heard from the Planning Board Attorney, Dominic Cordisco, would someone move to --

MR. BROWNE: Could I make a comment, please, first?

CHAIRMAN EWASUTYN: Go ahead.

MR. BROWNE: During the public portion, Chris, you stated that you would heavily flag

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that one line in the one area. What is your definition of heavily flagged?

MR. PRENTIS: If you want it every 15 or 20 feet is what you said, then that's what I'll do.

MR. BROWNE: Could that be added in, followed up on? Thank you.

CHAIRMAN EWASUTYN: You'll add that to the resolution, Dominic Cordisco?

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Having heard the resolution being presented by Dominic Cordisco, Planning Board Attorney, and referencing Pat Hines' comments, and then the addition of Planning Board Member Cliff Browne noting that there will be flags every 15 to 20 feet as far as the final resolution, would someone move for that motion?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion from Frank Galli. Who was the second person?

MR. WARD: John Ward.

CHAIRMAN EWASUTYN: John Ward. Thank

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you. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you.

MR. PRENTIS: Thank you.

(Time noted: 7:58 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2021.

*Michelle Conero*  
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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

HAMMOND SUBDIVISION  
(2020-08)

Cronk Road  
Section 1; Block 1; Lot 63.23  
AR Zone

----- X

PUBLIC HEARING  
FIVE-LOT SUBDIVISION

Date: April 15, 2021  
Time: 7:59 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- X

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

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CHAIRMAN EWASUTYN: At this point I'll have Ken Mennerich 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 on the application of Hammond Five-Lot Subdivision, project 2020-08, for a five-lot subdivision located on Cronk Road in the Town of Newburgh, designated on Town tax maps as Section 1; Block 1; Lot 63.23. The project involves a five-lot residential subdivision of a 44.936 plus or minus acre parcel of property. Two of the lots are proposed for two-family residential structures. The proposed lots will be served by on-site wells and on-site subsurface sanitary disposal sewer systems. The project is located in the Town's AR Zoning District. A public hearing will be held on the 15th day of April 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



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Newburgh Planning Board. John P. Ewasutyn,  
Chairman, Planning Board Town of Newburgh. Dated  
24 March 2021."

CHAIRMAN EWASUTYN: The fourth item on  
the agenda, which would be the third noticed  
public hearing, is the Hammond Subdivision,  
project number 2020-08. It's a public hearing on  
a five-lot subdivision. It's located on Cronk  
Road in the AR Zoning District. It's being  
represented by Jonathan Cella, P.E.

Jonathan.

MR. CELLA: Thank you. My name is  
Jonathan Cella and I'm representing the  
applicants and owners of the property.

The proposal is for a five-lot  
residential subdivision of a 44-acre parcel for  
construction of three single-family residences  
and two two-family residences.

We're proposing a 650 foot private road  
that will provide access to the lots. The road  
will be located at the frontage of the parcel on  
Cronk Road and go to the north towards the on-  
site wetland. There's a large State wetland at  
the rear of the property which the property

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naturally drains to.

The three single-family residences are on parcels ranging from 1.25 to 1.4 acres, and the two two-family lots are -- one is 3 acres and the other is 37 acres which contains the majority of the wetlands.

The project will disturb less than 5 acres of property.

We're providing erosion and sedimentation control and permanent stormwater management practices to treat the water before entering the wetland.

CHAIRMAN EWASUTYN: Okay. Anyone here in the audience that has any questions or comments, please raise your hand and give your name and address.

MR. DURYEA: Mike Duryea, 65 Cronk Road. This is my wife Jane. We've lived there a good number of years. In fact, I remember when the Hammonds bought the property. It was from our -- my in-laws. Her folks were part owners of it, along with a gentleman that's in the back of the room. I'm sure he'll speak for himself.

We've always known that there was a

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50-foot right-of-way, okay. But up until now no one has ever claimed it or tried to use it.

I've got some concerns as to the drawings, which I've looked at your material there. It references a stake that was found, a metal pole. I'm not a surveyor by profession so I don't know if that stake is even accurate. Did somebody move the stake? I don't know. I'm going to take somebody's word for granted that it matches. It should be easy enough to match my deed to your papers. Right? And then how far -- because I was always led to believe that the stake was the center of the road. Now I'm not sure if that's the case.

But the real problem lies in both Mr. Knapik's well and mine. We are very close. And you have to keep in mind, my home was built in 1966, so I'm sure that the standards were quite different. My well could be greatly impacted, and even Mr. Knapik's, with both the disturbance of the soil, oils, et cetera. Fertilizers, blacktop. I don't know what's going down.

I'd also like to fully understand whether or not two-family homes are permitted,

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because you don't see too many here.

And I'd like to also know, are those two-family homes going to be sold or are they going to be rentals? That's a couple of things.

Thirdly, and probably the biggest, there's a large parcel of land that I've known about for years, and it's off of Forest Road. It's owned by a very prominent businessman here in the Newburgh area. He approached me several years ago trying to buy access from my legal second driveway on my property. He was told no thank you, I don't want cars driving down my property.

The entry point to this parcel of land off of Forest Road is quite wet, and therefore -- are you listening?

MR. CELLA: Yeah.

MR. DURYEA: Okay. And therefore, it would cost a lot of money to put your entryway into that. I want to make -- I shouldn't say I want to make. I want to ask the question, as a lawyer, do we have the right to insist that that entryway -- and I understand that people have to have a home. I got all of that. But where does

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it stop? I want to make sure that there is not an access from the 39 parcel -- the 39-acre piece to this other party that serves as a right-of-way to another 60 some odd acres, and suddenly, instead of a family of 5 homes, I've got 105 people driving down my road, right adjacent to our well as between us.

So with that, I'll shut up.

CHAIRMAN EWASUTYN: Let's first talk about the 50-foot right-of-way and the stake, whether it's a credible stake. That was the -- how did you find this location?

MR. CELLA: I'm the engineer on the project and --

MR. DURYEA: Can you just turn that so we can see that, please?

MR. CELLA: Okay.

UNIDENTIFIED SPEAKER: Can you turn up the speaker a little bit?

MR. HINES: I'm not sure that that mic is on.

MS. JABLESNIK: It's on. You just have to talk into it, and it's hard with the mask.

MR. CELLA: Better?

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MR. DURYEA: Yup. Thank you.

MR. CELLA: So I'm the engineer of record on the project. We also -- whenever you do a residential subdivision, or any type of subdivision, it requires that there is also a professional land surveyor involved in the property. That was Mr. Gary Rich. He's another local surveyor. He signed the maps.

MR. DURYEA: That doesn't mean that they're accurate, but please continue.

MR. CELLA: You know, as part of his survey he did identify the property corners and locate adequate information that he -- you know, he has a professional license and he registers with New York State as well. He's taking responsibility that his survey is accurate.

MR. HINES: I also just want to clarify. There's been reference to a right-of-way. These maps show that as a fee ownership parcel out to Cronk Road, that this parcel owns that strip of property.

MR. DURYEA: That parcel I believe pays the taxes on it but it's always been called a right-of-way.

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MR. HINES: It's a fee ownership parcel. My understanding based on the survey, it is owned by this parent parcel and it's part of the parent parcel.

MR. CELLA: That's my understanding, too, per the survey.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, would you like to add to that?

MR. CORDISCO: The issue before the Board is subdivision of this particular property. The applicant has to demonstrate that they have the ability to subdivide this property and have access out to a highway. They don't have to demonstrate, you know, limitations on future use, and it isn't really an issue before the Board to determine the private property rights of people. So as a result, the Board is constrained to look at what the proposal is in front of you right now rather than what it could be in the future theoretically, or what the private property rights are between two individuals.

MR. HINES: So continuing on, the question was asked whether or not this parcel

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could connect through. One of the significant limitations on this parcel is the DEC regulated wetland to the rear. The balance of the parcel to the rear of the duplex has been identified as DEC regulated wetland with that 100-foot adjacent buffer. So this property has been bisected. The thought that a road is going to go through and continue through, the likelihood of that occurring is not going to happen because of the regulated wetlands. They're not going to allow a road.

MR. DURYEA: But supposing the owner of that large parcel decides to sell off a right-of-way to this other party?

MR. HINES: That parcel is environmentally constricted by --

MR. DURYEA: Not if he sold up above it. He doesn't have to sell the tail end.

MR. HINES: I thought the question was whether this was going to go through.

MR. DURYEA: No. The question is can the individual -- does that individual, whoever he or she may be, that buys the larger dead-end, so to speak, okay, can they sell the right-of-way



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to another party that would then provide access?  
Because it was funny because there were surveys  
up on Forest Road just the other week.

MR. HINES: The map we have shows the  
balance of the parcel all the way to the rear  
property line, I'll say, to be part of DEC  
regulated wetlands MB-30. I can't hypothetically  
say whether or not someone could do that. Any  
land that's not part of these five lots, the  
developed portion of these five lots, is  
environmentally constrained by that DEC regulated  
wetland.

MR. DURYEA: Well I'll also make an  
important note right here. There's two lakes on  
this gentleman's property, and beautiful fishing  
in them, too. With that said, I read the  
engineer's report. The perc tests in two of  
those lots closest to the lake barely passed.  
Barely passed.

MR. CELLA: All the percolation tests  
on this property I think passed -- they passed  
adequately. I believe they were approximately 30  
minutes. Anything that takes over an hour is to  
be considered failing.

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MR. DURYEYEA: I didn't say fail. I said barely passed. You have to read -- whoever presented this, whoever put this together, made a very clear distinction that they barely passed --

MR. CELLA: I'm not aware of that report.

MR. DURYEYEA: -- because it is all wet back there.

CHAIRMAN EWASUTYN: Pat Hines, would you comment on that?

MR. HINES: Sure. My office reviews the subsurface sanitary disposal systems. The stabilized percolation rates are in the 20-minute range. 20, 19, 17, 16 and 22. As the applicant -- as the design engineer just stated, a perc greater than 60 minutes per inch would be an issue.

One of the constraints on the parcel is that the deep soil testing revealed limited layers in the soil horizons, and some of the septic systems have been designed as a shallow absorption trench system which is a conventional septic system based on the Public Health Law 75-A and are permitted, but they're going to bring in

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2 up to 18 inches of fill to design those shallow  
3 absorption trench systems. They are an  
4 acceptable conventional designed septic system,  
5 and those are being utilized because of the deep  
6 soil testing, not the percolation tests. There  
7 were limiting layers in the soil horizon. There  
8 were minimum 2 foot adequate soil and they bring  
9 in that 18 inches to meet the requirements. A  
10 couple of the septic systems are designed under  
11 those design standards.

12 CHAIRMAN EWASUTYN: Let's stay focused  
13 on the comments. We have licensed professionals  
14 that are stating what they're representing is  
15 accurate.

16 Another question that you raised was  
17 the location of your well and the location of  
18 your neighbor's well and will they be impacted by  
19 the roadway, the private road. Would someone  
20 like to speak on that?

21 MR. HINES: I'll defer to Jonathan.

22 MR. CELLA: Along the roadway we  
23 provided a roadside swale and a stormwater  
24 collection system of a series of catch basins and  
25 manholes and piping to collect any runoff from

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the road and direct it to the stormwater management pond in the rear of the property. The swales start all the way at the beginning of the road near Cronk Road and convey that -- runoff from within the property naturally drains towards the wetland and not any adjacent properties. There's a ridge along the eastern property line, so that's a natural barrier. Any water there goes down and then ours comes back on site. Any water on the site goes towards these on-site Federal wetlands -- State and Federal wetlands.

MR. HINES: So during our initial review the project did not have those swales along the private roadway. I identified that as a concern, that the runoff from that proposed private roadway would discharge from the crown of the road on either side to the adjoining properties. We gave the applicant's engineer that comment and felt that that runoff from the roadway should be conveyed to the rear of the property, and there was a requirement to put in water quality improvements on the rear lots prior to discharging that water to the wetland areas. During the initial review we had had a pipe from

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the roadway to lot 2 to the adjoining ponds, and we felt that it was inappropriate to be putting a point discharge towards those adjoining ponds. We tasked the applicant's representative to redesign these stormwater management system to bring them back discharging to the rear of lots 3 -- 2 and 3 and discharging on those lots with a water quality improvement prior to discharging to the DEC's regulated adjacent area.

MR. DURYEA: But sir, with all due respect, and I respect your profession, it's all wet back there.

MR. HINES: I agree.

MR. DURYEA: It's not just a matter of we're going to divert it over here but we're not going to let it get over here.

MR. HINES: The concern was the point discharge to the neighbor's property we didn't feel was appropriate, which is why we tasked him with keeping the runoff on their property until it had a discharge location.

Also the concern was there was no drainage in the private roadway and it was allowed to sheet flow off of what I believe is

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2 your lot and your neighbor's lot on the opposite  
3 side of the 50-foot right-of-way. So that was  
4 addressed during the design. It was an issue  
5 that we brought up, potentially discharging water  
6 to your neighbors when there were other ways to  
7 manage that on the site.

8 MR. DURYEA: So going back to the well.  
9 I don't want to have to pay to drill another  
10 well. What are the odds of this impacting our  
11 water, not just mine?

12 MR. CELLA: The project follows the New  
13 York State and Orange County guidelines for  
14 meeting separation to any onsets or adjacent  
15 wells, which would include yours. We provided  
16 adequate separations from the new proposed septic  
17 systems, and, as we stated, the stormwater will  
18 be diverted away from your well.

19 MR. HINES: I'll re-reference that.  
20 It's not actually a guideline, it's a regulation.

21 MR. CELLA: Sorry.

22 MR. DURYEA: So what does all that  
23 mean? Is it going to impact --

24 CHAIRMAN EWASUTYN: Dominic Cordisco,  
25 Planning Board Attorney, can you respond to some

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of these back and forth comments?

MR. CORDISCO: The applicant is required to meet the State standards in connection with stormwater control. They have prepared a plan that shows that they've demonstrated that they're doing so.

MR. DURYEA: So your answer is that it wouldn't impact it?

MR. CORDISCO: That's correct.

MR. HINES: Just to go a little further. This project doesn't exceed the requirements where the water quality -- the New York State requirements for water quality improvements would be required, but the Town of Newburgh has a more stringent stormwater regulation. Because of the construction of the private road, the Town of Newburgh regulations kick in and require that the stormwater management project be implemented. So it's more stringent than the State that has been implemented by the Town because of issues in the past. So we do look at stormwater and do require that --

MR. DURYEA: I'm referring to potable

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water.

MR. HINES: Yes. So the potable water is -- the issue there is that the lot sizes under the zoning are envisioned, if they're larger, for having wells and septics. So if you calculated the amount of water that falls on this lot -- we have 42 inches, plus or minus, of rainfall every year on every inch of the lots. That's why the lot sizes are larger where you have both wells and septics, to provide adequate, number one, recharge and then capacity for the sewage treatment. Wells are required to be a minimum 15 feet off the property. Your well is significantly more than 15 feet into your property from this. A properly constructed well would be grounded into bedrock and would not be subject to influence of surface water.

MR. DURYEA:: Okay.

CHAIRMAN EWASUTYN: Let's move on to what I believe was an additional question that you had. Are two-family homes permitted in the Town. Pat Hines.

MR. HINES: Two-family homes are permitted in this zone. They require



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significantly larger lot sizes. Shooting from the hip, I believe it's 100,000 square foot rather than the minimum lot size normally. So they are allowed. They have a larger lot size.

The septic systems are larger. We have reviewed those septic systems for the six-bedroom rather than the four-bedroom homes which are the conventional ones.

MR. DURYEA: Are rentals allowed?

MR. HINES: That is beyond the scope -- whether they're rented or lived in is not something the Board would address. The Board does have architectural review authority on those. The Town has a separate code for duplex houses and it addresses how they have to look. They have to look like a single-family home, can only have one entrance, can't have two doors. That's something else the Board will also address. Whether they're rented or sold, I mean they could be sold the first time and then the people could move out and rent them. We don't have that control.

CHAIRMAN EWASUTYN: And to conclude the conversations about the private roadway and such,

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I think there was a statement made that at the entry point the soils are wet. Do you want to comment on that?

MR. DURYEA: The other lot. Right.

MR. CELLA: You're talking about --

MR. DURYEA: The one off of Forest.

MR. CELLA: We don't have an issue on our frontage.

MR. DURYEA: I understand they're different. It lends itself to the future.

CHAIRMAN EWASUTYN: I don't think that's under our review.

MR. DURYEA: I heard his answer before.

CHAIRMAN EWASUTYN: Okay. Do we have additional questions or comments from the public tonight?

(No response.)

CHAIRMAN EWASUTYN: Okay then.

MR. DURYEA: Pat?

UNIDENTIFIED SPEAKER: Everything is done right. They answered our questions, too.

MR. DURYEA: I'll send you the bill.

MS. JABLESNIK: If anyone on Zoom wishes to speak about this application, you can

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unmute yourself.

(No response.)

MS. JABLESNIK: No. We're all set,  
John.

CHAIRMAN EWASUTYN: If there are no  
further questions from the public, I'll open it  
up to the Board Members for their comments.  
Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No additional. He covered  
it very well.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing at this time.

MR. DURYEA: Oh, last question.  
Utilities. Are they going underground?

MR. CELLA: I believe the utilities on  
Cronk Road are above ground.

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MR. DURYEA:: They are.

MR. CELLA: We don't -- that's a question for the utility company.

MR. DURYEA: Don't you have to provide underground if that's the way you plan on going?

MR. HINES: They're underground. Central Hudson is going to require them to be underground I believe.

MR. DURYEA: Okay.

CHAIRMAN EWASUTYN: If there are no further questions, thank you.

MR. DURYEA: Thank you.

CHAIRMAN EWASUTYN: You're welcome. Would someone move for a motion to close the public hearing on the Hammond five-lot subdivision?

MR. MENNERICH: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Motion by Ken Mennerich. Second by Frank Galli. Any discussion of the motion?

(No response.)

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Pat Hines and  
Dominic Cordisco, can you speak on the final  
resolution and the conditions that must be met?

MR. HINES: Sure. The project contains  
two duplexes. There was a typo on one of the  
lots that identified one of them as a duplex  
which we discussed at the last meeting. That  
still needs to be corrected. It is only a  
single-family home and the septic system is  
designed as a single-family home. That needs to  
be addressed.

With that, the Planning Board has ARB  
authority over those and should address that this  
evening.

CHAIRMAN EWASUTYN: Do you have the ARB  
plans with you? I know you had them before. I  
think we have plans but -- that was part of your

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submission.

MR. CELLA: So as stated by the Planning Board, the intent of a two-family residence is to design the front so that it looks as a single-family residence. This would be the proposed front of the residence. We'd have a door and a front porch centered on the house. This is the rear. You see two doors on the rear but that won't be visible from any streets, or from the private roadway either.

We're proposing a two-bedroom -- sorry, two-story houses with two apartments each. They are duplexes, so the apartment would be split down the middle. Each apartment would be two stories.

MR. DURYEA: But yet they share the same sewage and water?

MR. CELLA: They share the same on-site well and the same on-site sanitary disposal system. Correct.

As part of the site plan we also provided -- on the sites that had the two-family residence, we also provided additional parking as required by the Town of Newburgh.

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I generated floor plans for these residences. They're proposed as 47 by 30 feet. 30 feet deep by 47 feet wide.

CHAIRMAN EWASUTYN: And the colors of the buildings?

MR. CELLA: We're proposing vinyl siding and they be earth tones.

CHAIRMAN EWASUTYN: Thank you.

Any questions from the Board Members on the ARB?

MS. DeLUCA: When you say earth tones, can you be more specific?

MR. CELLA: Beiges and greens. The vinyl siding, my understanding, is very hard to predict what's available right now. I don't think there -- by the time they're built I think that would be hopefully more available, the beiges and greens.

MR. BROWNE: Jonathan, I believe you need to submit the sample numbers and identification so that can be part of the --

MR. CELLA: Okay.

MR. WARD: ARB.

MR. BROWNE: -- ARB.

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MR. CELLA: We can do that.

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Is that the dormer over the top?

MR. CELLA: We didn't provide any dormers on the roofs. We just provided a small front porch.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No, John. Nothing further.

CHAIRMAN EWASUTYN: So then we'll make part -- we'll stop at this point. Would someone move for a motion to approve the ARB for the two two-family homes subject to the applicant completing the ARB form which lists the colors and materials which will be part of the record?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.



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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: If we can continue now with the resolution for approval for the five-lot Hammond Subdivision.

MR. HINES: The private road will require approval by the Town Board -- a road name approval by the Town Board. The access and maintenance agreement will require approval from Dominic Cordisco's office. That should also encompass the operation and maintenance of the stormwater management facilities that are part of the private road. A permit for coverage from the DEC for your stormwater permit for residential projects 1 to 5 acre disturbance will be required. We have a couple of comments outstanding on the subsurface sanitary sewer disposal systems which must be addressed. A final sign off from the highway superintendent regarding the access off of Cronk Road. And then we need an additional copy of the

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stamped survey from Mr. Rich as part of our file.

CHAIRMAN EWASUTYN: Dominic Cordisco,  
please.

MR. CORDISCO: There should also be the  
cost estimates.

MR. HINES: I'm sorry. There will be a  
requirement for security for the private road and  
stormwater. So we'll need cost estimates for the  
security and the inspection fees.

MR. CORDISCO: Besides that, I have no  
additional conditions of approval.

If the Board is satisfied, you could  
consider granting both preliminary and final  
conditional approval at this time with the  
written resolution to contain all of the  
conditions as stated by Mr. Hines and myself.

CHAIRMAN EWASUTYN: Would someone make  
a motion to grant preliminary and final  
subdivision approval subject to the conditions  
that were stated by Pat Hines with McGoey, Hauser  
& Edsall and Dominic Cordisco, Planning Board  
Attorney?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Dave Dominick. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. CELLA: Thank you.

(Time noted: 8:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 20th day of April 2021.

*Michelle Conero*  
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MICHELLE CONERO

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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

CONTINUED PUBLIC HEARING  
SOLAR SITE/MIXED USE

Date: April 15, 2021  
Time: 8:02 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PATRICK HINES  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: MICHAEL MORGANTE &  
JEFFREY LEASE

----- X

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

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CHAIRMAN EWASUTYN: The next item of business is Darrigo Solar Farm. It's a continuation of a public hearing. It's a solar site/mixed use site plan. It's located on 86 Lakeside Road in an R-1 Zone. It's being represented by Mike Morgante.

MR. MORGANTE: Good evening, Mr. Chairman and Planning Board Members. My name is Michael Morgante and I am the project engineer for the solar farm site plan that's before this Planning Board.

Last we were here we had addressed the majority of the outstanding technical comments that were associated with this project. We provided a pretty extensive overview. We opened the public hearing. We received comments from the public. We addressed the majority of those comments.

One of the most important comments received from public comment were some drainage issues that were existing, or potential pre-existing associated with this property along the -- let me get over here so I can identify it -- along the northern -- actually, northwestern side

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of the property over by Patton Road where the bend is right there, where we have one of our entrances shown into the -- it's shown into the actual solar farm site.

We conducted a site visit approximately about a month ago. Mr. Hines was there, myself, Mr. Darrigo showed up at the site visit also, as well as some of the adjacent neighbors alongside the western property boundary right here. We walked the site pretty thoroughly and took a look at some of the drainage issues that were there.

One of the things we noticed is that there is an existing drainage swale along this western side of the property that had a bunch of trees and debris and brush in it. It looks like it hasn't been maintained in quite awhile. One of the first things we thought of was to essentially kind of clean that drainage swale out, regrade it and make sure we've got good, positive drainage to ensure that any runoff that comes from the eastern portion of the site makes its way into the swale and ultimately down to the northwestern portion of the property by Patton Road, at which point at that location what we're

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going to do is propose a catch basin with a flared end section that would capture any of that runoff that would come. At this current time it actually, I guess, kind of goes to the west, down Patton Road, and ultimately discharges to the properties across the street to the north of Patton Road. We would actually just kind of cut right across Patton Road at this location right here and discharge right on that spot. It would facilitate the discharge of flow a lot quicker. These are 12-inch pipes, from what we can gather, going to the west along Patton Road. We would propose a 15-inch pipe minimum size at this location to connect to the catch basin and discharge across Patton Road to the north.

One of the other things we looked at when we had walked the site was proposing a French drain alongside the shed area right here. That's shown roughly in the central portion of the site. That French drain would continue to move to the south. There are some existing catch basins that are located along the access road for this particular site. We would connect that French drain into those catch basins. Those



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catch basins would then wrap that flow down this access road here and ultimately discharge into this New York State DEC wetland where a majority of the runoff from the site already discharges to.

Those were predominately -- unless I missed something Mr. Hines, those were predominantly the drainage measures that we've identified in the field and we feel will adequately address any issues that were brought up at the public hearing.

CHAIRMAN EWASUTYN: Pat Hines, would you --

MR. HINES: Sure. I agree with everything Mr. Morgante said. Luckily the neighbors were there that day, and we did walk around with the neighbors. They gave us some good insight on the existing conditions and what's occurring on their property.

I concur that when we looked at the plans, that drainage ditch is depicted on the existing topography, only it has not been maintained. Mr. Morgante and I walked that whole situation. He had proposed -- I guess a little

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more history. The Town Highway Department has done some improvements on Patton Road. There used to be a ditch along Patton Road, in front of the residents' houses. I did take the opportunity to speak with the highway superintendent and bring him out there to get a little more history. It has been piped and brought across Patton Road, which I think we heard from these folks here about the elevation of the driveway that had been changed per some of the Highway Department work.

So the solution was we're going to leave the existing drainage system in place -- I met with the highway superintendent in the field subsequent to our meeting. Leave what's there and bring another pipe across Patton Road to take any excess volume that's in that vicinity. So what's existing will remain and there will be an additional pipe crossing Patton Road. I met with the highway superintendent out there and he concurred with the improvements. We walked the site. He reached out to the previous two highway superintendents ago to get some of the history of what occurred out there, so he was very aware of what happened, and he also concurs with the

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placement of the pipe across Patton Road, leaving what's there in place to function and provide this additional pipe to provide additional drainage from the pre-existing ditch.

The material from the ditch is going to be placed between the ditch and I believe your residence. You were out there with us. There were a couple of spots where the ditch wasn't maintained and water was discharging out of the ditch onto this gentleman's property. That will be addressed during the cleaning of the ditch, that material we placed there to assist in that.

The houses are in a low area. I think they have an existing condition out there. We want to make sure we don't exacerbate that problem. I think these improvements will also help with the existing conditions as well.

CHAIRMAN EWASUTYN: All right. In looking to close the public hearing, are there any additional questions or comments?

Go ahead.

MR. PEEL: Yes. My name is Robert Peel, I live at 93 Patton Road. I have a letter here, and I gave it to Mr. Hines, it's from fifty

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years ago. It's from a lawyer that my aunt and uncle, my mom and dad had about the flooding of our property. This is an ongoing problem. I just want to pass it out to make sure everybody has a copy of this and understands how severe this is. It states in this letter -- it's from the lawyer -- that our property gets fully engulfed with water. So I just want to put this on the record, if I could, please.

MR. HINES: I think the gist of that letter was the construction of Interstate 84 had resulted in impacts to your property.

MR. PEEL: Yes. It was also addressed to Mr. Darrigo to help solve -- and the State to help solve the problem. That ditch that you talk about was part of the solution.

This is my dilemma. If we clean this ditch out and we put a swale and it looks nice, who is to maintain it?

MR. HINES: So by placing that on this approved site plan, it becomes enforceable by the --

MR. PEEL: By who?

MR. HINES: -- the Code Enforcement

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Office. Any improvements on this site plan --

MR. PEEL: So just so I understand, so if I -- two years from now I take a walk up through this -- the edge of the property and -- who do I go talk to? You? You?

MR. HINES: The Code Enforcement Office. I'm sure they'll call me up immediately after that. They are the agency in the Town that would receive that. In addition, the highway superintendent. Again we brought him out there after we met with you folks in the field. I brought him out there to discuss this as well.

MR. PEEL: Okay. One of the other things is when that gentleman was at my house, he said they were going to build a swale, pile it much higher on my side and then plant some type of trees or something, because he told my wife we would never see solar panels. Well --

I need a question. What's the elevation difference from where these panels are up here?

MR. MORGANTE: 40 feet.

MR. PEEL: About 40 feet you think?

MR. MORGANTE: I don't know. Let me

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look. So right here we're about 520 and right here about 540. About 20 feet.

MR. PEEL: The trays you say you put underneath these to catch water --

MR. HINES: No.

MR. PEEL: What goes under the panels?

MR. HINES: Grass.

MR. PEEL: He said stones or something.

MR. MORGANTE: We have a few level spreaders shown. You'll see one right here. The purpose for the level spreader is that as water is traveling down the hill, so it doesn't come into a concentrated point and become channelized and flow faster, it will go into this level spreader which will kind of fill up. Think of it as a big, long trough. It will fill up and it will spill over and create what's called sheet flow. It's to help prevent erosion and keep everything moving in a gentle, steady direction.

MR. PEEL: Where are they located?

MR. MORGANTE: There's one right here and there's another one -- this is actually -- we have one shown really right here.

MR. PEEL: There's nothing closer here?

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MR. MORGANTE: This is all very flat over here, so there should be no channelization of water.

MR. PEEL: This is straight uphill.

MR. MORGANTE: And I have one here.

MR. PEEL: Okay.

MR. MORGANTE: I just don't have one down here. This is very flat. It's going already into that drainage ditch.

MR. PEEL: Can you tell me how big this ditch is going to be, this swale that you're going to put in?

MR. MORGANTE: It's probably like about one foot wide, maybe one or two feet deep.

MR. PEEL: What's going to be in the --

MR. MORGANTE: It's pea gravel.

MR. PEEL: Okay.

MS. PEEL: Are you going to plant trees, because right now I can see everything? We were told there's going to be some trees planted before the solar arrays.

MR. MORGANTE: I mean I would actually defer to Mr. Lease on that. I mean we were out there personally, myself and Mr. Hines, and we

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walked the property with your husband that day. It did not appear that there would be any issues. It looked like there was dense vegetation growth there. If there's something to the contrary of that, let me see it.

MR. HINES: The clearing has been done.

MS. PEEL: This is a picture from my back porch.

MR. MORGANTE: What am I --

MS. PEEL: You're looking right here at trees. The trees are down. There's nothing at all that's going to -- this is going to be where the stormwater drain is and there's like nothing. Is that the way it's going to look?

MR. MORGANTE: I mean the one issue -- I don't think we're trying to not plant screening. We've got plenty of buffer shown around this site. The question becomes can we find a tree to plant in that area that would not impact the drainage ditch or would grow and function properly in that swale.

MS. PEEL: I look around the Town of Newburgh, and the projects that are there have very nice, wonderful looking things to look at.



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MR. MORGANTE: I'm not saying --

MS. PEEL: I mean, can I show you --

MR. MORGANTE: I'm not saying no. I'm just saying that we have to make sure we choose something that's going to be suitable.

MS. PEEL: I mean that's what I'm looking at on my back porch.

MR. PEEL: How long is that swale? How many feet?

MR. MORGANTE: Let's take a look.

MS. PEEL: And my grandchildren.

MR. HINES: Mike, that property line is 550 feet.

MR. MORGANTE: I just did a thumb scale. About 500 feet.

MR. HINES: One of the things in the field we talked about, Mike, and you were going to check on the need for that access point on Patton Road. I know the trees have been cut, but you were going to discuss with the applicant whether or not that access point was critical to the solar array.

CHAIRMAN EWASUTYN: Can you sit, please.

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MR. MORGANTE: I don't believe it is. That gravel access road could potentially be removed. We would like to double check with the solar company before we give a final answer on that. I think it's really up to them in terms of what they require for access. I do believe they could probably still access this entire side along this array here from this access point to the south. So I'm presuming we can actually eliminate that access.

MR. HINES: Unfortunately the tree clearing took that into account because it was on the plan. If we can eliminate that access, I think it will go a long way to maybe providing some area to landscape for these folks.

MR. MORGANTE: That would be a more suitable place to plant trees. I'll agree with that.

MR. HINES: Yes. We talked about that in the field. I didn't know if you had that conversation with the solar company. It doesn't get them very far in there, and they certainly have access along other portions of the project.

MR. MORGANTE: We can certainly provide

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additional evergreen tree screening in that area where we've got that access road currently shown. I don't see an issue with that. We have to be careful, we need to keep a 50-foot separation between the arrays and any trees for exposure to the -- sun exposure. We can definitely put something in that area. And we did keep a 100-foot buffer in that area.

MR. HINES: It's not 100 there. It might be 50. It's not 100.

MR. MORGANTE: It's 100 to the array.

MR. HINES: To the array, yeah. The tree clearing is less.

MR. MORGANTE: Probably about a 50-foot buffer, roughly.

CHAIRMAN EWASUTYN: Any additional questions or comments? The lady in the back.

MS. CANDELA: I'm Susan Candela, I live at 97 Patton. My husband and I have been away. We came back and the hill by us was butchered. Pretty much that's what it boils down to. We look over toward our neighbors and all we see is baron land.

I'm really glad this gentleman was kind

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enough to call it a hill instead of just calling it a slope like he was.

Is there a way to put a French drain so that instead of all the water coming down from that hill into our gully, it can go and be on an angle to hopefully collect so that maybe we'll have a pond? We might be able to go bass fishing, the rate it looks.

It's really sad to see that. I mean I was like okay, well here is the property they're talking about, here is where that wonderful old road was. Figured that's where they'd go in. No. They went right in by the water. And all those trees around the water are taken out. So that makes it even worse.

I know that up the hill there's 150 foot before the fence. We only get 50. Sure there's 150 --

CHAIRMAN EWASUTYN: Okay. We can elaborate to a point than we've overelaborated. The question you're raising is is it possible to put in a French drain --

MS. CANDELA: Or something that will help --

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CHAIRMAN EWASUTYN: Let's stick to the point. Thank you.

MR. MORGANTE: Where exactly are you talking about on the map?

MS. CANDELA: Excuse me?

MR. MORGANTE: Where exactly are you speaking about on the map?

MS. CANDELA: I'll be happy to try to show you if I could read the darn thing. So where is Paton? So here is the first house. Right in here is where they cut.

MR. MORGANTE: Correct.

MS. CANDELA: They didn't cut where -- I mean here is where the old road was, the way it would come down. Why was it here? Why is it so close to our house?

MR. MORGANTE: We're discussing right now about removing this and planting trees.

MS. CANDELA: That would be great. I would really love you to go over a little bit more because you're not going to get -- because of the level, the height, you're not going to get sun for most of the day here until it's later on in the afternoon.

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MR. MORGANTE: I would defer to the electrical engineers that did their studies on this. I'm sure they had to have gotten that right if they were going to propose this project.

MS. CANDELA: Okay.

CHAIRMAN EWASUTYN: Any additional questions or comments before we close the public hearing?

MR. CANDELA: Joe Candela, 97 Patton Road. So that ditch that hasn't been maintained -- so we had the land clearing, all the trees cut down. I know they weren't taken out yet. I did notice that no trees were cut in that ditch. Those trees still exist in that ditch.

MR. MORGANTE: They're meant to. They're meant to stay there.

MR. CANDELA: In the ditch?

MR. MORGANTE: Correct.

MR. CANDELA: In the drainage ditch?

MR. MORGANTE: When you say trees --

MR. HINES: To maintain that ditch, some of those -- they're smaller diameter but there are trees in that ditch that don't belong there that will have to be removed as part of

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this project.

MR. CANDELA: I was surprised that they weren't cut when that cutting operation --

MR. HINES: They're not of a diameter where they are an issue. They're probably 4-inch diameter, some of those trees. They will be removed during maintenance of that ditch.

MR. MORGANTE: We're also not at that stage of the project yet.

MR. CANDELA: Okay.

MR. HINES: I wouldn't want the people that were doing the massive land clearing, you may be missing all of the trees.

MR. MORGANTE: There are some trees along the outside of that that are going to remain. We're not removing those.

MR. HINES: There will be a selective cutting of trees within that ditch to reestablish that ditch.

MR. CANDELA: What my wife was referring to, the road that you started cutting the trees down for, we were pretty surprised that that was done right there alongside with the ditch. There is an old road that's grown in when

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they had the radio tower back there for WGNV.  
It's coming right down the apex of the curve.  
There was a road going right into the property.  
They used to use that for servicing the antenna.

MR. HINES: That wasn't on this  
property, though. The property lines are -- that  
would have been on an adjoining parcel.

MR. CANDELA: Really? That whole road  
that grew in?

MR. HINES: The point of that road is  
right where this property touches the Town  
right-of-way at Patton Road, and then Patton Road  
goes off.

CHAIRMAN EWASUTYN: So the mitigation  
measure that you're proposing is to put in  
evergreen trees?

MR. MORGANTE: Yeah. I'll confirm with  
the solar company just in case we need to  
maintain that access point. We'll plant  
evergreen trees around the outside of it the best  
we can to screen what's behind it.

CHAIRMAN EWASUTYN: For the record, the  
evergreen trees would be of what height when  
planted?



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MR. MORGANTE: Did we ever talk about that?

MR. LEASE: At least 16 feet.

MR. MORGANTE: What?

MR. HINES: No, we're not putting 16 feet trees in.

CHAIRMAN EWASUTYN: I don't think you're planting 16 foot evergreens, because the likelihood of a transplanting of 16 foot of anything and surviving and growing within the first four, five years, having heard from landscape architects, is not as successful as planting something that's 6 to 8 feet tall.

MR. MORGANTE: Did they specify any type of evergreen trees for this project? I think they were asking for the type as opposed to the size.

MR. LEASE: No. We had done a study with some buffer there. The landscape architect had determined evergreen was probably not the most appropriate for that wet condition.

MR. BROWNE: Can you identify yourself?

MR. LEASE: I'm sorry. I'm Jeff Lease.

MR. MORGANTE: Jeff, we're talking

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about this area right here outside of the wet area. We probably can propose Norway Spruce or something.

CHAIRMAN EWASUTYN: Mr. Peel, we've covered all the matters now.

MR. MORGANTE: We'll plant them an adequate height. They grow quite quickly each year. We'll plant them at an adequate height that they survive the first season.

MR. HINES: Karen Arent was involved in reviewing the landscaping here. I think maybe a condition could be imposed that landscaping as approved by Karen. I mean she knows the species that will be there. A revision to the landscaping plan as acceptable to Karen Arent may be a condition that could be imposed.

CHAIRMAN EWASUTYN: She may suggest putting in some deciduous trees along with the evergreens, because I think one of the comments from the public were what about all the deer that are there and I like looking at the deer. The difficulty with deer is they'll feast off of evergreens. So there's a balance. That's a good recommendation.

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MR. MORGANTE: We take no exception.

CHAIRMAN EWASUTYN: Having had the field inspection, having heard from the public this evening; Pat, would you like to add anything before the close of the public hearing and the Board Members' comments?

MR. HINES: We have the clearing and grading security in place. I'm suggesting that that remain in place until the culmination of the project. We do have that security. I would suggest that remain.

The other uses on the site were provided in more detail, and there were notes that we reviewed during the work session. I know there were some questions possibly of the hours of operation there. You may want to address that.

We're going to need security for the landscaping and stormwater improvements, and estimates for that should be submitted for review, the security and inspection fees.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

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MS. DeLUCA: No comments.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: No comments.

MR. BROWNE: Nothing more.

MR. WARD: Pat, didn't we say anything about the height? I remember saying about the access road and you were supposed to not have it --

MR. HINES: Our conversation in the field was whether that short access road was required. Without it I think there could be some additional beneficial -- unfortunately the existing vegetation was cut there. If that road is not needed, it's really -- it's probably -- I don't know, I'm shooting -- 50 feet long, 75 feet long as an access point. There are two other access points to this project. If it's not needed, I think it could go a long way to mitigating the visual impacts right along Patton Road and some of these residences.

MR. MORGANTE: We'll be glad to look at that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

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MR. DOMINICK: I would just like to add that we go with Karen's recommendation on the quantity of trees as well.

MR. MORGANTE: Sure.

MR. DOMINICK: Finally, I really appreciate the residents and the community coming out and bringing a lot of this to our attention, and Mr. Hines' team going out there and rectifying the drainage problem for you folks. So thank you for your time, especially on a wet night like tonight. We appreciate it.

CHAIRMAN EWASUTYN: Would someone move for a motion to close the continuation of the public hearing for the solar site plan and mixed use for Darrigo Solar?

MS. DeLUCA: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca and a second by John Ward. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Mr. Cordisco, should we quote the conditions of approval at this point or should we move on to the site plan?

MR. CORDISCO: You may certainly do so.

I'll just note that the Board previously adopted a negative declaration to closeout the SEQRA process on February 18th, and so this would be conditional site plan approval. It would have the general conditions that the plans have to be submitted for signature and all fees have to be paid. In addition to that, it would have the maintenance of the clearing and grading performance security in place, as well as the additional landscaping plan revisions consistent with the discussion tonight, actually in coordination with the Town's landscape architect.

I also had a note about cleaning out the additional swale. Is that a condition of the approval, do you believe, Mr. Hines?

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MR. HINES: Yes.

MR. CORDISCO: That would be the cleaning of the swale for the adjoining residential parcel.

CHAIRMAN EWASUTYN: Comments on the conditions for final approval for Darrigo Solar Farm?

MR. HINES: We had the landscape security.

MR. CORDISCO: Landscaping security as well. Yes.

MR. WARD: John, my question is on the plans it has for the Terror Dome, the operation of hours. We were talking at the work session where we feel it should not be 12:00 at night. We feel it should be earlier. 6 to 10 operation.

MR. DARRIGO: Dan Darrigo, I live at 86 Lakeside Road. I mean my nephew is the one that handles the Terror Dome. I'm not sure how to answer that. I know we did talk about hours of operation.

MR. HINES: The plan identifies 7 p.m. to midnight. The Board was a little concerned that midnight may be a little late.

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I'll defer to the Board.

MR. DARRIGO: Has that been an issue in the past with my nephew opening --

MR. WARD: It's an issue with the residents being late at night. That's why we're saying it.

MR. DARRIGO: Pretty much my nephew wasn't changing anything since it's been operational for the past fifteen or so years. So I'm not -- to be honest with you, I'm not even sure what time he closes. I'm usually sleeping. I didn't know -- were there any complaints from residents in the past? I don't think he's planning on changing one way or the other.

MR. WARD: We're putting it on the plan and I want to make sure it's on the plan.

MR. MORGANTE: The location is identified on the plan. The location is actually very close to Interstate 84. All the residents would be coming in off Lakeside Road, on this side. I mean I can't say it's going to be a perfect situation but we have located that in an area that's as far away from the neighboring properties as possible. At least that's been the



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DARRIGO SOLAR

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area of operation in the past, as Mr. Darrigo noted. They have operated I guess until midnight. I can tell you all the ones I've gone to operate later than midnight.

MR. HINES: The first two neighboring properties are identified as now formerly Darrigo as well.

MR. MORGANTE: There's a pretty active buffer.

MS. CANDELA: Sound travels very well.

CHAIRMAN EWASUTYN: Please, please.

MS. CANDELA: Sorry.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Do they want to continue on with the hours of operation being no later than 12:00 or midnight or to lessen the hours until 10:00 in the evening. Frank Galli?

MR. GALLI: I asked the question to the code enforcement officer that was here at the work session. He never had any complaints from the neighbors the whole time they were operating, so I don't have an issue with 12:00.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: I'm not really that

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familiar with the hours or anything else. If there haven't been any issues in the past, I don't see the need for it.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Given the location also, I don't see a need to change it.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I agree.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: I already said my opinion.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I guess I'm a minority as well. I thought the hours should be lessened. It's a moot point.

CHAIRMAN EWASUTYN: Let the record show that the note on the site plan would have hours no later than midnight, 12:00.

Anything else?

MR. CORDISCO: I would note also for the record, Mr. Chairman, that the use for the Terror Dome is a prior nonconforming use which is allowed to continue on the property as a result of the determination from the Zoning Board of Appeals, but it is not to be enlarged or

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expanded. The conditions in the operation of that area and both the intensity of the use in that area and the hours of operation are the outer bounds of that particular use. If there was going to be any expansion in any of those regards, it would require further review and approval from the Town.

CHAIRMAN EWASUTYN: Thank you.

Having had discussion on the conditions for final approval for Darrigo Solar Farm and having heard from Pat Hines and Dominic Cordisco, would someone move for a motion to grant that approval subject to the conditions of the resolution?

MR. GALLI: So moved.

MR. BROWNE: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Thank you. That ends our business for the evening.

MR. MORGANTE: Thank you for your time tonight. Have a good night.

CHAIRMAN EWASUTYN: May I have a motion to close the Planning Board meeting of the 15th of April?

MR. BROWNE: So moved.

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

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Second by Stephanie DeLuca. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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(Time noted: 9:00 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 20th day of April 2021.

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