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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

BJ'S WHOLESALE CLUB - NEWBURGH
(2019-07)

NYS Route 17K and Auto Park Place
Section 97; Block 2; Lots 44, 45, 46.2 & 27.32
IB Zone

----- X

PUBLIC HEARING
ARCHITECTURAL REVIEW/SIGNAGE

Date: April 16, 2020
Time: 7:00 p.m.

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI (Present at 7:05 p.m.)
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK
JOHN A. WARD

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

APPLICANT'S REPRESENTATIVE: ANDREW FETHERSTON

----- X

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

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CHAIRMAN EWASUTYN: Good evening. The Town of Newburgh would like to welcome you to the Planning Board meeting of April 16th. This evening we have five agenda items. Item number 1 and item number 2 are a public hearing. Within a few minutes Dominic Cordisco with Drake, Loeb, the Planning Board Attorney, will be speaking to you on the public hearing and also the agenda before us this evening.

I'd like to take the time now to call out for a roll call vote starting with John Ward.

MR. WARD: Present.

MR. DOMINICK: Present.

MR. BROWNE: Present.

CHAIRMAN EWASUTYN: Present.

MS. DeLUCA: Present.

CHAIRMAN EWASUTYN: At this time we have -- we're being represented by our consultants, and I would ask that they introduce themselves.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

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

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

CHAIRMAN EWASUTYN: Okay. And we'll be
now turning the meeting over to Pat Hines. Go
ahead.

MR. HINES: Ken, were you able to put a
flag up? There we go.

I would like us all to join in the
Pledge of Allegiance to the flag.

(Pledge of Allegiance.)

CHAIRMAN EWASUTYN: Thank you. Dominic
Cordisco, Planning Board Attorney, can you speak
to all of us on tonight's meeting?

MR. CORDISCO: Yes. Thank you,
Chairman. It's my privilege to be helping to
facilitate the Planning Board to continue
providing government services during this time.
This meeting is being held consistent with the
Governor's Executive Orders. First of all,
there's been several. Obviously we're in the
middle of this pandemic, and so we are complying
with the social distancing requirements, but
we're also mindful of and in compliance with the
restrictions that are in place as a result of

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Governor Cuomo's Executive Orders. Pursuant to the Executive Orders, it has allowed what has not been allowed before in New York, which is for meetings to occur virtually such as this one. Also for public hearings to continue even without any in-person attendance. And so as a result, this meeting has been convened via Zoom, and so obviously people that are participating via the Zoom app can see the meeting and also see the materials that are going to be discussed at this meeting.

There are two public hearings that are scheduled for tonight, and we'll get to those in next order. As far as the public hearings are concerned, what we are going to do is we are going to allow members of the public who are attending tonight during the Zoom meeting, whether or not they're doing so by videoconference or phone, to provide any comments that they have regarding the public hearing portion of the meeting. The Planning Board typically does not allow comments from the public on non-public hearing items, so what our plan to do is to mute people that are not presenting to

1
2 the Board, and then we will unmute them at the
3 time of the public hearing to see whether or not
4 there are any comments. So there will also be
5 additional opportunity for comments to be made
6 for those who can't participate during the Zoom
7 meeting or during this time.

8 So as I mentioned earlier, this meeting
9 is being recorded and the video of this meeting
10 will be posted on Youtube and a link provided to
11 the Town for that. And also the transcript of
12 this meeting will be posted on the Town's
13 website. So it is our intention to post that
14 transcript as soon as it's available. And once
15 the transcript is posted, we are providing up to
16 ten days for written public comment. That will
17 be sent to the Town Planning Board Chairman and
18 for consideration by the Board.

19 So with that said, that complies, in my
20 opinion and my recommendation to the Board, fully
21 with the Governor's Executive Orders and allows
22 the Board to continue to provide governmental
23 services during the pandemic.

24 CHAIRMAN EWASUTYN: Dominic, thank you
25 for that introduction.

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2 At this point the first item of
3 business is BJ's Wholesale Club - Newburgh. It's
4 located on New York State Route 17K and Auto Park
5 Place. It's in an IB Zone. It's being
6 represented by Maser Consulting. It's before us
7 tonight for a public hearing on the -- on ARB and
8 signage.

9 At this time I'll turn the meeting over
10 to Ken Mennerich to read the notice of hearing.

11 MR. MENNERICH: "Notice of public
12 hearing. Please take notice that the Planning
13 Board of the Town of Newburgh, Orange County, New
14 York will hold a public hearing pursuant to
15 Section 276 of the Town Law on the application of
16 BJ's Wholesale Club - Newburgh signage/ARB,
17 project 2019-07. The proposed BJ's Wholesale
18 Club project consists of a 90,000 plus or minus
19 square foot wholesale club, associated gas
20 filling station, tire/auto shop, propane filling
21 station, customer pick-up areas. The project is
22 located on a 15 plus or minus acre parcel of
23 property located on several lots including
24 Section 97, Block 2, Lot 27.32, 44, 46.2 and 45.
25 The project has received conditional final

1 approval from the Planning Board for the site
2 plan/mixed use shopping center. The project is
3 before the Board now to complete architectural
4 review and special use for an electronic sign
5 message board in accordance with Section 185-14
6 and 14.1. The electronic message board will be
7 located along New York State Route 17K frontage
8 and be utilized to advertise the various uses in
9 the mixed use/shopping center. A public hearing
10 will be held on the 16th day of April 2020 at 7
11 p.m. at which time all interested persons will be
12 given an opportunity to be heard. Due to public
13 health and safety concerns concerning the
14 COVID-19, the Planning Board will not be meeting
15 in person. In accordance with the Governor's
16 Executive Order 202.1, the April 16, 2020
17 Planning Board meeting will be held via tele-
18 videoconference and a transcript will be posted
19 on the Town's website at a later date. The
20 public will have the opportunity to see and hear
21 the meeting live and provide comments, either
22 during the meeting or by mail or e-mail, up to
23 ten days following the posting of the transcript
24 on the Town's website. The public can watch the
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meeting via Zoom. The Zoom app must first be downloaded and installed on smart phones, tablets or computers using www.zoom.us. The Zoom teleconference meeting link is <https://us04web.zoom.us/j/562570851>. Telephone dial-in only, 1 929 205 6099. Meeting ID 562 570 851. Online meeting materials <http://www.townofnewburgh.org/cn/meetings>. Comments may be sent by mail to the address above or preferably by e-mail to planningboard@townofnewburgh.org. Comments must be received no later than ten days following the posting of the transcript on the Town's website. Dated 3 April 2020."

CHAIRMAN EWASUTYN: Thank you, Ken Mennerich.

At this point in the meeting Maser Consulting will be making a presentation before the Board and the public also. There will be dialogue between the Planning Board Members, our consultants and Maser Consulting. We'll reach a point in time where that portion will come to a partial end and we'll turn the meeting over to Planning Board Attorney Dominic Cordisco who will

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then reach out to the public as far as comments.

So at this time I would like to introduce Andrew Fetherston, a Maser consultant, to begin discussing the application before us this evening.

MR. FETHERSTON: Good evening, Mr. Chairman, Members of the Board.

I shrunk down the signage application down to four sheets so it would be easy to put on the presentation.

Ken, you probably have it. Yeah, that site plan first would be great.

So we're talking about up at the top of the screen, sign number 11 is the one sign that we're speaking about. You can see on that plan that it's set back 29 feet from the property line, and it's probably about 60 feet from the edge of the pavement. That is the sign that we're speaking about. That's the electronic sign, the pylon sign.

Could you go to that detail for that sign, Ken?

So that's the detail for the sign. Total height, 29 feet. Total width, 26 feet.

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The actual sign panel will be 17 feet in height standing on a 3-foot diameter stone column that's 12 foot high.

That's about all I have on that, John.

CHAIRMAN EWASUTYN: Thank you. At this point I'll start with John Ward, Planning Board Member. Any comments, John?

MR. WARD: I think it looks very nice. It's very good. Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I agree with John, I think the sign came out nice. It's going to really make that area look attractive and professional looking. No additional comments.

CHAIRMAN EWASUTYN: Thank you.

Cliff Browne?

MR. BROWNE: I agree with how the sign looks. Also, just to note, we did cover all the technical information about the dimming and the lightness, how frequently it could be changed if they wanted to. We covered all that and I'm in full agreement with it.

CHAIRMAN EWASUTYN: Okay. No comment at this point.

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Ken Mennerich, Planning Board Member?

MR. MENNERICH: I have no questions,
John.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. It looks very nice.
Very nice. I like the stone pillar. It looks
very good.

CHAIRMAN EWASUTYN: Okay. At this point
we'll turn it over to John --

MR. GALLI: You forgot me.

CHAIRMAN EWASUTYN: Oh, you are here
now, Frank. I didn't realize you were here.

MR. GALLI: I'm here.

CHAIRMAN EWASUTYN: Thank you. Frank
Galli?

MR. GALLI: On the sign, is it always
going to be like Barton's and BJ's and Salisbury?
At any time does BJ's get big and the Barton's --
you know, does it rotate or is it always --
that's how it's going to be like right there?

MR. FETHERSTON: The Barton portion,
the BJ's portion and the bank portion are static.
The set is the electronic portion.

MR. GALLI: Okay. It looks good. I

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like it. Thank you.

CHAIRMAN EWASUTYN: Sorry. I didn't realize you had joined the meeting. It's a new experience.

Then we'll continue, thank you, to Pat Hines with McGoey, Hauser & Edsall. Pat, can you speak for us?

MR. HINES: Sure. The sign is here for approval under Section 185-14 and 14.1. The electronic signs are considered special uses under those sections of the code which require the Planning Board approval as well as the public hearing that we're having for that sign.

We did discuss the signage at the previous Planning Board meeting when we were all together and a presentation was made by the applicant's representative. We had requested, through my office and Jerry Canfield's office, an updated site plan coordinated with the signage plan. That has been submitted. The site plan as stamped depicts the sign as proposed on the site plan that we previously reviewed.

The project is also before the Board tonight for ARB approval for the other signs

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which the Board has previously reviewed on the site.

The one exception to that is the canopy signs over the gasoline fueling island have been removed from the application at this point as those may require submission to the Zoning Board of Appeals because those signage sections, 185-14 and 14.1 as they were adopted, do not address signage on the gasoline canopy. So that portion of the project being indicated on the screen now, those signs have been removed from the application. The rest of the signage shown on that site plan and previously reviewed by the Board are in this application now and were part of the Board's meeting when we previously met back in March, early March.

We don't have any other comments.

CHAIRMAN EWASUTYN: Jerry Canfield, are you with us this evening?

(No response.)

CHAIRMAN EWASUTYN: Okay. Any additional comments from Planning Board Members?

MR. GALLI: All good.

MR. MENNERICH: No.

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CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Dominic Cordisco, Planning Board Attorney. Dominic.

MR. CORDISCO: Thank you, Mr. Chairman.

As Pat mentioned, this application is a special permit application for the signage, and as a result it has required this public hearing. So with your permission I would like to unmute other members of the meeting to solicit their public comment.

CHAIRMAN EWASUTYN: Please. Thank you, Dominic.

MR. CORDISCO: This is all new for us as far as process. I'm going to try something by unmuting everyone. If anyone in particular has public comment, if you would please identify yourself so that we can make sure that we have your information down.

MR. HINES: While you identify yourself, if you can give us your name for the stenographer as well as your address to give the Board your perspective on the project.

CHAIRMAN EWASUTYN: And if possible, can you please spell your name. Thank you.

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(Pause in the hearing.)

(No response.)

MR. CORDISCO: Is there any member of the public here that wishes to comment on the public hearing for the BJ's electronic sign?

(Pause in the hearing.)

(No response.)

MR. DOMINICK: Dominic, I'm still seeing muted mics. I don't know if that is on your end or their end.

MR. CORDISCO: They can unmute on their end. I've given them the authority to unmute. They would have to unmute themselves. I can't unmute their mic from here but they can unmute themselves at this point. I do see that there are a couple people who have called in to the meeting as well. They're not muted.

At this point I don't see anyone identifying themselves as having any comments on this particular public hearing.

CHAIRMAN EWASUTYN: Okay. At this point let the minutes show that we have not received any comments from the public, and that I will make a motion to close the public hearing.

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And Dominic Cordisco, one more time, after we close the public hearing I'll ask you to speak.

MR. CORDISCO: Thank you.

CHAIRMAN EWASUTYN: Do I have a motion to close the public hearing?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Okay. I need to hear from one person.

MR. GALLI: Frank Galli. Close the public hearing.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion from Frank Galli to close the public hearing. I believe I have a second from Dominic Cordisco -- excuse me, Dave Dominick.

MR. DOMINICK: That's correct, John.

CHAIRMAN EWASUTYN: Thank you. I'll start with a roll call vote with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board is in agreement to close the public hearing.

I'll have Dave -- excuse me, Dominic Cordisco speak to all of us and the public as to what the next steps are.

MR. CORDISCO: Yes. Thank you. So the public hearing has been closed but written comments will be accepted for up to ten days following the posting of the transcript of this meeting on the Town's website. So as soon as that transcript is posted there will begin a ten-day clock for submission of written comments. Written comments can be sent to the address in the notice or to the e-mail that was also provided in the notice, which will also be included in the transcript as well as the video for this meeting which will be posted on Youtube.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: Do we want to indicate that the transcript is anticipated on or about -- to be posted on or about the 22nd I believe?

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MR. CORDISCO: I didn't want to put any pressure on Michelle.

MS. CONERO: Yes, that's fine. The 22nd is good for me.

MR. HINES: That's why I gave it the on or about as well.

MS. CONERO: Thanks, Pat.

MR. CORDISCO: And just so that we're all clear, if that is the case, and we certainly are endeavoring to make that happen, thank you Michelle, if that -- if provided the Board could consider any written comments at its next meeting, which would be May 7th, and assumingly take action at that time if it so chooses and everything is in order.

CHAIRMAN EWASUTYN: Thank you all. Andrew Fetherston with Maser Consulting, thank you.

We'll now prepare ourselves for the second item of business. We'll take a moment to prepare ourselves.

MR. FETHERSTON: Thank you, John.

CHAIRMAN EWASUTYN: You're welcome.

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

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BJ'S WHOLESALE CLUB - NEWBURGH

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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 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

DONNELLY-LESLIE ROAD SUBDIVISION
(2020-01)

67 Leslie Road
Section 26; Block 6; Lot 25
R-2 Zone

----- X

PUBLIC HEARING
THREE-LOT SUBDIVISION

Date: April 16, 2020
Time: 7:22 p.m.

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
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

CHAIRMAN EWASUTYN: Our second item of

1
2 business this evening is Donnelly-Leslie Road
3 Subdivision. It's on -- let me put on my
4 glasses. Enough guessing -- 67 Leslie Road.
5 It's in an R-2 Zone. It's a public hearing on a
6 three-lot subdivision. It's being represented by
7 Engineering & Surveying Properties. I believe
8 that will be Ross Winglovitz.

9 At this point, one more time I'm going
10 to turn to Planning Board Attorney Dominic
11 Cordisco, for those who may have tuned in later,
12 to explain the procedure for this public hearing.
13 Dominic.

14 MR. CORDISCO: Thank you, John. I'm not
15 sure I can be as eloquent as I was last time
16 around. But as I mentioned at the beginning of
17 the meeting, this public hearing is being
18 conducted consistent with the Governor's
19 Executive Orders that require New York to be on
20 pause but is allowing for certain activities to
21 continue, including board meetings, municipal
22 board meetings to occur via videoconference. So
23 as a result, this public hearing is being held
24 via Zoom. We will also -- the recording of this
25 meeting will be posted on Youtube following the

1 meeting, and then a transcript of the meeting
2 will also be posted on the Town's website.
3 Anyone who wishes to comment will have an
4 opportunity to comment during this meeting but
5 may also submit written comments to the Board for
6 their consideration up to ten days following the
7 posting of the transcript.
8

9 CHAIRMAN EWASUTYN: Thank you, Dominic.

10 At this point we'll turn the meeting
11 over to Ken Mennerich, Planning Board Member, to
12 read the notice of hearing.

13 MR. MENNERICH: "Notice of public
14 hearing. Please take notice that the Planning
15 Board of the Town of Newburgh, Orange County, New
16 York will hold a public hearing pursuant to
17 Section 276 of the Town Law on the application of
18 Donnelly-Leslie Road Subdivision, project
19 2020-01, for a three-lot subdivision on Leslie
20 Road in the Town of Newburgh, designated on Town
21 tax maps as Section 26, Block 6, Lot 25. The
22 project proposes a three-lot subdivision of a
23 parcel which contains one existing single-family
24 residence. Lots are proposed to be serviced by
25 onsite septic and public water. One of the lots

1 will be served by an existing private driveway
2 which will require approval to become a common
3 driveway serving three lots total. The project
4 is located in the Town's R-2 Zone. A public
5 hearing will be held on the 16th day of April
6 2020 at 7 p.m. at which time all interested
7 persons will be given an opportunity to be heard.
8 Due to public health and safety concerns relative
9 to COVID-19, the Planning Board will not be
10 meeting in person. In accordance with the
11 Governor's Executive Order 202.1, the April 16,
12 2020 Planning Board meeting will be held via
13 videoconference and a transcript will be posted
14 on the Town's website at a later date. The
15 public will have the opportunity to see and hear
16 the meeting live and provide comments either
17 during the meeting or by mail or e-mail up to ten
18 days following the posting of the transcript on
19 the Town's website. The public can watch the
20 meeting via Zoom. The Zoom app must first be
21 downloaded and installed on smart phones, tablets
22 or computers from www.zoom.us. Video
23 teleconference meeting link
24 <https://us04web.zoom.us/j/562570851>. Telephone
25

1 dial in only 1 929 205 6099. Meeting ID 562 570
2
3 851. Online meeting materials
4 <http://www.townofnewburgh.org/cn/meetings>.
5 Comments may be sent by mail to the address
6 above, or preferably by e-mail to
7 planningboard@townofnewburgh.org. Comments must
8 be received no later than ten days following the
9 posting of the transcript on the Town's website.
10 Dated: 3 April 2020."

11 CHAIRMAN EWASUTYN: Thank you, Ken
12 Mennerich.

13 At this point in the meeting we'll turn
14 it over to the representatives, Engineering &
15 Surveying Properties, to discuss the three-lot
16 subdivision before us for a public hearing this
17 evening.

18 MR. WINGLOVITZ: Good evening. For the
19 record, Ross Winglovitz with Engineering &
20 Surveying Properties.

21 First and foremost I wanted to thank
22 the Board for pulling this together and moving
23 business forward. I've been going to meetings
24 for thirty years, probably two nights a week.
25 I've been married for twenty-seven years. I

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think if we didn't have this tonight I might not make twenty-eight. So I appreciate it very much.

This evening I'm here representing Louis Donnelly for his proposed three-lot subdivision. I think Lou is online as well.

As the notice said, the property is on Leslie Road. It is opposite Kettle Court. It's on the south side of Leslie Road and contains a common drive which is also a named road in the Town called Fallview Drive.

There are three lots that are proposed. One is existing, so there are actually two new lots. The one existing house will be on lot 1. That lot is about 60,000 square feet. Lot 2 is a proposed home on a new lot, approximately 25,000 square feet in size. That lot has access directly to Leslie Road. And in the rear of lot 1 and 2 is lot 3, approximately 33,000 square feet. That lot is proposed to have access via Fallview Drive.

Each of the lots will be serviced by individual -- excuse me, by septic systems and public water. The septic actually for lot 1 is currently near the property line between lot 1

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and lot 2, so a new septic is being proposed behind the house, the existing residence. Soil testing has been completed. Perc tests were between 6 and 34 minutes. The designs have been completed and reviewed by the Town.

Each will be a four-bedroom residence.

I think that's all I have, John.

CHAIRMAN EWASUTYN: Thank you, Ross.

At this point in the meeting we'll first turn to Planning Board Members for any comments. We'll start with John Ward.

MR. WARD: Right at this time, no comments.

CHAIRMAN EWASUTYN: Thank you.

Dave Dominick?

MR. DOMINICK: John, I have no comments at this time.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing at this time, John.

CHAIRMAN EWASUTYN: I have one comment, and that's for Pat Hines of McGoey, Hauser & Edsall. Pat, have we received comments back from the Town Highway Department?

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MR. HINES: Sorry, I was muted there. We have not received comments from the Highway Department to date. We did request them.

Unless Ross, did you receive those from Mark Hall?

MR. WINGLOVITZ: I did not. I know that Lou did meet with the Highway Department out there to review the existing Fallview Drive and the proposed driveway access for lot 2.

MR. DONNELLY: Lou Donnelly. Hello?

CHAIRMAN EWASUTYN: Go ahead. Speak.

MR. DONNELLY: I'm sorry. Good evening. My name is Louis Donnelly. I did meet with the highway superintendent. He came out and we did a site visit together and a walkthrough. He had no problems whatsoever with the access points for the proposed subdivision.

CHAIRMAN EWASUTYN: Okay. Then we'll request that Ross Winglovitz make contact with the head of the Highway Department for the Town of Newburgh and to receive a written letter for our records confirming what was just mentioned.

MR. WINGLOVITZ: Absolutely.

CHAIRMAN EWASUTYN: Thank you.

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All right. Now I'll turn back to Ken Mennerich. Ken, any comments?

MR. MENNERICH: No. I have no comments.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. No comments at this time.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No comments, John.

CHAIRMAN EWASUTYN: Thank you. We'll turn the meeting now to Pat Hines with McGoey, Hauser & Edsall. Pat.

MR. HINES: We reviewed the project and several submissions. We had commented on the subsurface sanitary sewer disposal systems, and the applicant's representative had revised the plans pursuant to our comments.

The access to the rear lot is via a common driveway, and I believe it's lot 3. There are two existing residents that use that common driveway and easement area. In the Town of Newburgh two lots are allowed to use a common driveway, and you can get an additional third lot if you can get approval from the Town Board. So

1
2 Town Board approval for three lots on that common
3 driveway is required, and that needs to come from
4 the Town Board. I know the applicants need to
5 pursue that. Typically the Town Board requests
6 comments from the jurisdictional fire department
7 that serves the parcels in question.

8 That common driveway access and
9 maintenance agreement will need to be reviewed by
10 Dominic Cordisco, and all persons accessing that
11 road will have to be party to that common
12 driveway access and maintenance agreement.

13 There are utility easements required
14 for the water lines to serve the various lots, as
15 well as electrical utilities that are crossing
16 the existing lots. All those utility easements
17 will need to be reviewed to the satisfaction of
18 the Planning Board Attorney.

19 We need a stamped survey map prior to
20 the final plans being signed.

21 My last comment was that a public
22 hearing is required, and we're having that public
23 hearing tonight.

24 An additional comment that sign off
25 from the highway superintendent for the driveway

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locations will be required.

Those are our outstanding comments. They're mostly procedural matters. Our technical issues regarding water and sewer have been previously addressed.

CHAIRMAN EWASUTYN: Let me say that I erred. In thinking through my comment, I happen to be in the office, I pulled the file and I'd like to read into the records. I have an e-mail addressed to John Ewasutyn from Kathy from the Highway Department dated Monday, March 2, 2020, 3:15 p.m. "To John Ewasutyn. Subject: Donnelly-Leslie Road Subdivision. John, the Town of Newburgh Highway Department does not have an issue with a third party on a common driveway for this private road. Thanks, Mark."

Pat, do you have a comment on that?

MR. HINES: That's fine. Apparently that confirms the applicant's -- the owner of the property's representation that he did meet with the highway superintendent.

CHAIRMAN EWASUTYN: I apologize for being careless.

At this point we'll turn the meeting

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over to Dominic Cordisco, Planning Board
Attorney.

MR. CORDISCO: Thank you, Mr. Chairman.

As I mentioned earlier, this public hearing is being conducted via Zoom, so anyone that is present during this Zoom video or teleconference will have the opportunity to comment now. But assuming that the Board closes the public hearing, there will also be a ten-day period where they can comment following the submission -- excuse me, following the posting of the transcript of this meeting.

That said, I have unmuted or given everyone the opportunity to unmute themselves. So I would ask at this point if there are any members of the public that would like to comment on the Donnelly-Leslie subdivision?

(Pause in the hearing.)

(No response.)

MR. CORDISCO: Once again, if there are any members of the public, if you would unmute yourself and identify yourself, providing your name so that we could make sure that we have correct information for public comment, now would

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be the time.

(Pause in the hearing.)

(No response.)

MR. WERSTED: Dominic, is it straight forward if you're calling in by phone on how to unmute?

MR. CORDISCO: Let's see. So I just unmuted the members that had called in by phone.

Is there anyone here that is calling in by phone that wishes to comment on the Donnelly-Leslie Subdivision?

(Pause in the hearing.)

(No response.)

MR. CORDISCO: There are only two members that called in by phone. They were just unmuted and did not respond.

CHAIRMAN EWASUTYN: Thank you.

Following the procedures of a Zoom meeting, we opened the meeting up to the public for comment. We have not received any comment from the public at this time, so I would ask for someone to make a motion to close the public hearing on the Donnelly-Leslie Road three-lot subdivision.

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MR. WARD: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Stephanie DeLuca. May I please have a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Let the record show that the Planning Board approved the closing of the public hearing for the three-lot subdivision for Donnelly on Leslie Road.

One more time we'll ask Dominic Cordisco to speak on what will occur in the course of the next several days.

MR. CORDISCO: Thank you, Mr. Chairman.

So to clarify, the stenographer, Michelle Conero, is preparing a transcript of this meeting. Once that written transcript is

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finalized it will be posted on the Town's website with instructions for submitting written comments. Those written comments will be accepted for up to ten days following the posting of the transcript. Thereafter the Board, at its next meeting, if it so chooses, and assuming that all other things are in order, the Board could consider those public comments at that time.

CHAIRMAN EWASUTYN: Thank you, Dominic.

(Time noted: 7:40 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 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

YOUNG SUBDIVISION
(2020-02)

50 Millhouse Road
Section 8; Block 1; Lot 52.2
AR Zone

----- X

FOUR-LOT SUBDIVISION

Date: April 16, 2020
Time: 7:40 p.m.

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
KENNETH WERSTED

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

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

CHAIRMAN EWASUTYN: The next agenda

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item that we have this evening, item number 3, is the Young Subdivision. It's a four-lot subdivision located on 50 Millhouse Road in an AR Zone. It's being represented by Engineering & Surveying Properties.

At this point in the meeting we will turn it over to a representative of that company. Thank you.

MR. SAMUELSON: Good evening. Jay Samuelson, Engineering Properties.

We were last before you in early March to initially present the project. This one is very unique as it consists of three tax parcels that are split by the Town of Newburgh/Town of Marlborough, Orange County/Ulster County line.

There's currently two existing residences which we show on proposed lot 2 and lot 3. We're proposing to subdivide it into a total of four proposed lots with both of the new dwellings being located in the Town of Marlborough.

We have completed all of the soil testing for the subsurface septic systems. We did attempt to and did have scheduled a joint

1 soil inspection with the Ulster County Health
2 Department that due to the COVID crisis they were
3 unable to attend. They did ask us to document
4 the test holes with photos and pictures and send
5 them the results and they would determine at a
6 later date if that was going to be acceptable for
7 their joint inspection or they would request to
8 do it again. That answer is yet to be
9 determined.
10

11 Two other things that we need to
12 discuss. Our archeological study. The study --
13 the fieldwork has been complete and the report is
14 being written as we speak. Hopefully it will be
15 done early next week to be able to submit back to
16 SHPO. I did speak with the archeologist today.
17 He said he did not find anything and he will be
18 issuing a letter or a report for a phase 1, phase
19 1-B with no impact and no further recommendation.

20 Regarding the Bald Eagle that came up
21 with the DEC hit, we had a letter from our
22 environmental consultant, Pete Torgeson,
23 discussing the habitat of the Bald Eagle and the
24 location of the property in regards to no eagle's
25 nest and the location of the river. The summary

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of the letter states that due to the significant distance from the river, that there will be no impact to the Bald Eagle on this project. That letter is being submitted to the DEC for their concurrence in that recommendation.

We have been in front of the Town of Marlborough as well. We will be meeting with them again next Monday. As you know, they have declared their intent for lead agency as all of the new proposed lots and proposed development is within the Town of Marlborough.

That's all I have, John.

CHAIRMAN EWASUTYN: Jay, thank you.

At this point in the meeting I'll turn it to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Yes. Our comments mirror what Jay Samuelson had just said.

Previously lot 4, when it was submitted, the lot on the left side of the screen had a note that it was not for building purposes at this time. That has been revised to show a house, well and septic, all of which are located in the Town of Marlborough, and that was due to the fact that the lot was less than 5 acres in

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size so it was considered a realty subdivision lot.

The Town of Marlborough did declare its intent for lead agency and circulated that to other interested and involved agencies. That was circulated on March 8th, so it would have timed out. We would request the Town of Newburgh state that they have no interest in serving as lead agency and defer to the Town of Marlborough due to the circumstances that we are currently experiencing. I don't know if we want to just go with the timed out. An acknowledgement of that would be helpful.

As Jay Samuelson identified, the Town of Marlborough is taking up this matter in a similar forum as this on Monday, the 20th, at which time they will most likely declare themselves lead agency and may be in a position to make a SEQRA determination.

We have not received -- the two outstanding issues are the Bald Eagle habitat issue that was identified in the EAF and the archeologically sensitive nature of the site due to the Gomez Millhouse being in close proximity.

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So those are two outstanding environmental issues that need to be addressed, and those were identified in the long form EAF that was submitted.

We discussed earlier with Dominic Cordisco a means to permanently connect those parcels of property which span the two municipal lines as well as the two county lines. There's always a concern that a tax sale issue could arise, or some other sale of those properties could happen on either side of those town lines and county lines as they will get different tax bills and will be given separate tax map numbers. So a legal mechanism to permanently bind three of those lots that have that issue will be required.

This Board is required to have a public hearing, as well as the Town of Marlborough, as you are both addressing a subdivision within your jurisdictions. I know that Jay Samuelson's office had requested if those could be coordinated. I don't know that will happen as the meetings for both of the reviewing Boards are on separate nights. So most likely separate public hearings will be required. The Town of

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Newburgh is not in a position to schedule that public hearing as you don't do that until a SEQRA determination has been made by the lead agency, in this case the Town of Marlborough.

Those are the issues that we have on the site.

CHAIRMAN EWASUTYN: Listening and following the recommendation from Pat Hines, starting with John Ward, the Town of Newburgh Planning Board affirms that the Town of Marlborough will be the lead agency.

John Ward?

MR. WARD: Yes. Aye -- what you call it.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Okay. Myself yes. Stephanie -- Ken Mennerich?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: At this point do

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any of the Planning Board Members have any comments on the Young subdivision, please speak forward?

MR. WARD: I do, John.

CHAIRMAN EWASUTYN: Go ahead.

MR. WARD: Orange County Planning Board, they had a question in reference to a driveway. Pat, do you know which one I'm talking about?

MR. HINES: They had a question -- they had mentioned the driveways, both of which are located in Ulster County and are being reviewed by the Town of Marlborough highway superintendent. But there are two driveways for lots 3 and 4 that enter relatively close to each other, so Orange County Planning had suggested that those possibly be a common driveway. I think that issue will be addressed by the Marlborough highway superintendent as they're both located in Marlborough. They'll take a look at that during their review process.

Orange County Planning, in their comment, also addressed a septic system question that will be addressed by Ulster County during

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the review of the septic systems as well.

They did grant a local determination, Orange County Planning, with those two suggestions.

Ulster County Planning also reviewed the project and has identified the septic system separation distance to the County Health Department in Ulster County. So those are being evaluated, both the Orange County Planning comments and the Ulster County Planning comments.

MR. WARD: Thank you very much.

MR. GALLI: John, I just have one clarification. This is Frank.

CHAIRMAN EWASUTYN: Frank Galli. Go ahead.

MR. GALLI: One clarification, Pat. Did you say this was going to have two public hearings, one for Marlborough and one for the Town of Newburgh?

MR. HINES: Yes. I believe. Unless Dominic says otherwise. But the subdivision is occurring in both municipalities, in both counties. We've had the situation before in the same area, and actually the maps were stamped by

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both Planning Boards and subsequently in each county.

MR. GALLI: Okay. Thank you.

CHAIRMAN EWASUTYN: Dominic Cordisco, do you agree we will need to hold a public hearing?

MR. CORDISCO: Yes. What's being asked of this Board is subdivision approval for these properties. It's also triggering subdivision approval in Marlborough. Both Boards are going to have to follow their procedures, including holding a public hearing for this subdivision.

CHAIRMAN EWASUTYN: Thank you.

If there are no other comments from the Planning Board Members or our Consultants, then at this point we'll wait to receive the information that Jay Samuelson had discussed earlier in his presentation, and at a later date we'll schedule this for a Planning Board meeting, at which time we may then be able to make a SEQRA determination and, if all the ducks line up, declare a negative declaration and have a public hearing.

Correct, Dominic?

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MR. CORDISCO: That would be correct with one clarification, is that assuming that the Town of Marlborough does -- not only have they declared themselves to be lead agency but if they are in fact lead agency, then this Board would then rely on the negative declaration that would be adopted by the Town of Marlborough.

CHAIRMAN EWASUTYN: I stand corrected.
Thank you, Dominic.

Okay. Then if there's no further discussion, we'll move on to the fourth item that's on our agenda this evening.

(Time noted: 7:50 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 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

DOLLAR GENERAL
(2020-04)

Southeast Corner of Route 9W and North Hill Lane
Section 24; Block 4; Lot 1.12
B Zone

----- X

INITIAL APPEARANCE
SITE PLAN

Date: April 16, 2020
Time: 7:50 p.m.

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
KENNETH WERSTED
KAREN ARENT

APPLICANT'S REPRESENTATIVE: CARYN MLODZIANOWSKI

----- X

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

CHAIRMAN EWASUTYN: Our fourth item is

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DOLLAR GENERAL

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Dollar General. It's an initial appearance for a site plan. It's located on the southeast corner of Route 9W and North Hill Lane. It's in a B Zone. We'll be hearing this evening from Bohler Engineering. Please.

MS. MLODZIANOWSKI: Good evening.

Thank you, Mr. Chairman. For the record, I'm Caryn Mlodzianowski from Bohler, and I represent HSC Balmville, LLC who is the applicant on this proposed project.

We're here this evening to introduce this project to the Board for the first time. As the Chairman mentioned, it is a 2.1 plus or minus acre parcel located at the southeast corner of New York State Route 9W and North Hill Lane. The property is currently undeveloped and is in the B, Business, Zoning District.

We are proposing to develop a 2,100 plus or minus square foot Dollar General retail store. The store will face Route 9W and will have access to North Hill Lane. The client prefers to seek access from a side street if available. That is what we have proposed here.

The building is situated to meet the

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required minimum setbacks per the Zoning Code.

And 30 parking spaces are proposed to accompany this. Per the zoning, if we were to build out the full number of parking that would be required, we would be building 62 parking spaces here, and that amount of parking and asphalt is just not necessary for this particular user and tenant, which again is Dollar General. That is one item we would like to review with the Board this evening, as we see the benefit of the additional green space and landscape buffer to remain rather than doubling the size of the parking lot and asphalt that would most likely sit unused if we were to build that.

The project is a great use for the site as it will have minimal impact for a commercial use in the Business District that is here.

We did the wetlands investigation upfront as we had concerns here as to the extent of the wetlands, and we have shown that wetland delineation on our proposed plan. About half of the site is covered in wetlands, which is why the site is laid out up at the corner as we've designed it here .

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There's a major drainage way from the New York State right-of-way that discharges onto our site at the edge of the road and travels back in an easterly direction and then north behind the building, as it eventually heads towards North Hill Lane.

With the scale and use of this proposed project we are able to keep the project under 1 acre of land disturbance, which again, as I mentioned, I think is a great use for this site in the Business District as many businesses would not fit here due to the constraints that we're up against.

We will connect to municipal water here as that is available.

We are proposing a septic system between our parking lot and North Hill Lane. Historically Dollar General uses about 100 gallons of water per day or less. Another reason why this is a good use for this site as that septic system is pretty small in nature. There's no food prep or other things that would call for a large water demand.

We did receive a couple of letters from

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the consultants, and I see no major issues with addressing those items.

I do want to review this layout with the Planning Board this evening and -- the general layout and the parking in front of the store was mentioned. I think this layout is in line with the other commercial uses on this corridor directly adjacent to us and across the street with similar layouts. Again, we are being very sensitive to the wetlands on site and keeping that green space buffer all around the project to the greatest extent possible.

With that, I will turn it over to you, Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you, Caryn. That was a nice presentation.

Let me start with the Planning Board Members and then we'll introduce Ken Wersted with Creighton, Manning and Pat Hines with McGoey, Hauser & Edsall. I'd like to start with, if I may, John Ward. John?

MR. WARD: Yes. Along 9W where you have your parking there, we've been having sidewalks continue up 9W with a stonewall because

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you should -- I don't know if that would be the front yard but you have to be a certain distance with the parking there. So I'm asking you for a sidewalk and say a 24-inch stonewall along 9W there with some landscaping.

CHAIRMAN EWASUTYN: John, when you say 24 inch, you mean 24 inches in height?

MR. WARD: Height. Sorry.

CHAIRMAN EWASUTYN: That's fine.

Caryn, would you like to respond to that now or wait until a later time?

MS. MLODZIANOWSKI: Which ever the Board prefers. I'm writing everything down. If it's easier, I can address everything at the end.

CHAIRMAN EWASUTYN: Okay, fine. We'll follow that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Thank you, John.

Hi, Caryn, and welcome. Caryn, when you -- as we move forward with this project, I would like you to come back with a more -- at the time that you see fit, more detailed landscape for the front of the project and for the entire

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area. We're really trying to push that, especially in the 9W corridor, to clean that area up. You can get some ideas from -- you know, look next door at the nursery school, down the street at Valero, or even the bus station. All those projects have started to come flourish and really clean up that area.

Tagging on what John Ward said, a stonewall out front adds character, softens lines. It just makes it look eye appealing.

Also. Not only for now but to continue on with, you know, landscape maintenance and keeping that area clean, neat, presentable.

As you see what Ken put up on the screen there, just how the gas station did a combination of attractive landscaping, some trees, the sidewalks as John mentioned. Softened it with the split rail fence and then also the stonewall. Really, really makes that area attractive. Look at it. That's a huge wall, but you don't see it as a big wall because of all these other additives that have softened that. It's very professional and very attractive. So please take that into consideration.

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DOLLAR GENERAL

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MS. MLODZIANOWSKI: Thank you.

CHAIRMAN EWASUTYN: Ken Wersted, for the record, the example that Dave Dominick was speaking of, what is that site?

MR. WERSTED: Quickchek. That's the Quickchek site. You can see the same view here. We have Dollar General, and just down the road, you know, probably 2,000 feet, is the Quickchek. Just to the north we have the daycare facility.

CHAIRMAN EWASUTYN: Thank you.

Cliff Browne?

MR. BROWNE: I'd like to just echo what John Ward and Dave Dominick shared. The 9W corridor is an area that as a Planning Board we have been encouraging that to be improved from an aesthetic standpoint. What ever can be done there would be appreciated. And again, we would like to continue the guidelines that we have in place for this type of activity to be implemented. Thank you.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN EWASUTYN: I have no comments at this time.

Ken Mennerich?

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MR. MENNERICH: I also agree with what everybody else has been saying as far as the treatment, the sidewalks and stonewalls and landscaping.

I also wanted to comment about the parking. I agree that it's much better to have reduced parking at the site. I think Ken Wersted's analysis reinforces the fact that you don't need the full amount of parking for this site.

CHAIRMAN EWASUTYN: Thank you.

Stephanie DeLuca?

MS. DeLUCA: I just wanted to echo what everyone else has been saying in regards to just the aesthetics along the front, and also the parking too. I was wondering about the number of parking spaces. I was glad that there may be a consideration for it being reduced.

I was just wondering about traffic in and out along the side there too with the nursery school, but that doesn't -- it doesn't look as if it's going to be a problem. So it looks good otherwise.

CHAIRMAN EWASUTYN: Thank you,

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Stephanie.

Frank Galli?

MR. GALLI: Ken Wersted, I just had one question. When they pull out of the Dollar General site and make a left to go to 9W, to exit and get back out, how many cars, roughly, can you back up there? Two or three?

MR. WERSTED: I'd say probably two or three. Yeah, that sounds about right. If I take a parking lot stall here and compare that to, you know, this area, here's kind of the edge of the white line right here. So let's say that's one car, two cars. You know, somewhere right in here. So you could probably get a third car, you know, pulling out, you know, stacked here. That's probably your limit before another car comes out of Dollar General and would block the direction.

MR. GALLI: Okay. Also I just want to echo Dave Dominick, and John Ward, and everyone else as far as the -- how we're trying to clean up 9W and make it look presentable to the Town. And I think we should move forward and just hopefully you'll take our comments, put them to

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DOLLAR GENERAL

59

use. And thank you.

MS. MLODZIANOWSKI: Thank you.

CHAIRMAN EWASUTYN: Okay. Ken Wersted, if you would continue somewhat with your original study of the property that we're discussing, Dollar General, and traffic.

MR. WERSTED: Sure. We had looked at the project plans and also the site, you know, based on maps and available information, and we think that DOT will look favorably on the proposed access. It being on the corner of a State highway and a side street, I think DOT will like that the access is directly from the side street and not directly from Route 9W.

We had talked about the sidewalk. Obviously we have two projects to the south that had come online pretty close to each other, and so the Planning Board had requested that they begin a sidewalk in this corridor, and that extended to the south end of this neighborhood. So I think the Board -- obviously you've heard from a couple Members about extending or providing it within this section of it.

I would note that the facility, I guess

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it's the Monument Garden Center to the south, did appear to have a for sale sign on it. So perhaps that property will be up for redevelopment at some point, and potentially that will be an aspect that we can look to to continue a sidewalk from the properties to the south, across the Dollar General.

We had looked at the ITE trip generation for this size store. Without taking into account any pass-by trips, we had estimated that the morning peak hour would be about 30 trips. So not a sizable amount. And in the afternoon we had estimated that the site would generate about 64 trips. Some of that is going to be coming in and out, you know, so it's probably about a fifty/fifty split. And if you were to take a count, some percentage of drivers will be driving by the site, perhaps on their way home from work. They might stop and pick something up at the store en route. That will discount some of that traffic. So while 64 trips might come in and out of the site, some of that traffic is going to originate on Route 9W.

We had looked at the truck turning

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movements provided on the plan and we had noted that there was a couple of areas here, namely around the corners where the tractor trailer is going to off-track a little bit. So there may be some curbing or some adjustments to those radii to accommodate that. The truck shown is a WB-50, so it's not the type of truck that you'll find -- you'll find it on the interstate but this is one of the smaller trucks. So I would just caution the applicant about having a warehouse distribution size truck, you know, a WB-63 or 67, coming into the site and trying to navigate into there. If a larger truck does come in, obviously they're going to have more challenges navigating around some particular corners, you know, through here, and it will be more challenging for them to access the property.

As a couple people had mentioned, the parking. The zoning called for 62 spaces for this size of retail while there's 30 spaces being proposed. We had also looked at some ITE parking generation information. And relative to this size store, we had estimated that the average number of spaces needed would probably be around

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11 spaces. Now, parking demand obviously fluctuates. Certain times of the day, certain times of the year the demand is going to increase. So if we were to look at the 85th percentile, that means 85 percent of all the parking demand will fit within this footprint, we'd be looking at 17 spaces. So even accounting for some peak in characteristics at 17, the 30 spaces provided will be sufficient for that. So in general, obviously there's probably going to be some spaces that get lost. If there's, you know, an inch of snow, people aren't going to be able to see where those lines are. They might park over the line, so there may be some spaces that are lost due to that. We think the 30 spaces is going to be adequate for typical operations.

Then we'll just note that similar with other sites in the Town, the double parking space stripes, similar to the Mavis Tire. The new Mavis Tire and Buffalo Wild Wings over on Route 300. So any of the details relative to striping should be updated to reflect that.

That was the extent of my comments.

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CHAIRMAN EWASUTYN: Thank you, Ken.

Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: We looked at the parking as well. The Town Code has a parking calculation for retail. The Code allows flexibility and utilizing the ITE manual where we don't have a use corresponding to a number of parking spaces. In this case the Code would require 62 parking spaces. The applicant is proposing 30. I think we've heard from Ken and others that that is adequate. But because the 62 is required by Code, it will require a referral to the Zoning Board of Appeals for the reduction in parking. I think the applicant and Ken have made the case for the Zoning Board application, and that should address it. So the Board's action tonight, among other items, is a potential referral to the ZBA for the parking.

I just noted that the long form EAF appeared to be missing the second page or the last page that identifies the mapping if it was filled out on the DEC website. The EAF identifies potential habitat for the Indiana Bat and the two Sturgeon species in the Hudson River.

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I don't believe there will be any impact to the Hudson River Sturgeon, but the Indiana Bat should be addressed on the site.

It also, interesting, identifies it as an archeologically sensitive area, and that will need to be addressed through the SEQRA process.

I think we should delay declaring lead agency until the applicant returns back from the ZBA so the ZBA can make a decision independent of the Planning Board.

The project will require submission to DOT and Orange County Planning once we get more detailed plans.

The bulk table, in accordance with Section 185-18(4)(b) along State highways has a 60 foot front yard. I believe the building meets that. It just needs to have the bulk table for that front yard to address the 60 feet.

We discussed the project parking in the front yard. The Town of Newburgh has design guidelines which recommend against parking in the front yard setbacks, however the Planning Board often considers mitigation, including the discussed stonewalls and landscaping, that can be

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implemented to mitigate the parking in the front yard. So if you take a look at those design guidelines and some of the other projects that we just looked at along the corridor, the Town Planning Board sees the development along this corridor as an opportunity to, for lack of a better term, clean up this State highway corridor.

We discussed the location of the access drive and the cueing. Frank Galli had mentioned the cueing coming out of the site. I'm going to defer to Ken Wersted on that. Vehicles leaving the proposed site as well as the daycare could rapidly cue in the intersection, where someone pulling out of your site may block traffic coming into the residential area.

Future plans should address water and sewer services to the site.

The building will be required to be sprinklered. The Town of Newburgh has a more stringent sprinkler ordinance than the New York State Building Code, so a sprinkler system for the building will be required. Certain details are required that I can provide the applicant's

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representative regarding that sprinkler system.

We'll need a site grading plan and finished floor elevations.

The wetlands delineation has been provided on the plan, however we would request that be submitted to the Board, the actual delineation, to complete the Board's file and review under SEQRA. The amount of wetlands fill and any impacts to the wetlands should be specifically identified. I see the southeast corner of the building is encroaching on the wetlands, as well as some of the parking on the southern portion of the site. So that wetland area and impacts should be identified.

Any retaining walls in excess of 4 feet will require a building permit and stamped design plans. I don't know the height as we don't have the grading plan. For the Board's reference, there are extensive retaining walls on the south and easterly side of the site having to do with reducing wetland impacts and taking advantage of what usable area is on the site.

The stormwater management, I know the applicant's representative mentioned they're

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under an acre of disturbance. The Town of Newburgh's stormwater management regulations are more stringent than the DEC regulations, so a stormwater management plan report will be required for this site as if it was over an acre in size because the reduction in the Town of Newburgh's amount of disturbance which requires a stormwater management plan.

A detail of the monument sign. I did notice that the monument sign is located between two parking spaces, so I'm assuming the height of that sign will have to be addressed such that cars parked in those parking spaces won't impact the location of that sign, or the applicant may want to consider moving the sign closer to the intersection. We'll leave that up to them. It's just something I noticed.

There are extensive easements on the site. I'm very interested in those. One of the easements is 250 feet from 9W in an easterly direction, and there's an 80-foot easement along the portion of the property as well, and then a 30-foot easement along North Hill Road. So we need to have information pertaining to those

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easements submitted for the Planning Board's attorney to review so that we can determine what impacts those easements have on the development, if any, and if there's any restrictions of development associated with those easements. I don't have the information on that to comment yet, but we will need those legal documents.

That's the status of our review right now.

CHAIRMAN EWASUTYN: Caryn, do you want to take the time now to comment on these comments or do you want to address the comments and then when we see you for the next visit you'll be prepared with your revised maps?

MR. CORDISCO: Mr. Chairman, before we turn it over back to the applicant, I did want to let you know that Karen Arent was just able to join. She was able to rush here from her meeting in Tuxedo.

CHAIRMAN EWASUTYN: Thank you, Karen.
At this point I'll turn to Caryn from Bohler Engineering.

MS. MLODZIANOWSKI: Thank you. I will address the comments that were made this evening,

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and some of the points from the consultants as well.

In regards to the frontage of the site, we have left area for landscaping and we do intend to develop that design further. Now that the Board has seen the general layout this evening, we will proceed in that direction as it sounds like everyone is generally on board with this general layout. So we will provide those landscaping plans that addresses the streetscape.

As far as the sidewalk, we can look into that further. There is no existing sidewalk in this area to connect to. And if you take a look at the plan we're on now, there's a line with what almost looks like dots coming off the back of it which is guide rail right along the edge of Route 9W, starting directly in front of our monument sign. Yup, that's it there. There's a pretty steep drop off there. The site sits quite a bit lower than the road, so it might present itself a little bit differently than some of the other sites in the corridor. I think landscaping could still be beneficial in that area, but it is unique in that it does sit a lot

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lower. And until sidewalks are built to connect to it, it's quite difficult for pedestrians there due to that significant grade change.

As far as the parking, it's good to hear that everyone is generally acceptable of the lesser parking spaces. Our question was if the Planning Board has the authority to waive that as part of this process, and, if not, then we would seek the variance, if required, with your recommendation to the Zoning Board.

In regards to the tractor trailer, Dollar General typically uses a WB-62 or a WB-67. In some instances, and we're starting to see this, they go to using a WB-50. Our client, the developer, has to go to Dollar General who is their tenant for approval for a smaller truck to put this store on that route with the WB-50. So all those discussions have occurred and Dollar General has approved the use of the WB-50 for this store, and it is their plan to use that truck based on the layout and constraints we're dealing with here. We will reevaluate the turning movement and add curbing or additional width, if necessary, to the pavement.

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Lastly I'll address the easements that showed up on the survey that was submitted. We are working on -- with our surveyor on preparing a revised survey that we will submit to the Town. We've been working with our client extensively as utility easements pretty much cover this whole site. There's a white line parallel to Route 9W, straight through the back of the site, about 250 feet I believe it is, and we've been working with the power company on those easements to find out what they are, are they still applicable. The utility companies have agreed to remove those easements, and in exchange asked for a 30-foot easement parallel to North Hill Lane as hatched and outlined there exactly, which is an easement that will apply to the property. So no vertical elements within that easement. We pushed everything over to give them that very wide 30 feet on our property off of their overhead lines. So we will be submitting a revised survey to document that, but I did want to address that this evening, that many months went into working with the power company on that.

With that, I will turn it back to you,

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Mr. Chairman.

CHAIRMAN EWASUTYN: Thank you, Caryn.

I'm speaking to both Caryns/Karens now. Karen Arent with K.A.L.A. is our Landscape Architect. She just joined the meeting. At this point of the night I would say that it's best that you two professionals try and find the time to connect with one another and discuss the landscaping and the visual improvements along the Route 9W corridor. I think that would benefit us all at this point in the evening.

Yes, Dominic Cordisco, the Planning Board Attorney, will speak to you shortly as far as preparing a letter to the ZBA for an area variance as it relates to the parking.

I think we also had discussed at our work session that the ZBA is in the process of coming online with a meeting similar to what we're having now, but in the interim, to save time and move the project somewhat forward -- Dominic, correct me if I'm misspeaking -- that Caryn with Bohler Engineering would start revising her plans for the next submission.

Dominic, do you want to join in on

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this?

MR. CORDISCO: Yes. Thank you, Mr. Chairman. Yes, certainly the applicant could take advantage of this time to address comments that have been made to date tonight. This is their first appearance, and, as noted, it does require a variance for the parking from the Zoning Board of Appeals. You're absolutely correct, my understanding is that they are taking steps to hold their meetings virtually but nothing has been announced yet. Nonetheless, if the Board is inclined, we could refer this matter to the Zoning Board of Appeals, and I'm prepared to write that letter if the Board would so choose.

Because -- as Pat had mentioned earlier, because the Zoning Board is involved, and in order to avoid tying up the potential consideration by the Zoning Board, I would recommend that you not circulate your intent for lead agency at this time, and that way the Zoning Board can continue and undertake its own review solely as it relates to the variances, and other environmental factors can be considered by this

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Board in a coordinated review if and when the project returns from the ZBA.

CHAIRMAN EWASUTYN: Okay. At this point I'll turn to the Planning Board Members to poll them for their vote on having Dominic Cordisco, Planning Board Attorney, prepare a referral letter to the Zoning Board of Appeals.

John Ward?

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Myself yes.

Ken Mennerich?

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: Yes, John.

Also I just -- if we're going to go back around, I just have two questions or comments that I'd like to bring up. If you want to do that now or you want to --

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CHAIRMAN EWASUTYN: No. We'll do that now. Go ahead.

MR. GALLI: First of all, Caryn, on your next submission maybe you could -- since there's so much wetlands on the property and stuff, where you're going to put snow storage or snow removal. I don't know if it's -- it's not my expertise but I don't know if it's legal to dump snow into a wetlands area from the property, so -- and it looks like a pretty tight site. I don't know if you have a specific area where you're going to put the snow if you get some big storms.

And the second part is going back to the sidewalk. We get a lot of push and shove when we recommend sidewalks, but if we didn't start somewhere we'd never have any sidewalks. As we start down 9W with Quickchek and all the rest, as we keep going, we really highly recommend sidewalks.

That's just my two comments.

CHAIRMAN EWASUTYN: Thank you.

Additional comments from any of the Planning Board Members, please speak forward.

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MR. BROWNE: Yes, John. Cliff. I was going to bring up the same comment with the sidewalks in that yes, it may be difficult with the sloping on the site, however it's a thing in that corridor that we would really want to have done. And yes, it's got to start someplace, and it may be a challenge, but it really has to be looked at very carefully. Thank you.

MR. WARD: John?

CHAIRMAN EWASUTYN: John Ward.

MR. WARD: Yes. It's a New York State highway. New York State's DOT is pushing sidewalks for pedestrian safety. So you can make a sidewalk work whatever elevation that's there. Believe me, it will work one way or another.

Thank you.

CHAIRMAN EWASUTYN: Any additional comments?

(No response.)

CHAIRMAN EWASUTYN: Okay. All right then. At this point we'll look forward to hearing back from you, and thank you.

MS. MLODZIANOWSKI: Thank you. We'll work on everything in the meantime. We'll work

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for the Zoning Board referral and variance.

Is it the Board's preference to come back once we've obtained that variance or should we continue working concurrently?

CHAIRMAN EWASUTYN: I think we had discussed this at our work session. Our Attorney, Dominic Cordisco, had suggested that it would benefit both the applicant and the Planning Board if you were to continue working on the project and return, because we don't have much of a choice right now with the ZBA and -- just to try to move projects along. Caryn, do your due diligence as far as the site plan. We look forward to reviewing the project again.

Correct, Dominic?

MR. CORDISCO: That's correct. Yes, that's correct. Certainly it's the applicant's choice. If they're prepared to move forward concurrently, there is review that can occur. Obviously the Planning Board would not be in a position to consider any level of approval until variances were obtained for the parking or adjustments were made. That said, I think it would be helpful and certainly would move the

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project faster through the process by proceeding
concurrently.

MR. HINES: We do have that lead agency
delay issue, though. We'll have to work around
that as well.

MR. CORDISCO: Yes.

CHAIRMAN EWASUTYN: Understood.
Understood. We discussed that.

Caryn, are you ready to move forward?

MS. MLODZIANOWSKI: Absolutely.

CHAIRMAN EWASUTYN: All right. Nice to
hear that positive word. Thank you for your
time, and again work hard on this.

MS. MLODZIANOWSKI: Thanks again.

(Time noted: 8:25 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 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X
In the Matter of

THE POLO CLUB
(2018-12)

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

----- X

INITIAL SUBMITTED
DRAFT SDEIS

Date: April 16, 2020
Time: 8:25 p.m.

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
KENNETH WERSTED
KAREN ARENT

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ, JAY
SAMUELSON & JAYNE WEINBERG

----- X

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

CHAIRMAN EWASUTYN: Our last item of

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THE POLO CLUB

81

business this evening is -- the agenda item I'm speaking of. We do have two Board business items. But the agenda items as were listed 1 through 5, our last item is The Polo Club. It's on Route 300 and Jeanne Drive. It's the initial submission of a Draft Supplemental DEIS. It's in an R-3 Zone and it's being represented by Engineering & Surveying Properties.

At this point we'll turn the meeting over to the representative.

MR. WINGLOVITZ: Good evening. Ross Winglovitz here. I'm here with Jay. We're both working on the project. And also Jayne Weinberg is also with us this evening.

We presented to the Board, it was right around March 9th, a draft environmental -- a draft supplemental environmental impact statement along with a set of plans regarding further development of the property for the 242 apartments that were reviewed by the Board, mostly last year.

We developed a scope for that part 3 -- for that SDEIS, prepared the document, submitted

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it, and we're here tonight to receive any comments the Board may have.

CHAIRMAN EWASUTYN: Okay. We'll start with Ken Wersted, both the internal circulation of the site and any impacts to the State road.

MR. WERSTED: Thank you, John. We reviewed the SDEIS, the scoping document as well as the materials submitted by Ross's office, and we just had a few completion comments.

Namely under existing conditions, I think it would be helpful to describe some of the general conditions of the roads that are out there. You know, what is the pavement classified as, it is in good condition, poor, you know, fair.

Also under existing conditions, describing the traffic count, dates and times. Some of that information is, I think, available back in the appendix with the traffic study, but I think it will be helpful just to have a couple of snips of those -- that information up in the body of the document.

Under the potential impacts, describing the amount of traffic generated by the proposed

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action, again that's buried in an appendix. I think it's in an appendix in the appendix with the traffic study.

And then lastly, a comparison of the different trips generated by the potential land uses there. One being the proposed action. The other was the approved project which dates back to 2006 to 2008. Sometime in that timeframe.

The single-family residential -- and Pat, you'll have to help me with the TND acronym.

MR. HINES: Traditional neighborhood development I believe.

MR. WERSTED: That's it. Traditional neighborhood development concept, if there's just a little bit of comparison between the traffic generated by those, I think it would be helpful.

Thank you, John.

CHAIRMAN EWASUTYN: You're welcome.

Pat Hines with McGoey, Hauser & Edsall?

MR. HINES: We reviewed the document with regard to the scope and completeness. I don't know how the Board feels. We've generated some 41 comments regarding the additional information that we believe should be

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incorporated into the document to make it complete for review, as well as our final comment noted that we were reviewing the SWPPP. I have completed that SWPPP review and will be providing the applicants with the comments regarding the stormwater pollution prevention plan.

I'll leave it to the Chairman whether they want to hit each of the comments or I can hit some of the major points. Some of them were minor clean-up, some were issues where I'm requesting some additional information. Do you want the Reader's Digest version or all 41 of them I guess is what I'm asking?

CHAIRMAN EWASUTYN: Let's start with 30 parking spaces and not go through 62. Let's hit upon the important ones.

MR. HINES: My comment number 5, there was a reference to blasting in the project. This is the first time we heard reference to blasting. We would like to have that more fleshed out. We've had some of these multi-family projects run into bedrock after discovering it during the construction phase, and we believe that the blasting potential should be fleshed out

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additionally.

The information regarding the surface discharge of the proposed sewage treatment plant, we believe that additional information regarding the receiving stream, the potential impacts to that, as well as a more detailed description of the sewage treatment process, chlorination, dechlor, the actual process itself, should be fleshed out and additional information be provided.

The section where the alternate sanitary sewer connection is identified, we believe more information regarding the routing of that sewer and assessment of any impacts associated with that alternative be incorporated into the plan. Obviously there's two alternatives, but we believe each of the alternatives should be fully addressed.

The wetlands report should be incorporated in the appendix. Right now the appendix only contains a letter from the wetlands consultant. Some additional information regarding the wetland mitigation areas, including how you're going to access the wetland mitigation

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area. It's on the other side of the stream. So impacts associated with that.

There's a comment about removing vegetation along the frontage for sight distance, and the Board extensively discussed the previous project that was before it regarding the maintenance of the existing vegetation and actually supplementing it for screening.

For permits and approvals, the Orange County Health Department needs to be added as you're proposing hydrants.

There's a discussion regarding what's referred to as general public units, but the senior units are not included subsequent to that. That discussion should include the general public and the senior units.

I think there should be some more emphasis on the senior housing bonus density and the zoning associated with that in the narrative report.

The jurisdictional emergency services should be contacted regarding site access, Knox box, Century lock, whatever proprietary products they're using, as well as any comments they have

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on the plan. I think the plan went to them once. And the letters from the jurisdictional emergency services, police, fire, ambulance, should be incorporated into the document. I believe the fire department may have weighed in already.

The letter in the DEC section is the letter from the original Polo Club. We do have a more recent DEC screening letter that should be included based on our revised lead agency submission.

There's some technical comments regarding the narrative regarding the SWPPP and the 5-acre disturbance requirements.

The water supply identifies that the raw water comes from the aqueduct tap and is only chlorinated. I believe that's a remnant of the previous report because the Town of Newburgh now has a water filter plant on the Catskill Aqueduct. Those portions need to be updated.

There's some additional information needed on the hydraulic loading from the site. There are discrepancies, actually, with the higher -- the less bedroom count, you're showing higher water use at this time. So those kind of

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impacts should addressed.

Once again, the blasting I have a comment on.

Ambulance service.

I'm looking to have you explain the reduced bedroom count versus the increased sewer and water flow which I just talked about. The condominium project in 2009 was a larger unit count and had less water use. I know it has to do somewhat with the bedrooms, but there's a discrepancy in the gallons per day per unit. That needs to be addressed. That's in my comment 31.

Similar with the sewer, documenting that 75 gallons per day per person. That seems low based on the Health Department standards.

The design components of the sanitary sewer plant I talked about previously. That comes up as my comment 39.

And then I have comments on the stormwater pollution prevention plan uses, infiltration practices, and I have some comments, detailed comments, on that plan that I'll provide you. The soils on the site aren't very conducive to infiltration. There are requirements for

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testing that have not been completed yet. So if the infiltration practices are going to continue, we're going to need to see the permeability testing. I believe that the SWPPP identifies 5 inches per hour infiltration and permeability in the area when there are some D and/or C soils which are not conducive to infiltration. We'll need additional information on that. I'll provide Ross and Jay those comments, the technical comments on the SWPPP, separately. I believe that the document should be updated per our comments and Ken's comments.

I don't know if Karen has any -- Karen Arent has any comments yet.

At this time we feel the document should be revised per our comments.

CHAIRMAN EWASUTYN: Karen Arent, Landscape Architect?

MS. ARENT: Existing trees should be identified and -- existing significant trees should be identified, what species, size and apparent health and condition, just to see if it's possible to save any of them, especially in areas -- it's a big site so it might make sense

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to just do it in areas where it could be possible to save the trees. I could give you the definition of significant trees as per the tree guidelines.

The surrounding streetscape design was very important the first go around, and it's very important again. And to preserve as many of the existing trees as possible.

That's it.

CHAIRMAN EWASUTYN: That's it. That completes your comments. Thank you, Karen.

MS. ARENT: Sorry. We're supposed to have stonewalls. You should have some stonewalls around the entrances or something to announce the entrance and to make it feel like it's in the Town of Newburgh.

CHAIRMAN EWASUTYN: Okay. At this point I'll turn the meeting over to Planning Board Members. We'll start with John Ward.

MR. WARD: Yes. I ditto on all of Pat's comments.

And at the same time, with the amount of units, with the sewer, how is that being handled again, Pat?

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MR. HINES: John, right now there's two alternatives. One is an onsite package sewage treatment plant to be constructed on the easterly portion of the site back by the wetlands and the stream. The other alternative is to construct a sewer main connecting to the Town's infrastructure, I believe up at Holts Corners. Those are the two alternatives. Both of those alternatives I believe need more information concerning the plans for those and the potential impacts. The offsite sewer and water alternatives are not addressed in the stormwater pollution prevention plan as linear projects, and those should be addressed in that document as well. So there's two alternatives for providing the water and sewer. The water for the project is also proposed to be coming down from Holts Corners to the site.

MR. WARD: Another thing was when we had Board business we were talking of the buffer being bigger. It seems like it's smaller.

MR. HINES: Along the property frontage?

MR. WARD: Yes.

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MR. HINES: I think that's an important aspect. That was important during the last portion of the project.

MR. WARD: That's why I'm saying it.

As well, I think there should be a gazebo in the front since it's rentals with a lot of children. In the front to make it so it's safe for the children.

MR. HINES: For busing?

MR. WARD: Yes.

MR. WINGLOVITZ: John, we'll handle that the same way we had previously. There's a gazebo. We're going to direct the kids to the emergency access as opposed to the main access. There's plenty of parking behind the pool for parents who want to bring their kids there. We've provided a sidewalk and a gazebo at that southern end by the emergency access. It provides a good reason to keep it maintained and it provides a safe spot for the parents and the kids to wait for the bus.

MR. WARD: Very good. I think the first time you didn't even have a sidewalk there.

MR. WINGLOVITZ: Correct.

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MR. WARD: I remember emphasizing that.
All right. Thank you very much, Ross.

MR. WINGLOVITZ: Yup.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Ross, while we're in that area of the gazebo and the emergency access, just to recall, that emergency access, it is paved; correct?

MR. WINGLOVITZ: Correct.

MR. DOMINICK: Okay. I think in the initial site, like John was saying, that wasn't paved and there were no sidewalks. I'm glad that's resolved now.

And just echoing what Karen said, I think identifying the entrance of the complex is a very good idea. Keep it in line with other projects of this type, this size within the Town will really blend in well.

That's all I had, John.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Sorry. I had to unmute.

Just echoing what was said so far, one of the things I picked up from Karen's comments, and Karen, I suggested trying to save trees in

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some of the areas. I was going to ask Karen if she can identify some of those areas where she would think those trees could try to be saved rather than just leave it open.

MS. ARENT: Yes. It's especially important along the buffer areas around the site and around like all the edges because there's -- I think the grading might be able to be revised if there's significant trees in these areas, and then that would be helpful for the streetscape as well. And I think that -- I think those areas are the most important. I think we did it on our first go around, like the first time. I remember going out with somebody from Engineering Properties and we tagged trees. I don't know if you have that information. But the trees are probably like 5 inches bigger but -- it was so long ago. I think that would be great. Or like right along all the roads especially.

MR. BROWNE: If that can be verified and checked out again, that would be good.

Also I was just kind of taken aback by all the comments Pat had. There's a heck of a lot of clean-up work on this. Hopefully it will

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get done pretty quick.

CHAIRMAN EWASUTYN: My only comment, Ross, Jay, is this -- will this be a phased development?

MR. WINGLOVITZ: That's a good question. We didn't discuss phasing it at this point with the developer.

The sewer treatment plant is in the rear of the site, so there's phased construction of it. To some extent we have to build a certain amount of infrastructure to get to the sewer treatment plant. We will address phasing in our resubmittal.

MR. HINES: And again, that determines which sewer treatment alternative is ultimately selected. The plan does have a construction phase. The SWPPP does identify construction phasing very detailed.

CHAIRMAN EWASUTYN: Thank you. No other comments.

Ken Mennerich?

MR. MENNERICH: Just in general, it looks like there's considerable work that has to be done on this supplemental form. That's all.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yeah. I was -- I was kind of concerned with the amount of items that needed to be addressed. It seems to be quite a bit.

I guess my -- part of my concern, again along with that, is, you know, now with -- I guess with the increased amount of units, you know, how will these capacities, you know, affect the infrastructure. You know, that's -- I was concerned, you know, how -- can this area sustain the increases on the infrastructure. I mean this is a very large project and it seems to be, you know, needing a lot of work.

So those are just some of my concerns.

CHAIRMAN EWASUTYN: Thank you.

MS. DeLUCA: Also, too. Are there two access points? I'm not clear on the map. Are there two means of egress? You're mentioning a bus stop and then I see a road A. Are there two --

MR. WINGLOVITZ: Yes. Road A is the primary access. It's a boulevard access.

MS. DeLUCA: Okay.

MR. WINGLOVITZ: And then there is a

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secondary access which will be emergency only. That will be paved. There will be pavers off of 300 so that people don't mistake it for a driveway. It will be a little less obvious. We don't want people pulling in there by mistake. We have pavers up to the right-of-way line. There will be a bollard and a fence to prevent people from coming in there unless they're emergency personnel. Everything will be paved beyond that. It's a similar setup that we did at Brighton Green. I think it worked pretty well there.

MS. DeLUCA: Okay. Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: John, would this be a candidate for the new tree ordinance?

CHAIRMAN EWASUTYN: I think -- I'll have Pat speak on this. I believe that existing projects will not fall under the proposed new local law.

Pat Hines, I'll refer to you.

MR. HINES: It's my understanding that this project would not be under that. I will clarify that now that the Town Board has, I

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believe, taken action on that new tree ordinance. I believe that because this is in the environmental impact statement phase, it most likely is exempt because of the amount of time and effort that's gone into it. I'll clarify that as well.

MR. GALLI: Just my second comment is it's been on the Board for like eight years, nine years. I just hope that it sustains its feasibility now since all the other projects have come into Town as rental units. Personally I'd like to see housing units. It's their property. Whatever legally they can do they can do. I just hope it's feasible and it works for them.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: John.

CHAIRMAN EWASUTYN: Ross, Jay, do you have any comments at this point?

MR. WINGLOVITZ: I've reviewed the comments that Pat has. I don't have any questions about it. I think Pat was very explanatory about what he was looking for.

The sewer question, I can respond to that brief. The capacity is based on the number

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of residents. That was the basis for the original DEIS preparation. So with this style of unit, actually the number of residents go down. That's where the numbers change here. It's not based on bedroom count but on number of residents. We actually have a different population number per unit. We'll explain that in our response.

Other than that -- draft SPDES limits from the DEC we received a few weeks ago, and we're working on the more detailed design of the plans.

MR. SAMUELSON: And Karen, I did pull out the old plans to find all the significant trees that we had proposed to save the last time. I believe they're on the plan but I'll confirm that. I will discuss this with you separately and we'll go through it.

MS. ARENT: Great. Thank you.
Fantastic.

CHAIRMAN EWASUTYN: Jayne, are you here this evening? Jayne Daly? Did you say Jayne Daly is here?

MR. WINGLOVITZ: She's here.

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MS. WEINBERG: I had to unmute myself.

CHAIRMAN EWASUTYN: Do you have any comments?

MS. WEINBERG: No. We've been going through everything that Ken had sent and we're working on it.

CHAIRMAN EWASUTYN: Good to see you.

MS. WEINBERG: Good to see you, too.

CHAIRMAN EWASUTYN: John Ward, I think I heard your voice in the background.

MR. WARD: Yes. Just refresh me. What unit was it going to be for the seniors?

MR. SAMUELSON: Where are the seniors. Part of the -- I think there's 26 or 27 that are required. As you look at the plan, it will be up on the top left. It will be two buildings. It will be buildings 1 -- 2 and 3.

MR. WARD: Very good. I'm happy it's up there. Thank you.

MR. SAMUELSON: Yes.

CHAIRMAN EWASUTYN: All right. Dominic Cordisco, Planning Board Attorney, are you still with us?

MR. CORDISCO: I am. Thank you, Mr.

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Chairman.

CHAIRMAN EWASUTYN: Good to see you.

MR. CORDISCO: Likewise. Likewise.

It's actually really good to see all of you, to be honest. Very heartwarming.

As Pat mentioned earlier, the review of a Draft Supplemental EIS, you know, is to confirm whether or not the applicant has addressed the items that were laid out in the scope. So that's the purpose of the Board's review at this time. The goal is for the Board to find that the applicant has, as far as the applicant is concerned, addressed items in the scope sufficient so that it's acceptable and ready to commence public review. At this point, you know, the Board and the Board's Consultants have provided the applicant with a detailed list of items that need to be addressed in order for the Board to commence the public review portion of this document.

I just want to clarify that it's important to note that at this stage a Draft Supplemental EIS is basically the applicant's view. It's the applicant's draft. It is not

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necessarily -- what is written in the draft is not necessarily the Board's position. The Board's position is developed and then determined as part of the later steps in the SEQRA process, which would be the Final Environmental Impact Statement and then the Findings Statement which itself closes out the SEQRA process. So we're not there yet. At this point the goal is to ensure that the public has enough information in front of it so that it can understand and comment on the project when we get to the mandatory public hearing.

CHAIRMAN EWASUTYN: Dominic, I know in some of the DEIS stages and scoping, are there timeframes tied into an SDEIS?

MR. CORDISCO: Yes. There are timeframes but they don't actually have any teeth to them, to put it bluntly. So where we are now is the Board is timely providing comments to the applicant for them to prepare a revised version of the Draft Supplemental Environmental Impact Statement. And when they resubmit, there is a 30-day time period then, after their next submission, for the Board to provide them with

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any further comments with a provision, however, that the comments that are provided at that second round relate primarily to the comments that were provided at this round. So in other words, it's not fair, and SEQRA realizes that it's not fair, to an applicant, unless there is new information that's discovered, to provide additional comments that could have been made at this time.

CHAIRMAN EWASUTYN: Thank you. Okay.

So at this point in the meeting, Jay Samuelson, Ross Winglovitz, are there any additional questions or comments before we say thank you for your time and please start working on the comments that we discussed?

MR. WINGLOVITZ: I don't have anything further. Thank you.

MR. SAMUELSON: Nothing.

CHAIRMAN EWASUTYN: Jayne, thank you for being present this evening. We look forward to receiving the revised documents and maps associated with it.

MR. WINGLOVITZ: Thank you. Have a good evening.

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(Time noted: 8:54 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 2020.

Michelle Conero

MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

LANDS OF ZAZON
(2004-29)

Request for a Six-Month Extension of Preliminary
Approval from April 16, 2020 until October 16, 2020

----- X

BOARD BUSINESS

Date: April 16, 2020
Time: 8:54 p.m.

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
KENNETH WERSTED
KAREN ARENT

----- X

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

CHAIRMAN EWASUTYN: We have two items

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of Board business this evening. They're requests for extensions. The first one is the Lands of Zazon. They're requesting a six-month extension from April 16 through October 16, 2020.

Pat, do you want to state anything on this now?

MR. HINES: Yeah. This is an eleven-lot subdivision that was approved circa 2006 or '07. So it's received numerous, numerous extensions.

We had previously stated that we believe that a final public hearing, which is a provision in your zoning, should be held prior to any action being taken. This neighborhood could have turned over. Any of the neighboring properties or people that were at the public hearing in 2006 or '07 may no longer live in this area and there could be very new people living in the area and potentially impacted by the project. So I would suggest that any extension incorporate the fact that a future public hearing would be required.

There are procedural matters. Bonding of public improvements need to be looked at. We

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had previously approved cost estimates some 14 years ago or so. Those would need to be updated.

I believe the applicant is actively trying to sell the project. He was before us about a year ago and had told us that. So if they can find a buyer, it may proceed.

It's probably one of the longest standing projects that we've had before us. I think that prior to any approvals, another series of review would be required.

CHAIRMAN EWASUTYN: What do you mean by approvals? I'm not following you.

MR. HINES: It has right now preliminary approval.

CHAIRMAN EWASUTYN: Right.

MR. HINES: And prior to a final approval I believe that there's going to be a need to update procedural matters, as well as we're suggesting that the Board consider holding another public hearing, a final public hearing, which is -- your zoning has a provision for that. We often don't do it because the preliminary public hearings are very close to the finals usually. In this time gap I believe that the

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neighbors should have the ability to comment and be updated on the fact that there even is a subdivision in their neighborhood.

CHAIRMAN EWASUTYN: Would you suggest to the Board that we grant the extension from April 16 through October 16?

MR. HINES: Yeah. I don't have any pressing concerns. I don't know that there was any significant change in the neighborhood since the last extension was granted, but this is a longstanding extension. It's probably your longest extended project before the Board.

CHAIRMAN EWASUTYN: So if we granted the extension, it's with the understanding that it's at preliminary approval now, and that's why it continually comes before us, but when the action is required for final approval, it's at that moment in time we will have a public hearing?

MR. HINES: Yeah. It's certainly up to the Board. I would suggest it just because of the time that lapsed between the previous public input on this project.

CHAIRMAN EWASUTYN: Okay. Would

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someone make a motion to grant the extension from April 16 through October 16, 2020 with the understanding that a public hearing will be required before final site plan approval is granted -- or final subdivision approval is granted?

MR. DOMINICK: John, I'll make the motion.

CHAIRMAN EWASUTYN: Frank Galli made the motion?

MR. DOMINICK: No. It was Dave Dominick.

CHAIRMAN EWASUTYN: Excuse me. Dave Dominick moved for the motion. Do I have a second?

MR. WARD: Second.

CHAIRMAN EWASUTYN: Second by John Ward. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

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MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Thank you.

(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 2020.



MICHELLE CONERO

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MEETING HELD REMOTELY VIA ZOOM

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

----- X

In the Matter of

LONGVIEW FARMS - SUMMER KIM CORP.
(2006-39)

Request for a Six-Month Extension of Preliminary
Approval from April 16, 2020 until October 16, 2020

----- X

BOARD BUSINESS

Date: April 16, 2020
Time: 9:00 p.m.

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
KENNETH WERSTED
KAREN ARENT

APPLICANT'S REPRESENTATIVE: Thomas Depuy

----- X

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

CHAIRMAN EWASUTYN: Our last item of

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Board business is Longview Farms/Summer Kim. They're requesting a six-month extension, again from April 16 through October 16, 2020.

Pat Hines, would you speak to us on this?

MR. HINES: This project has not quite as long a history as the previous one but it's getting there. There are some legal issues with this project that are being worked out regarding ownership of some small slivers and tracts of land with some other subdivisions that were associated with it. That's been the holdup on this portion of the project.

I believe the applicant's representative is on the meeting as well. I don't know if they have any input.

This one, again, has no significant changes since the last extension but it's a 2006 job number with probably 2009 preliminary approvals out there.

CHAIRMAN EWASUTYN: Tom Depuy, are you with us?

MR. DEPUY: Yeah, I'm here.

CHAIRMAN EWASUTYN: We're listening.

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What do you have to say?

MR. DEPUY: Okay. Yeah, we're trying to straighten out some legal issues. I had submitted a letter. We were close to two foreclosures. We've gotten a little delayed now. We're going to proceed in submitting drawings and start the final subdivision approval process.

Probably the same suggestion should be made, that a public hearing be held, because there's been a lot of different adjoining owners since we last held a public hearing. We wouldn't be objectionable to that and get some additional public input on the final plans.

MR. HINES: That would be my suggestion as well. We talked about that the last time the project was before us for an extension.

MR. DEPUY: Yes.

CHAIRMAN EWASUTYN: Okay. That being said, would someone make a motion to approve the six-month extension for Longview Farm/Summer Kim from April 16 through October 16, 2020 with the understanding that prior to final subdivision approval, that a public hearing will be held.

MR. WARD: So moved.

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CHAIRMAN EWASUTYN: John Ward? Was that John Ward?

MR. WARD: Yes.

MR. GALLI: Second, Frank Galli.

CHAIRMAN EWASUTYN: Second Frank Galli. Thank you. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried.

At this point for closing of the meeting, I'll have Dave Dominick present any questions or -- not questions but -- Dominic, do you have anything to say before we move to close the meeting of the 16th?

MR. CORDISCO: No, Mr. Chairman, other than I want to thank everybody for enduring through a virtual meeting. It takes a bit of patience and some finesse and some perseverance.

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I think everyone has shown extraordinary commitment to ensuring that things can continue during this incredible time. So thank you.

MR. WARD: Thank you.

MR. GALLI: Thank you.

MS. DeLUCA: John, I have just one quick question. Do you have the address? Is there like addresses for these two projects? Where are they located? Summer Kim, what's the address?

MR. HINES: Summer Kim is off of Lattintown Road by Merritt Lane.

MS. DeLUCA: Okay.

MR. HINES: Holmes Road. In that area. Zazon is off North Fostertown I believe. I'm shooting from the hip here.

CHAIRMAN EWASUTYN: It's off of North Fostertown Road and plus or minus, it's probably 1,500 to 2,000 feet west of Frozen Ridge Road. It's on the north side of North Fostertown Road. What distinguishes the property is a two-story home that I would say dates back plus or minus about 100 years.

MS. DeLUCA: Okay.

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CHAIRMAN EWASUTYN: White clipboard.

MS. DeLUCA: Okay. It's right around the corner from me. Okay. Thank you.

MR. DOMINICK: John, I have one quick thing.

CHAIRMAN EWASUTYN: Go ahead.

MR. DOMINICK: I just want to say thanks to yourself, Dominic, Pat, Ken, Michelle, Karen, our advisors. I think this first time for our virtual meeting was a real homerun and really a great job by everyone. I echo Dominic's sentiments but also himself and, like I said, our advisors were key in getting this meeting off the ground. Great job, fellows. Great job. And ladies.

CHAIRMAN EWASUTYN: Thank you.

MR. WARD: Ditto on my part.

CHAIRMAN EWASUTYN: Okay.

MR. CORDISCO: If I may, it was Ken Wersted that made us all look good. Thank you so much for providing that technical support. It's quite a bit to manage and so very much appreciated.

MR. WERSTED: No problem. I enjoy

1
2 doing it.

3 I did notice, you know, I think it
4 probably helps divide and conquer because with
5 people popping in during your talking, I was able
6 to let them in. I'm sure that happened vice
7 versa. I think it went well.

8 Just one comment on the -- on one of
9 the Board business items. I noticed on this one
10 it said that the current approval was to expire
11 in March 2020. I know it extended from today's
12 date but I don't know if that means that there's
13 going to be a lapse in the approval.

14 CHAIRMAN EWASUTYN: I think what
15 happened, Dominic, there also was -- it was a
16 timing matter of just coming up on an agenda to
17 make an agenda out of it. That's what happened.

18 MR. HINES: They applied in a timely
19 manner and it was just getting it on a meeting
20 that transferred it over.

21 MR. WERSTED: Okay. Thank you.

22 MR. CORDISCO: In that circumstance,
23 the approval is continued until the Board can
24 consider.

25 MR. WERSTED: Thank you.

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CHAIRMAN EWASUTYN: All right then. If someone would make a motion to close the Planning Board meeting of April 16, 2020.

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward. Second, was that Cliff Browne?

MR. DOMINICK: That was myself, John. Dave Dominick.

CHAIRMAN EWASUTYN: I apologize. A second by Dave Dominick. I'll ask for a roll call vote starting with John Ward.

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion carried.

(Time noted: 9:06 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 2020.

Michelle Conero

MICHELLE CONERO