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

----- X
In the Matter of

CHADWICK WOODS
(2019-02)

174 Route 300
Section 14; Block 1; Lot 51
RR Zone

----- X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: May 4, 2023
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: MICHAEL PUZIO

----- X

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

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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. The Town of Newburgh Planning Board would like to welcome you to the meeting of the 4th of May. This evening we have five items of Board business. The first two items are public hearings.

At this time I'll turn the meeting over for a roll call vote starting with Frank Galli.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. DOMINICK: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. HINES: Pat Hines with MHE Engineering.

MS. CONERO: Michelle Conero, Stenographer.

MR. CAMPBELL: Jim Campbell, Town of Newburgh Code Compliance.

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

CHAIRMAN EWASUTYN: At this
point I will turn the meeting over to
Michelle Conero.

MS. CONERO: If everyone would
stand for the Pledge.

(Pledge of Allegiance.)

MS. CONERO: Please turn your
cellphones off or silence them.

CHAIRMAN EWASUTYN: Our first
item this evening is a public hearing
for a five-lot subdivision. It's
Chadwick Woods, project number 19-02.
It's located at 174 Route 300 in an
RR Zone. It's being represented by
Engineering & Surveying Properties.

At this point, Ken Mennerich
will read the notice of hearing.

MR. MENNERICH: "Notice of
hearing, Town of Newburgh Planning
Board. Please take notice that the
Planning Board of the Town of

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Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the New York State Town Law on the application of Chadwick Woods five-lot subdivision, project 2019-02. The project proposes a five-lot residential subdivision. The lot is an existing 14.92 plus or minus acre parcel of property that fronts on New York State Route 300. The proposed lots will be served by connection to the Town of Newburgh municipal water system and individual onsite subsurface sanitary sewer disposal systems. The lots will be served by two common driveways, one serving two lots and one serving three lots. Driveways will access off New York State Route 300. The project site is located in the Town's RR Zoning District. The project site is known on the Town of Newburgh tax maps as Section 14; Block 1; Lot 51. A

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public hearing will be held on the 4th day of May 2023 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. or as soon thereafter as can be heard, at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 6 April 2023."

CHAIRMAN EWASUTYN: Thank you, Ken.

At this time, Pat Hines with MHE will discuss the meaning and purpose of a public hearing.

MR. HINES: As the Chairman mentioned, the first two projects on the agenda tonight are for public hearings. Public hearings are the opportunity for the neighbors and the general public to bring issues to the Board that they may not be aware of.

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Each of these projects has been before the Board for many meetings, but this is your opportunity to bring questions or comments to the Board. Short answered questions may be answered tonight. If there's more information needed, they may not be answered tonight. We will take your questions or comments tonight for the Board to consider.

For the processes, if you would raise your hand, be acknowledged by the Chairman, give your name for the Stenographer and your address to give the Board your perspective on the project. It's helpful to know where you're coming from. Each person that wishes to speak will be allowed to speak before people are allowed to speak again. Your comments should be addressed to the Board. The Board may or may not ask one of its consultants or the applicant to address your comments. There is a

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stenographer present to take down all of your comments, so we do need you to come up, speak clearly so Michelle can get your comments. Again, this is the opportunity for the Board to hear from neighbors and the general public on issues we may not be aware of. It doesn't matter how many times we hear a comment, if other people have already said the comment, if we hear it ten times or twenty times. We are interested in getting your comments and perspective on the project.

CHAIRMAN EWASUTYN: Thank you.

At this point, we'll turn the meeting over to the applicant's representative with Engineering & Surveying Properties.

MR. PUZIO: Thank you. Good evening. My name is Mike Puzio with Engineering & Surveying Properties. Along with me here tonight is actually the owner/applicant, Mike

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Mahar, with Hudson Asset Homes.

As was very well described before, this project is located off of Route 300 in the Town of Newburgh. It's a proposed five-lot subdivision. There are four lots that are proposed that are just over two acres to meet the two-acre requirement in the RR Zoning District.

Each lot is proposing a private onsite septic as well as public water. The Town water is going to be connected through 300. Service lines will be run up the driveways to each individual lot.

Along with that, the rear lot, the fifth lot, is going to retain the most area, which is contained in the area to the south.

Along with that, comments were received. The driveways were laid out to accommodate any fire department comments for access. They have no issues with the layout of the

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site. We received approval for that.

We did complete verification percs on site. As this job was previously done by a previous firm, our firm did go out and confirm the percs for each lot. Each lot is -- the percs are good.

I'm trying to think of anything else that there would be.

I would be happy to answer any questions.

CHAIRMAN EWASUTYN: Okay. So anyone here this evening, as Pat Hines said, that has any questions or comments, please raise your hand and give your name and your address.

MR. PRICE: I'm Cassius Price from 18 Johanna Drive in Newburgh.

For those that are not familiar with the project that you described, can you give a little bit of details as to where on 300 this project is?

MR. PUZIO: Yes. So for reference, this neighboring parcel

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right here is 1743 Route 300. That's the address of that lot. It's actually located about a quarter mile west of Chadwick Park. It is about halfway between the interstate and the park.

MR. PRICE: Is this a single-family home development that you're building? What are you building?

MR. PUZIO: Yes. These lots are proposing four-bedroom dwellings. Single-family homes on each lot.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. CORBETT: John Corbett, 9 Gargoyle Lane.

I have the same thing as I had at the last meeting I was at. What about traffic? That's more traffic in the area. We're already overwhelmed with the amount of traffic that we have. Are they going to do a traffic study on that road also?

CHAIRMAN EWASUTYN: Ken Wersted

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with Creighton, Manning, they're our Traffic Consultants.

MR. WERSTED: The size of this development isn't significant relative to traffic. It's not going to generate enough trips to warrant a full traffic study. DOT has counts out on Route 300 and Route 32 in that area, but the five lots aren't going to substantiate the need for a traffic signal.

MR. CORBETT: I kind of disagree. You're putting five houses in there. They're four bedrooms. It could be anywhere from five cars to twenty more cars in that area at any given time, depending on the ages of the people that buy it and their kids and all.

MR. WERSTED: That traffic would be spread out over the course of the day. Correct?

MR. CORBETT: I don't know. Traffic is not spread out over the course of the day where I live. I can't get in

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and out of my residence now, and
you're adding more traffic to it.

MR. WERSTED: I can speak to
DOT standards and typical traffic
engineering standards. This doesn't
rise to that level.

CHAIRMAN EWASUTYN: Someone who
hasn't had the opportunity to speak?

(No response.)

CHAIRMAN EWASUTYN: Additional
questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: Okay. At
this point, we'll turn the meeting
over to Pat Hines with MHE.

MR. HINES: We have provided
the applicant with some additional
technical comments.

The project is subject to the
Town's recently adopted, six months
or so ago, Tree Preservation
Ordinance. The project existed since
2019, so it's kind of playing catch
up with that ordinance. The

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applicants have requested that that be deferred as a condition of approval, but we don't believe, based on the Tree Ordinance, that that's a condition that can be deferred. They need to show compliance.

The New York State Department of Transportation has granted conceptual approval for the two driveway access points. The Town of Newburgh Town Board granted approvals for the one driveway that has three houses on the common driveway.

The common driveway access and maintenance agreements for the driveways will be required as a condition of approval.

The project is proposed to connect to the Town's water system, which is located within the Route 300 right-of-way. The service laterals to several of the lots are rather long, so we had requested an analysis of the pressure available at the

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house locations. I believe the applicant's representative stated they were doing that testing Monday with the Water Department. We don't have those results yet.

The project will require a construction stormwater permit from DEC. It's a general permit for projects that are residential, one to five acres, that will consist of the erosion and sediment control plan. The project will be required to get a permit from the DEC for that erosion and sediment control plan.

We have a couple of outstanding conditions, the Tree Preservation and the water pressure analysis that we're waiting on.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: Nothing additional.

CHAIRMAN EWASUTYN: Board Members. John Ward?

MR. WARD: No comments.

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CHAIRMAN EWASUTYN: Ken Mennerich?
MR. MENNERICH: No questions.
MR. DOMINICK: Nothing additional.
CHAIRMAN EWASUTYN: Stephanie DeLuca?
MS. DeLUCA: Nothing additional.
MR. GALLI: No additional.
CHAIRMAN EWASUTYN: Any questions at this point?
MR. CORDISCO: I have some comments, Mr. Chairman.
So at the April 6th meeting, the Planning Board adopted a negative declaration regarding this project. There are still some outstanding items, as Mr. Hines just mentioned.
The Board has two options. One would be to hold the public hearing open until those items are received, or the applicant could extend the time for the Board to make a decision after closing the public hearing. It's really taking input from the applicant as to which you would

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prefer to do at this point.

MR. MAHAR: Mike Mahar, 50 Cocoa Lane.

What's your timeframe for --

MR. PUZIO: We could have these turned around by next month's meeting, depending on the tree clearing. We could have all that located, if that's going to be considered a condition.

MR. MAHAR: One question. The tree clearing, the comment that was made on March 27th from the Town Board was reducing the area that needs to be surveyed. That was adopted at the March 27th meeting. Correct? Are you aware of that or not?

MR. HINES: No. That has not been addressed by the Town Board.

MR. CORDISCO: It's under consideration, but it hasn't been adopted.

MR. MAHAR: Okay. My question would be then, does the -- okay. I'm willing to do it either way. If you

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want to close the public hearing and then defer your decision or -- it doesn't make a difference either way.

MR. CORDISCO: The law requires that the Board make a decision within 62 days. With the outstanding items, the Board's decision would have to be a denial, if you will, in the absence of providing that information. So if the applicant is willing to extend the 62 day timeframe until after the submission is made, then I can recommend to the Board that you close the public hearing, and then you can review the information when it's submitted. I'm speaking, but it's actually your agreement.

MR. MAHAR: That's fine. That's fine.

MR. CORDISCO: Okay.

CHAIRMAN EWASUTYN: Are there any further questions or comments from the public?

MR. PRICE: I've got a

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question. Cassius Price, 18 Johanna Drive.

Are you saying you're going to hear further discussion from these gentlemen before the project is okay to proceed?

CHAIRMAN EWASUTYN: I think what we're saying is we have two options. We could close the public hearing provided that the applicant, who said he would, would extend the 62-day decision for the final approval. In the meantime, we're waiting for a tree preservation survey. We're also waiting for the results from the Town Water Department, which there will be a test on Monday, as far as pressure. So the option is one of two things, to continue the public hearing or to close the public hearing subject to the conditions being satisfied, in which case they would come back before the Board one more time with the proven information.

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MR. PRICE: Is that decision yours or is that the people in here, --

CHAIRMAN EWASUTYN: Excuse me?

MR. PRICE: -- to make them come back to present their case? Can they bring a better diagram so we can see exactly what is it that they're building? Looking at that, I don't know what they're building over there.

CHAIRMAN EWASUTYN: You can walk up to the board and take a look.

MR. PRICE: I'm talking about a more detailed diagram to show streets, trees, whatever they're building. Wouldn't the public like to know more? Is it just me?

MR. HINES: The plan they've submitted is a detailed survey and engineered plan. It shows the driveway locations, the State highway, the topography. All the items that are required on the checklist are on this plan. It's a very detailed plan. These plans are

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also posted, prior to each meeting, on the Town's website, so they're available. Granted, I don't know if you're able to read plans, but they do show the five house locations, the septic locations, the location for the water connections and the various details, what we call engineering details for that. These plans meet the requirements of a plan for a subdivision plan in the Town.

MR. PRICE: So there would be no need for any public hearing if they meet all the requirements?

MR. HINES: A subdivision always requires a public hearing. As I said earlier, that public hearing is for the public, the neighbors to bring issues the Board may not be aware of. We hear such things, as an example, there's a Bald Eagle nest on the property that we don't know about. We've had issues like that. That's the purpose of the public hearing.

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It's not to say no, we don't like the project. That's not an option for the Planning Board. The Planning Board is an administrative review board. They're here to make sure the project complies with the Town Code and the environmental review process. To just say no to a project is not an option.

MR. PRICE: Got it.

CHAIRMAN EWASUTYN: Thank you. Having heard from Dominic Cordisco, I'll poll the Board Members. Frank Galli?

MR. GALLI: You're polling for the 62 days?

CHAIRMAN EWASUTYN: Correct.

MR. GALLI: I'm fine with closing the public hearing and letting them wait for the tree preservation to come in.

MS. DeLUCA: Agreed.

MR. DOMINICK: Agreed.

MR. MENNERICH: Agreed.

CHAIRMAN EWASUTYN: Agreed.

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MR. WARD: Yes.

CHAIRMAN EWASUTYN: Do you want to say it out loud?

MR. CORDISCO: So the Board would like to entertain, I think, a motion at this point to close the public hearing with the understanding that the 62-day timeframe to make a decision has been extended voluntarily by the applicant until such time that an application -- excuse me, the revised materials are made and submitted to the Board and put on an agenda.

CHAIRMAN EWASUTYN: Okay. Can I have a motion for that?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: I have a motion from Ken Mennerich. I have a second from Dave Dominick. Can I have a roll call vote starting with John Ward?

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Motion
carried. Thank you.

(Time noted: 7:18 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 16th day of May 2023.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

LONGVIEW FARM
(2006-39)

Barbara Drive Extension and Holmes Road
Section 20; Block 2; Numerous Lots
AR Zone

- - - - - X

PUBLIC HEARING
27-LOT SUBDIVISION

Date: May 4, 2023
Time: 7:19 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: THOMAS DePUY

- - - - - X

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CHAIRMAN EWASUTYN: The second item of business this evening is Longview Farm. It's application 06-39. It's a public hearing on a 27-lot subdivision. It's located on Barbara Drive Extension and Holmes Road. It's in an AR Zone. It's being represented by Tom DePuy of DePuy Engineering.

At this time, Ken Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the New York State Town Law on the application of Longview Farm 27-lot subdivision, project 2006-39. The project involves a 27-lot subdivision including three stormwater management lots and associated roadway

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dedication parcels. The combined project size is 87.8 plus or minus acres. The proposed lots vary in size from 1.7 to 6.4 plus or minus acres. The project will access off of Holmes Road, Dara Drive and Barbara Drive. The lots will be served by individual on-site wells and subsurface sanitary sewer disposal systems. Roadways are proposed to be dedicated to the Town of Newburgh. A stormwater management plan has been prepared and a drainage district will be established for maintenance of stormwater improvements. The project is proposed to be developed in phases. The project is located in the Town's AR Zoning District. The project consists of three tax parcels known on the Town of Newburgh's tax maps as Section 20; Block 1; Lot 140, Section 20; Block 1; Lot 1, and Section 7; Block 3, Lot 21. The project also involves lot line

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changes with adjoining tax lots,
including tax lot parcel 20-1-3.1,
20-1-3.32, 20-1-3.33 and 20-1-3.34.
A public hearing will be held on the
4th day of May 2023 at the Town Hall
Meeting Room, 1496 Route 300,
Newburgh, New York at 7 p.m. or as
soon thereafter as can be heard, at
which time all interested persons
will be given an opportunity to be
heard. By order of the Town of
Newburgh Planning Board. John P.
Ewasutyn, Chairman, Planning Board
Town of Newburgh. Dated 6 April 2023."

MR. CORDISCO: In addition to
the information in the notice, many
of you will recognize the fact that
this is -- if you're here on this
project, this project has been
pending since 2006. It actually
received approval in 2008. It then
received conditional final approval,
some work was done on the site, and
it then, however, stepped back down

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to preliminary approval because the project was never finalized, for a variety of different reasons. In any event, the project has been pending since 2006. There was a prior public hearing on this project, but now the Board, given the current version of the plan and the updates to it, has decided to hold a second public hearing regarding this proposal.

CHAIRMAN EWASUTYN: Thank you.

As in the case of the first meeting, is there anyone here this evening that has any questions or comments? Please stand up and give your name and your address.

MR. DeROSA: Nick DeRosa, 5 Summer Drive. Good evening.

Mr. DePuy, I have a survey here that you did for our house, and I have a question. It's on Summer Drive. Just a threshold question, first of all. I don't know anybody that received written notice of this

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meeting. We got written notice because my wife called the Chairman of the Planning Board and he was kind enough to send us the notice, and also our neighbors. Kevin Bento is here, my neighbor across the street, no notice. His neighbor, no notice. Mr. Spinelli.

Did you get one?

UNIDENTIFIED SPEAKER: No.

MR. DeROSA: I don't know that anyone got a notice. I'm not here as an adversary. My question simply is, does that make this meeting binding on anybody if it's a public hearing and no one got notice of it? Is anything that's said or done at this meeting going to be relevant or binding? That's my question, first off. I don't know that anyone got a notice. As I say, it was through the Chairperson of your Planning Board that we were able to get a notice.

UNIDENTIFIED SPEAKER: I can

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 speak to how I found out.

 CHAIRMAN EWASUTYN: Again,
let's keep some order. Let Mr. DeRosa,
who is speaking. If he's finished
with his presentation, then would you
please again --

 MR. DeROSA: Right. So I
don't know where that leaves us. My
field was criminal law, not municipal
law. Maybe someone else can answer
that question. I don't know where
that leaves us. The reason I'm
concerned of that, it's only because
they -- our neighbors may think of
questions that we haven't thought of.
It's good to hear from your neighbors,
if they have concerns, and at least
we'll know about them. I don't know
what the Board wants to do about that,
but I'll move on. I don't want to
take much of your time.

 I have a couple of concerns
and a couple of questions. The first
one is, I looked at the original

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subdivision plan -- not the original one but the current one, it was online, and I saw that by the stroke of the pen they changed the name of our street to Dara Drive. That's a concern of not only myself but our neighbors, who are in Florida right now, who can't be here. That's going to cause a tremendous amount of problems for us, because of passports, Drivers' licenses. I mean, all those things have to be redone and we haven't moved an inch.

My question simply is, Mr. DePuy, is there any reason why we can't reverse the stroke of that pen? The road goes generally in a westerly fashion to Barbara Court and then it branches off, I think to Dara Drive.

MR. DePUY: Basically, yeah. The road comes off Holmes and drives through here and then connects to Dara Drive. That's why we said we would name this area Dara Drive. I

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don't know how -- would we change the name at the intersection? I mean, that doesn't bother me.

MR. DeROSA: That's my question. Summer Drive can easily go all the way up to Barbara Court, because it's a continuous road the way you've planned it, and then Dara Drive can come off it, this way we don't have to change everything, our passports and everything. You know what it's like to move. I don't have to tell you. So is there a way that we can agree to leave -- we like the name Summer Drive, anyhow. Is there a way we can agree tonight to keep that as Summer Drive?

MR. DePUY: That's not up to me. That's up to the Town, actually.

MR. HINES: I have had that conversation which you just had. I believe you contacted one of the Town Board members and he approached me. We've had that discussion with the

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town supervisor and one Town Board member. I do have that in my comments tonight.

Dara Drive was constructed as a cul-de-sac when it was originally proposed to be Summer Drive going through. Now there are six people on Dara Drive with Dara Drive addresses. There are two people on Summer Drive with Summer Drive addresses. What I suggested, which was a little different than your suggestion, was that the applicant approach the Town Board to revise the road names. Certainly the center road is not going to be named road A. My suggestion originally was that Summer Drive continue in to the proposed intersection and then Dara Drive continue from the cul-de-sac to Barbara Drive. That solves both problems.

MR. DeROSA: Absolutely.

MR. HINES: It's a matter of

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semantics whether Summer Drive continues to Barbara or Dara.

MR. DeROSA: That would be fine. Since no one lives past me on Summer Drive --

MR. HINES: The Town Board is aware of this issue, and they do need to go to the Town Board for road names.

MR. DePUY: We have no problem. I understand.

MR. DeROSA: Thank you. That would solve that problem.

Secondly, there's a culvert just east of my property -- our property, and that culvert was constructed by someone that you know.

MR. HINES: We all know.

MR. DeROSA: I'm not mentioning any names. It was the predecessor in interest of the current owner. When he constructed that -- long before we ever saw Summer Drive, when he constructed that, he did not construct

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it in accordance with the Town's regulations. Consequently, all the utilities for our property go through that bridge that was not approved by the Town. What's going to happen when the Town takes that over, because they're not going to let that stand, I have a feeling, since it does not comply with the regulations? What does that mean to me -- us, I should say? I'm here with my wife Elyssa, by the way.

MR. DePUY: We have a proposed plan to bring it up to compliance. I know we reached out -- we're going to have to reach out to the utility company, whether they want to bring the electric down there and service these lots down here and leave this alone, or we're going to have to reroute the conduits down underneath the stream and back up with the utility company. I mean, that was part of the compliance of our

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proposal.

MR. HINES: We have that as a comment on our comments. There is a proposal in the plans to bring that culvert structure up to Town specifications and remove your utilities from internal of the culvert.

MR. DeROSA: Excuse me for asking, but where do my utilities go after you remove them?

MR. DePUY: They'll be rerouted under the stream and back up so they're not coming through.

MR. DeROSA: The Town is going to do that?

MR. HINES: The applicant.

MR. DePUY: The developer will do that.

MR. DeROSA: Pursuant to the Town specifications that wasn't done prior to the beginning?

MR. HINES: Prior to these plans being stamped, that work will have to be secured.

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MR. DeROSA: These are simple questions. The next question is, there's a portion of the road that's not paved. Every year we have someone come and dump a load of item 4 and spread it out and compact it. I'm just wondering, the access for construction that you folks plan, is that going to be Summer Drive and is that going to be over that item 4? I just wonder what's going to happen.

MR. DePUY: That was one of our alternates. We had several alternate accesses. We were going to use Summer Drive, and probably come up to Barbara also, but then we came back and looked. Maybe we'll come off Merritt, because that doesn't really impact any of the lots that are already there. People don't want dump trucks and everything running through their front yards, or your front yard. We're looking at accessing it off Merritt. We'll

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temporarily build this road in here and then access everything from that direction. There might be some access in here, depending on how it's phased, but our real intent is to bring it up.

MR. DeROSA: That's going to destroy --

MS. DeROSA: I'm interrupting because it's my husband.

MR. DeROSA: I'm used to that.

MS. DeROSA: I would just like to get a commitment that we're not going to have construction vehicles going in front of our house, on our private road that we've been maintaining and paying for for years, that this isn't going to go on for God knows how many years while this development is being built, unless someone else is taking over the maintenance and paying for that road to be -- you know, to be maintained.

MR. DePUY: Ultimately that

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will become a Town road.

MS. DeROSA: That's after the development, right?

MR. DePUY: As part of the development that will be upgraded to Town specifications. I can't guarantee we're not going to have some construction traffic coming through there. Basically the developer will have to -- you know, anything they rut up or anything during that period of time, they'll have to fix.

MR. DeROSA: If that item 4 goes away, you're going to lose some of your trucks in the potholes.

MR. DePUY: I understand.

MR. DeROSA: Next, and this is next to last, the retention ponds, you're going to keep those, and those are going to be restored? We're not going to have any problems with those. Right?

MR. DePUY: Right. They're

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going to be constructed in accordance with the plan, and then there's going to be a drainage district that's going to be formed that will maintain them over time.

MR. DeROSA: The last question I have. Mr. DePuy, let me show you the survey that you did when we bought -- I don't want to spring this on you -- that you did when we bought our house. This is what I don't understand. Do you see where this property line is here?

MR. DePUY: Yes.

MR. DeROSA: That looks like it's almost all the way across the road. Right?

MR. DePUY: What happened was the road wasn't developed to like full width at the time. What happens is when the road is -- this will revert back into the Town road right-of-way. Your property line will be reestablished here.

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MR. DeROSA: Where is that --
okay. What happens to this property?
When you say lot line change, you
just do that unilaterally without
consent or compensation?

MR. DePUY: That was part of
the original -- I've got our lawyer
here. That was part of the original
sale. Right?

MR. SCHUTZMAN: Stanley
Schutzman on behalf of the applicant.

All the deeds from when it was
the one parcel on out to you and to
others had a reversionary right in
there to secure some take-back --

MR. DeROSA: 25 feet.

MR. SCHUTZMAN: -- to allow the
development to move forward in terms
of what was planned. We verified
that all those deeds recorded have --

MR. DeROSA: Right. Mine does.
I know that.

So my question is, where that
road currently is, it looks like a

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road, it's a path, where are we going from there? How much closer to my house are we going to be from there?

MR. DePUY: Well, I think we have a 30-foot wide roadway. Where that property line is, it would be 15 foot in here. I think what happens is some of this got slightly -- when it got built, it's not built right where it belongs. I think it got shifted towards your house. I think part of the road actually belongs back a little bit.

MR. DeROSA: All right. Thanks.

MS. DeROSA: Is there clarification on how much of our property will be cut into?

MR. DePUY: 25 feet will be part of the right-of-way, but the actual travel way will only be 30 foot wide. It will be 15 foot from the center of that right-of-way.

MS. DeROSA: From where?

MR. HINES: 10 feet.

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MR. DePUY: 10 feet. Sorry.
10 feet from the roadway to the
property line.

MR. DeROSA: I don't have any
other questions.

CHAIRMAN EWASUTYN: Additional
questions or comments from the
public? The gentleman in the back.

MR. BENTO: Kevin Bento, 12 Holmes.
A couple of things. Let's see.
First, I didn't get a notice either.
I spoke with John yesterday. My
house borders this subdivision on two
sides and I wasn't notified. I found
out through a neighbor.

The second thing is; Tom, if
you can go over -- I don't know what
a sewer district -- drainage district --

MR. DePUY: Drainage district.

MR. BENTO: Explain what that
means.

MR. DePUY: Basically the area
that's being developed and the lots,
okay -- it's actually the way the tax

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people, I can tell you that. I believe the only -- you were actually left out, and so are these two lots and these two lots. So it's only these lots here that are going to be within the district that will be taxed under that district.

MR. BENTO: Okay. So that's a financial thing.

MR. DePUY: That's how we drew it up. I mean, why would you sign into something that you've got to pay taxes on? That was my idea.

MR. BENTO: Okay. Well, I wasn't notified about this Planning Board meeting.

MR. DePUY: Okay.

MR. BENTO: Anyway, the reason I bring that up is, over the past whatever, 20 years, since the original subdivision got approved and all the work was done, the retention ponds, if you even call them that, have overflowed a couple times and

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caused damage to my road, Joe Palmerone's road, washed out partially a bridge. So whatever -- how is it going to be different now and how are those --

MR. DePUY: When this overall development gets developed, there will be a larger detention pond in here that will take into account the 100-year storm event. I know what happened was when we came down there, they only put a little, tiny pond in there and it didn't get maintained. When we're done we'll have a large pond right in this area here, and then we have some other stormwater stuff up in here which will catch the runoff and detain it properly. That's all been studied and it's been approved by the Town and the DEC with the NOIs and everything like that.

MR. BENTO: The maintenance of that going forward, that's --

MR. DePUY: That's going to be

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the drainage district's responsibility.

MR. BENTO: So the houses that will be built will pay for that maintenance going forward?

MR. DePUY: Yes.

MR. HINES: So the Town has a landscape contractor that annually is awarded the drainage district maintenance. There are some eleven or twelve drainage districts currently in the Town. Once this project is complete, that will be added to that annual contract for mowing, cleaning and operation and maintenance of those facilities.

MR. DePUY: They make sure none of the outlets are clogged or anything like that.

MR. BENTO: Will it be fenced off?

MR. HINES: Yes.

MR. DePUY: I believe, yeah, we call for a fence. Yes.

MR. HINES: Any detention pond that has standing water in it is

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required to be fenced.

MR. BENTO: And how will they get to the ponds?

MR. HINES: Right off the proposed --

MR. DePUY: There actually is a proposed road as part of the development of the pond to get down in there to the main maintenance areas. That's the inlets, the outlets and everything like that. We actually have a roadway down to those areas.

MR. BENTO: And you mentioned a landscape architect?

MR. HINES: Landscape contractor.

MR. BENTO: A contractor. Do the plans detail the plantings and trees and what's required?

MR. DePUY: We have a tree planting plan. There were a couple comments on that, which I agree with. We had originally gave two maple trees as our thing. We got a couple

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comments from County Planning and from one of the other adjoining owners. They're looking at switching out some more species so if there's a disease on, I don't know, sugar maples, that they don't all die. I was going to go back and look at that and see if we want to change some of the species on that. We pretty much only have two species, but we're looking to go back --

MR. BENTO: You're saying two trees per lot?

MR. DePUY: No. Two types of trees. We have 170 or 180 trees going in here.

MR. HINES: There's a requirement for one street tree every 40 feet of road.

MR. BENTO: One more quick question. Will that bridge that serves DeRosa's house, will that be rebuilt? How is that going to be improved?

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MR. DePUY: What happens is there's a deficiency plan in this set that shows the work that has to be done. There has to be sidewalks and guardrails put in, we have to relocate the utilities and I think widen out a little bit in some areas. That's all been detailed on the plans to bring it into compliance.

MR. BENTO: Are those plans online?

MR. DePUY: Yes, they're online.

MR. BENTO: Are they on the Town's website?

MR. HINES: Yes. If you go to the Town's website and go on meetings, it will bring up the Planning Board meetings. They're all posted prior to the meetings. Every time this project has been before the Board, as they're updated they're reposted.

MR. BENTO: Are they Tom's plans that show all the --

MR. HINES: Yes.

MR. BENTO: -- different level

2 details?

3 MR. DePUY: Yes. It shows all
4 the details.

5 MR. HINES: I believe the
6 stormwater pollution prevention plan
7 is on there. My office does that.

8 MR. BENTO: Are there sidewalks
9 through all the streets?

10 MR. DePUY: No. Just across
11 the bridge.

12 MR. BENTO: That's it? Why?
13 What's the purpose of a sidewalk
14 there if it's not continued?

15 MR. DePUY: Just to keep the
16 cars and the people apart on the
17 bridge. It just gives you a little
18 split.

19 MR. BENTO: Why wouldn't there
20 be sidewalks throughout the entire
21 subdivision?

22 MR. DePUY: It's a 30-foot wide
23 road. There's hardly anybody on it.
24 You really don't need them.

25 MR. HINES: The Town of Newburgh

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does not allow sidewalks on Town roads.

MR. BENTO: It's 27 houses times how many people are going to be living there? I think sidewalks are important. Very important.

MR. HINES: With the size of these lots, you would have hundreds of feet of sidewalk in front of every lot. It's the Town's policy to not put sidewalks in the Town road right-of-ways.

MR. BENTO: I know this isn't Westchester County, but in Westchester County a subdivision of this size would absolutely have sidewalks.

MR. DePUY: Probably not at those lot sizes.

MR. HINES: These are on wells and septics, so that dictates the larger lot sizes. You would have hundreds of feet of sidewalks.

MR. BENTO: What's the minimum

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zoning?

MR. HINES: The minimum here is 1 acre. The minimum lot size proposed is 1.6 and as high as 6 acres.

MR. BENTO: What's the largest lot?

MR. HINES: 6 plus or minus acres. A little over 6.

CHAIRMAN EWASUTYN: I would like to have others speak first and then we'll make another round. Thank you.

Additional comments from others in the audience?

MR. PALMERONE: Joseph Palmerone, 70 Taylors Way.

I abut this whole mess. I did not receive any notice of this hearing.

My property line -- my westerly property line, water is bleeding out of the hillside onto my property. I would like to see if that can be rectified. We got a lot of water in the last week. When they fill that

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hillside up with rooftops and driveways, it's only going to get worse. I think that needs a curtain drain there to get the water over to the wetlands.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I think Mr. DePuy just said that they will analyze that.

MR. DePUY: I know where he's talking. Right along here.

MR. PALMERONE: Water is bleeding out of there. It's running like a stream there.

MR. DePUY: Yeah. They had those old under drains through those orchards, and some of them bleed out there. We'll look at intercepting them and putting a curtain drain in and rerouting. That would be against our lots -- let me see -- I think 24, 25 and 26. That's where we would look at doing a curtain drain, in that area.

MR. PALMERONE: Also, I have a

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question. The access to my property is on Dara Drive cul-de-sac. Is the elevation of the cul-de-sac -- I understand it's going away. Is the elevation changing, because that's going to change my -- I have a grade, a steep grade to get down to that cul-de-sac.

MR. DePUY: I think the cul-de-sac flips up a little bit, so it will change, but not severely. The cul-de-sac kind of comes in and they lift it up a little bit, but it will continue through. There will be a slight regrade through probably half of that cul-de-sac down in there, and then we'll --

MR. PALMERONE: So you're going to lower it?

MR. DePUY: Yeah. Not severely.

MR. PALMERONE: That's going to hurt me.

MR. DePUY: We're not lowering it like 5 feet. We're just going to

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grade it off.

MR. PALMERONE: How much will you will lowering it?

MR. DePUY: I'd say probably about a foot in your area.

MR. HINES: That grading will be along the center line of what is now the cul-de-sac.

MR. DePUY: There will be area to make up the difference in grade. It kind of lifts up a little bit now. It's going to have to follow the straight grade, so the center line will drop. You're right, we have enough room to get it revised.

MR. PALMERONE: Has Dara Drive been dedicated to the Town?

MR. HINES: Yes.

MR. PALMERONE: Dara Drive has been?

MR. HINES: As far as I know.

MR. PALMERONE: So how does a developer come in and change the elevation of a Town road?

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MR. HINES: Because it's going to be on the approved plans.

MR. DePUY: It's going to be on the approved plans.

MR. PALMERONE: Dara Drive, Harcourt, Cosman Drive was all done with the same cast of characters minus one, and I think you all know who the minus one is. The curbing is all blacktop curbing. I think you're proposing concrete curbing in the new part. Is that my --

MR. DePUY: We're actually proposing a country curb, which is an asphalt curb but it's not extruded like what's out there. It flips up a little bit and then gets rerouted into the catch basin.

MR. PALMERONE: So it's not concrete?

MR. DePUY: No.

MR. HINES: That being said, the highway superintendent needs to weigh in on their proposal, and it's going to be his determination what type of

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curbing. The curbing that was constructed out there was two or three highway superintendents ago that approved that.

MR. DePUY: They've been having a lot of problems with that. We came back with what we call a country curb alternate. It's easier to maintain, it looks nicer and stuff like that. It doesn't get hit by the snowplows and stuff like that.

MR. PALMERONE: No further questions.

CHAIRMAN EWASUTYN: Mr. Bento, there are others that may want to speak.

The gentleman in the back.

MR. BROWN: How are you doing? Michael Brown, 11 Dara Drive.

I was just wondering, in regards to the cul-de-sac, it's going to be opened up as an entry point to this new development. We only have about three houses on Dara Drive and

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all three houses have children.
Would there be any accommodations made with regard to incoming traffic in and out of that subdivision? Stop signs, speed monitors or anything to protect the children? They normally play on the street, because now it's a dead end. Now we're opening that dead end to 27 potential new folks coming in and out of what was once a closed-off street. I was just wondering if any accommodations were going to be made in regards to that.

Also I was wondering if during construction of the project, will there be any traffic from the construction workers in regard to moving of dirt or moving of materials in and out of that Dara Drive entrance once it's created?

MR. DePUY: Like I said before, we're looking to access the project from this direction, okay. I'm not going to guarantee you're not going

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to have one or two dump trucks come down the road. When we're working in the cul-de-sac, there will be activity in the cul-de-sac area.

MR. BROWN: No more questions.

CHAIRMAN EWASUTYN: The lady in the back.

MS. ROSARIO: My name is Melissa Rosario, I live on 23 Dara Drive.

I just have a concern, because we live in between, right behind Taylors Way. That road is supposed to be closed off, but the GPS is still sending folks through there. Yesterday alone we had a UPS driver get stuck out there for three and a half hours. It's giving access to behind our home where we have children. Is there any way that that road can be closed off so people know not to go through there, especially with all these new homes coming in? There's going to be a lot more traffic and I don't want any cars

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coming up and down my --

MR. DePUY: Dara Drive, that's the area right in here.

MR. HINES: They're talking about the old Taylors Way that goes out to Holmes Road.

MR. DePUY: That still shows up on the tax map or something. It's not really -- it was an old driveway at one time. That's all it was. I don't know how we can eliminate it off GPS.

MR. WERSTED: John, I've seen roads like that where maybe they were on a map and the subdivision never got built, it used to be a long driveway. Google Maps and the people who make those maps tend to follow what they see. Sometimes these roads aren't real roads, they're driveways up to someone's house. There is a way to go into Google Maps and make corrections. I would suggest that is a correction that would be suggested

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to them. I have done it in the past. Ultimately it's up to Google to accept that or not. I think that probably would help solve that, or at least help contribute to improving it. There are no guarantees, because obviously there's multiple software. Apple has their own maps, Waze has their maps, Google has their maps, truck drivers themselves have their own maps that they use to tell them that there's a weight restriction or a low bridge, don't use this road. That may be an option to help try and relieve that.

MS. ROSARIO: Can there be like a sign, like don't go this way, it's not a road or something?

MR. WERSTED: Not a through street, private. Something to that effect.

MS. ROSARIO: Thank you.

MR. BROWN: Is that something the Town would provide, like closing

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off the entry to Taylors Way? Who would be responsible for that?

MR. WERSTED: I can certainly look at the map side of things, but it may be a conversation with the highway super to see exactly what that road is and what kind of signage would go up there.

CHAIRMAN EWASUTYN: I'm still waiting for others. Is there -- ma'am.

MS. DAVIES: Heather Davies, 424 Barbara Drive.

CHAIRMAN EWASUTYN: Can you speak a little clearer for the stenographer?

MS. DAVIES: Can you understand me?

MS. CONERO: I heard you. Thank you.

MS. DAVIES: We're new so we weren't around when this was happening fifteen years ago. We just learned about it last month when a sign was put at the end of Barbara

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Drive, which is a dead-end street which nobody drives down. I wasn't notified through our mailbox. Neither were any of the neighbors, to my knowledge. The only people that could have seen this sign are folks who would have walked onto this property, which is obviously private and you're not really supposed to be there, or the many folks who use it as like four-wheeling grounds. The sign was knocked down about a week later and was just laying straight down. That was a concern to me. I felt like that was really sneaky. I drove to Dara and saw that the only other sign I could find was at the end of Dara, which is also a dead-end road. That was my biggest concern.

Also, Barbara Drive, as you know, right after our house there's a really large house and the road sort of like splits into two driveways with a little nice grassy thing in

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the middle.

MR. DePUY: That will all be pulled out.

MS. DAVIES: That's very sad.

MR. DePUY: I know. It has to be brought to Town road specs.

MS. DAVIES: Sure. So there's some drainage issues now. I mean, we got a lot of rain. There's a hill. There's just water just going. It's like a stream at the end of Barbara, like as of a few days ago when I was over there. That was a concern and question, which other people have already asked.

Then my other question was just like how many construction vehicles, also the folks who are going to be working and all of their personal vehicles, how are they going to access this work and where are they going to park?

MR. DePUY: That's what I keep saying. We want to access it from

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the Merritt side which has no real houses around, and then we'll try to access the majority of the construction in this direction. I'm not going to guarantee we're not going to -- we've got to get in there to do some of the work on the roadways and stuff.

MS. DAVIES: I hear you. I get it.

MR. DePUY: We want to make deliveries and everything to come in from that opposite direction, just to minimize the impact on everybody.

MS. DAVIES: Thank you. And then my other just biggest one was that I feel like nobody was told that this meeting even happened. It was not easy for me to come. I have two more babies at home that are probably struggling to go to bed right now without me. So what's the plan for like notifying the people whose property lines butt right up to this?

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How are they going to be told, and then how are they going to be heard if this is the only one?

That's all.

CHAIRMAN EWASUTYN: We'll answer your question toward the end of the meeting.

MS. DAVIES: Thank you.

CHAIRMAN EWASUTYN: Right now I'd like to have questions as far as any potential adverse impacts that we may not have considered that we'd like to bring to the attention of the Planning Board.

So is there any -- the lady in the back. Thank you.

MS. PALMERONE: Alisa Palmerone, 70 Taylors Way.

So you keep referencing the fact that you want to come in off Merritt.

MR. DePUY: Yes.

MS. PALMERONE: So that comes right behind our house where you're

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going to be bringing everything in.
So my question would be, because
we've had this happen before, if
you're coming in -- those are dirt
roads right now. It's an orchard.
There's dust. You're bringing big
machines through. You're bringing --
so it's just going to kick up and
everything is going to wind up in my
backyard and my pool. So my question
is, is there -- are you going to be
able to have them throw water down so
that it stays -- I understand we
don't want it to be mud, but this is
an ongoing --

MR. DePUY: It's part of
construction. I know your complaint.
I have construction behind my house.
I've got dust all over. You know,
we'll try to maintain as much as
possible. We'll put gravel down or
bulk shale to try to keep the dust
down if we're going to travel a lot
over one area.

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MR. HINES: Part of the stormwater management for the site is fugitive dust control, and that will have to be addressed. There's a process where the applicants will post inspection fees, and my office does periodic inspections of construction sites with regard to the stormwater management. So if fugitive dust is an issue, it will become an enforcement issue under the DEC and the Town's stormwater regulations.

MS. PALMERONE: Okay.

MR. DePUY: It doesn't cover runoff. It covers dust.

MS. PALMERONE: Who polices that?

MR. HINES: The Town through my office.

MR. DePUY: They usually do a weekly inspection.

MR. HINES: The applicants also have to do inspections. We get them submitted. If they go over 5 acres disturbance, they have to do two a

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week. Under 5 acres disturbance, they do one a week. On top of that, my office does periodic reviews.

MS. PALMERONE: Is there a timeframe for phase 1, phase 2, phase 3 and how they're going to -- like is this years of people coming through our properties or right up against our properties in order to do what you're proposing to be done?

MR. DePUY: I don't have the owner here. I don't know what his actual schedule is on the project.

MS. PALMERONE: I agree with what this lady said with regard to the fact that nobody was notified. I mean, the posted sign was at the end of my -- our mailbox for Taylors Way and the end of that Dara cul-de-sac. I came down the road one morning, there was nothing there, the next day it was. I took a picture of it, and that's the only way I knew. So if that is the case, then -- and there's

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many other abutting landowners and nobody is aware, does that mean that what happens here tonight is it or --

MR. DePUY: That's something we've got to discuss.

MS. PALMERONE: -- can we do this where all these questions and concerns are addressed but we get another opportunity to have people come -- other people as well as us come and like talk it over again, because it doesn't seem like, I don't know, a dozen of us is enough to -- you know, there's many more people impacted.

CHAIRMAN EWASUTYN: We'll get back to that. Thank you. Your husband had comments and then you brought forth important comments, too, as far as dust control.

You did raise a question as far as will this be a phased development. That's why I said to you a few minutes ago, not to stall on

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answering your question or the lady in front of you or others who felt they hadn't been notified, but it would be nice to continue to the point that everyone has an opportunity to bring up issues that concern them, and then we'll bring it to a close, hearing from our attorney, Dominic Cordisco. So if you'll be patient with us, keeping in mind this is your living room so we like to make everyone feel comfortable. The purpose of that is to hear from everyone. We can sort of continue with that thread in mind.

MS. PALMERONE: Okay.

CHAIRMAN EWASUTYN: Is anyone here -- this gentleman.

MR. PETROLLE: I'm Jason Petrolle. I'm at 120 Barbara Drive. Just a couple of things. One, I wasn't notified either. I actually found out tonight from a new neighbor on my road who happened to walk down

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the street. I had no idea this was going on. No notification whatsoever.

The other thing was, where Barbara Drive connects to Holmes Road, Barbara Drive is a dead-end street, Harvey Way across the street, across from Holmes, a dead end.

There's like five or six dead-end streets right there, and there's an incredible amount of people who do a lot of walking with their kids and their strollers and all of that stuff, up and down all of these dead-end streets. I'm just bringing that to your attention. That's a concern for me if there's going to be more traffic on those streets, there's going to be construction vehicles on the streets or, you know, just increased traffic. The people who live in that area, they're used to dead-end roads everywhere. The kids, too, kind of feel safe riding their bikes and playing and so forth. I

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think that's why a lot of people moved to some of the streets, it's for the dead-end, sort of, and the protection it kind of gives you. It's just less traffic. So if there's going to be more traffic, you know, I don't know what to say, but that's a concern of mine.

CHAIRMAN EWASUTYN: Ken Wersted, do you have any comment on that?

MR. WERSTED: The amount of traffic generated by this will be a bit unique in that it's not a huge amount in comparison to the other roads around here. One of the unique aspects of this is it's connecting several of those roads. For example, the people who live on Harvey Drive, they can walk back and forth on their street multiple times to get some exercise and do a mile. In here you'll have a much larger connected kind of street system, so it's not just walking past your neighbors five

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times, it's walking a loop that can go through that. Does that make sense?

MR. PETROLLE: You're providing more street for people to walk on, essentially.

MR. WERSTED: Yup. So one of the aspects that this can kind of create is better circulation for buses. Right now buses probably don't come down those dead-end streets. It might stop out on Holmes Road. With these connections now, perhaps the school district may send a bus down and come down and circulate through the neighborhood. Some of those kids may still have to walk down to the end of their street or the long driveways, but instead of walking all the way down Barbara Drive, perhaps, to Holmes Road, a bus potentially has the ability to come through and make that connection through there.

The other aspect of this is

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that the traffic from this, albeit not substantially increasing, it distributes. So for example, if you were going up to Marlborough, you might find that it's easier to go through and go north through the subdivisions to get in that direction. So it opens up the opportunities in that respect.

DOT does have some traffic data out in the area, not particularly on Holmes Road, but Lattintown Road and Carter. They both carry around 2,800 to 2,900 vehicles a day. It's hard to put that in perspective, but in the realm of traffic engineering, that's not a lot of traffic. They don't have a count on Holmes Road but they do have one on Leslie, which is about 1,000 cars a day. If I were to kind of extrapolate and guess where Holmes Road is, it's probably in the 1,500 vehicle a day range.

So again, on the traffic

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engineering side of things, it's not really significant until we get -- obviously Route 9 is a different story. That's a different animal all together.

Overall, part of what this project is doing is that it can probably have higher density given the zoning, but they're much larger lots than what you would typically see in a residential subdivision.

Somebody had mentioned sidewalks. The Planning Board typically reviews much denser subdivisions where sidewalks are, you know, put into there as part of the project. A lot of times those are apartment projects where it's one owner, they can maintain the sidewalks, they can take care of the concrete when it breaks, et cetera. The Town has long kind of had an understanding that they don't want to go out and maintain those. They don't want to put that burden on the homeowners.

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The sidewalks that you do see are typically on State roads, and the onus is a bit more on the State to maintain those and take care of them.

I hope that answered some of your questions.

MR. PETROLLE: Can I ask one quick follow up to that? At one point in the whole process, just for my own understanding, does a company or someone, do they pick Barbara Drive? Was there a study done to connect to say Frozen Ridge or something like that? Why connect to Barbara Drive?

MR. WERSTED: I think it depends on the layout. So I feel like this area has kind of developed from the outside and this is the piece that's in the middle. By developing this piece, now you have the opportunity to connect to these -- have these dead ends all come other and have connectivity through it. I don't

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know that it was -- I guess if you go back twenty years, it was all farms and orchards. I don't know that anybody back then said this is going to be the master plan for this area and this is how we're going to connect through. It's somewhat piecemeal, but we're at a point now where we have the last piece of puzzle that can now connect some of these things together.

CHAIRMAN EWASUTYN: Further questions from anyone who hasn't had an opportunity to speak yet?

(No response.)

CHAIRMAN EWASUTYN: Okay. We'll turn it over to Mrs. DeRosa. You had raised your hand.

MS. DeROSA: I think that most of what I was going to say was already said. There's no need to reiterate it.

I just want to add that many of us live here because it is still the country. This is -- you know, I mean, I

2 just can't tell you how upset I am
3 and how much I object to this whole
4 plan.

5 Our wildlife is being displaced,
6 to say nothing of the beauty of our
7 land. I'm just very disappointed
8 that this is happening.

9 CHAIRMAN EWASUTYN: Mr. Bento,
10 you had one more comment?

11 MR. BENTO: Yeah.

12 CHAIRMAN EWASUTYN: Do you mind
13 standing, please?

14 MR. BENTO: Sure. A question
15 for Tom. Is Summer Drive -- is the
16 entrance to Summer Drive going to be
17 altered at all?

18 MR. DePUY: Yeah. We have to
19 upgrade that to Town specs. I think
20 it has to be widened.

21 MR. BENTO: Widened?

22 MR. DePUY: Yup.

23 MR. BENTO: And somebody brought up
24 traffic. Holmes Road -- in my opinion,
25 Holmes Road is probably one of most

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dangerous roads in the Town of Newburgh. I'm a runner and I would never run on Holmes Road. There's nowhere to go, even for cars. Cars go off the road all the time.

I know the speed limit is 40 miles-per-hour. Maybe this is a question for you. How is the speed limit determined? Because of the added houses and cars and infrastructure that's being built, maybe it's time to reevaluate the speed limit on Holmes or some of the other roads. I think -- that turn on Holmes, I know that in the past year cars have gone off and rolled. People fly on that road. They don't really know the road and come up on the turn and go off.

MR. WERSTED: That's something that we can definitely look at as part of the highway superintendent. It's a Town road, so if there are issues with vehicles going off the road, is it signed for curve warning,

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a warning speed, letting the driver know there's a curve coming up. you guys all live there, you know that it's there, but anybody new to the area may not.

MR. BENTO: Is that speed limit in rural roads throughout the Town?

MR. WERSTED: It's not an area speed limit. That one is unique to that road. There are other roads around there that are posted at 30 miles-an-hour. The regulations on changing it vary depending on town to town. Mainly, if you are a town of a certain level, you have certain ability to make those changes within the town government itself. Other times, DOT kind of governs the posting of the speed limit. I have to look into where that falls. If DOT is the ultimate authority over setting the speed limit, then it starts with a resolution by the Town Board to request that DOT look at

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that speed, and then they are obligated to come out and measure it, look at the environment, the road width, the number of driveways, access points along it and measure the speeds themselves, how are people driving out there. If all the neighbors here find it comfortable to drive 40 miles-an-hour, then DOT is probably going to find it's going to stay 40 miles-an-hour. If everyone who is driving on the road feels that that's uncomfortable and feels comfortable driving at 30 or 35, that's going to help influence the need to lower that speed limit.

MR. BENTO: I would imagine that that speed limit was established at a time when there were very few houses on Holmes Road. Maybe it's time to look at that with all the additional houses that are going in.

MR. WERSTED: Certainly. Areas do change over time, and --

2 MR. BENTO: Of course.

3 MR. WERSTED: -- what might
4 have been when this was all orchards
5 and very few people living there, not
6 only in this particular block but
7 just in the surrounding areas, 40
8 might have been appropriate at that
9 time. Over time things change and
10 it's not a one-size-fits-all forever.

11 MR. BENTO: Yup.

12 MR. WERSTED: There are times
13 when you have to come back and reevaluate.

14 MR. BENTO: Could you look at that
15 for us?

16 MR. WERSTED: I can certainly
17 bring it up.

18 MR. BENTO: My final -- I think
19 my final question. It may be a legal
20 question. Are the people that are
21 doing the subdivision, are they
22 required to do environmental testing
23 on the soil since this is -- my house
24 is the farmhouse that was this farm
25 back in 1800s, 70 acres. When I

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first bought my house, in the barn was, I can't even tell you how many bins of pesticides. I'm sure they were used for the farm. I bought the house in 2003. I had my own soil tested and it was fine. But, you know, I'm sure those pesticides went somewhere. Is that a legal requirement or is that just something that is not --

MR. CORDISCO: It certainly is a legal requirement, and it was actually a condition of the original approval in 2008, that the Health Department has to certify the soil samplings for each of these lots. That will likely be a condition of any approval that this Board may grant moving forward. The answer is yes.

MR. BENTO: Do you know if it's been done?

MR. CORDISCO: It will be done as a condition of the approval and

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prior the issuance of any building permit for a particular lot.

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

MR. PALMERONE: I have a question about the mailings again.

CHAIRMAN EWASUTYN: We'll get to that in a moment. I realize that's open. We will close on that. Just give us a few more minutes.

Mr. DeRosa, last question.

MR. DeROSA: Real quick. Mr. DePuy, when I look out my front window, I can see the retention ponds across the lot that's across from me. Is that a buildable lot across from me with the retention ponds behind it?

MR. DePUY: I believe -- yeah, I believe that's a buildable lot. It's the lot behind it that's going to have new --

MR. DeROSA: So that's a

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separate lot with the retention?

MR. DePUY: Yes.

MR. DeROSA: Pat, two questions real quick. Number one, is this the last time we'll have a chance to discuss the renaming of our street? You said you spoke to one Town Board member.

MR. HINES: Two, actually.

This project will have to get approval for the Town road names. The process is the applicant submits those names. Since they've changed, they're going to have to do that again. They will submit to the Town Board, and at a Town Board meeting they will approve the road names.

MR. DeROSA: Are you going to submit Dara Drive all the way down to Holmes or --

MR. DePUY: No. Now that we brought it up -- I wasn't sure they would allow us to do it. It was a discussion we had about putting Dara

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all the way through. If the Town Board doesn't have a problem with running Summer up here and leaving Summer come up to here, or let Dara make and turn and go up the hill, that doesn't bother me.

MR. HINES: Either way, that accomplishes what we need.

MR. DeROSA: The very last question. I'm sitting next to a personal injury lawyer who tells me every single day there should be a railing on that bridge. It's about a 20-foot drop there. Kids are running around there. There are people with bicycles, there are dogs. I know you can only protect against the very careless, but it's about a 20-foot drop and you step off the bridge and you're down in the creek. When you build that bridge, I assume there's going to be railings.

MR. HINES: There will be guide rails on that bridge. It's not a

2 bridge. It's a culvert.

3 CHAIRMAN EWASUTYN: At this
4 point I'm going to turn the meeting
5 over to Board Members. Frank Galli?

6 MR. GALLI: Nothing additional.
7 We heard quite a few comments.

8 CHAIRMAN EWASUTYN: Stephanie
9 DeLuca?

10 MS. DeLUCA: No. I appreciated
11 everybody's comments tonight. I
12 learned quite a bit even for the area
13 that I live in. I'm looking forward
14 to working this through. Thank you.

15 CHAIRMAN EWASUTYN: Dave Dominick?

16 MR. DOMINICK: I echo Stephanie's
17 comments. I appreciate everyone's
18 comments tonight about the street
19 names. We'll take care of that.

20 I remember when we changed area
21 codes from 914 to 845, how messed up
22 that was. This is very important.

23 The drainage we talked about.

24 Traffic, speed, cul-de-sacs,
25 Mr. Wersted will help you out with that.

2 Thank you for your comments
3 tonight.

4 CHAIRMAN EWASUTYN: Ken Mennerich?

5 MR. MENNERICH: I have a concern --

6 CHAIRMAN EWASUTYN: We'll talk
7 about that.

8 John Ward?

9 MR. WARD: Yes. I'd like you
10 to make sure you get in touch with
11 the Highway Department in reference
12 to the curbing. We haven't had
13 blacktop curbing since 2010 for any
14 subdivision. That's very important
15 right now.

16 MR. DePUY: Okay.

17 MR. WARD: Second, you mentioned
18 phasing when you answered to
19 somebody. That's the first the Board
20 has heard about phases. You never
21 approached us about phasing the project.

22 MR. DePUY: We've had it as
23 sectional work from when we first
24 submitted.

25 MR. HINES: There's two ways.

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One is a construction phase and one is actually filing the subdivision map in phases. I'm going to lateral that over to Dominic.

MS. PALMERONE: It says it right in the letter. It says there's -- it will be done in phases. That's where I got it from.

MR. HINES: Again, there's two types of phases, construction phasing and filing of the subdivision map.

MR. CORDISCO: That's exactly right. Not to put words in the applicant's mouth, but it's market driven, right. So lots are sold and houses are built, or, depending on the market, they may not be. So that's really a construction phasing which is driven by market demand, as you would expect that it would be. You certainly don't build houses without having buyers lined up for them. That's construction phasing. There's also the ability to,

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what's called, file the plat in sections, which is also something that allows the project to proceed but only like a few lots at a time. It's not clear at this point whether or not that that's what the applicant wants to do, but it's something that could be done.

MR. DePUY: We show four sections. Section 1 was the original four lots, section 2 shows us developing Summer/Dara Drive, section 3 shows development up to Barbara, and then section 4. Like you say, that's market driven. We'll probably ask for approval of the whole subdivision and come back and maybe want to file section 2 first, get that work done, see how it goes. That's more up to the owner.

MR. CORDISCO: New York State law certainly allows for that to happen. The project could get overall approval, but they could only file sections of the plat with the County Clerk's

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office, which then entitles them to proceed with the work, and they can do that in sections.

MR. WARD: Thank you to the public for your views on everything. We're taking it in to what we've got to do. Thank you.

CHAIRMAN EWASUTYN: At this point, I'd like to turn the meeting over to Dominic Cordisco, Planning Board Attorney, to discuss the mailing and what may need to be done next.

MR. CORDISCO: So the Town has a standard practice, which has been in place for many years, that requires public notices to go out by mailing, and also the property gets posted. It also gets posted in the newspaper -- published in the newspaper, and it also gets posted on the Town's website. So there's really a number of different ways that the public can hear about the

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public hearing. The standard practice and what the law requires for the notice is that the notice is printed, the list is prepared by the assessor to identify all the properties that are in proximity to the project, and then those envelopes have to be prepared. The envelopes are prepared on behalf of the applicant and then they're stuffed. You have to show that they've been stuffed so that it's not just a blank piece of paper or anything like that. Then there's confirmation that they've actually been stamped and put into the mail. Then there's an affidavit of mailing that says it has occurred. We have an affidavit of mailing. So we have that, but then it's quite unusual, to say the least, to have so many people say that they haven't received the letter.

Now, my understanding is that the notice went out and it was

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prepared by Mr. DePuy's current firm,
which is Lanc & Tully, and that the
letters actually went out on an
envelop that said Lanc & Tully on it
with your address. Is it possible
that you received letters from Lanc &
Tully and thought that I don't know
Lanc & Tully, and I certainly am
guilty myself of throwing out mail
that I think --

CHAIRMAN EWASUTYN: Let him
finish speaking. Let him finish
speaking. He has the floor now.
He's going to reach a point where
he's going to summarize it. Don't
interrupt him, please.

MR. CORDISCO: It has happened
on occasion where someone will say
that they haven't received a public
hearing notice, but nevertheless,
they do come out. It is unusual to
have so many of you come out and say
-- did anyone receive an actual
notice in the mail?

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UNIDENTIFIED SPEAKER: We got it from the Planning Board.

MS. DeROSA: I don't know who we got it from. I called and told the Planning Board Chairman that we had heard about it.

MR. CORDISCO: I heard you say that before. You didn't --

MS. DeROSA: We didn't get it until after that.

MR. CORDISCO: You didn't get them in your target mailer or anything like that in the mail?

MS. DeROSA: No.

MR. CORDISCO: That was my question, so thank you.

It's highly unusual, and it seems like there was something that may have slipped up in this particular process, which is quite unusual, and it is the first time in my representation or appearing before the Board. Nonetheless, it is something that is a procedural step

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that is very important, because, as many of you pointed out, there's many people, the public, that could and would be here, perhaps, had they heard about it.

So my recommendation to the Planning Board -- it will be your decision, of course. My recommendation to the Planning Board is that this public hearing be re-noticed so that we can ensure that it has been done. We do have proof it was done once already, but I cannot explain why so many people are claiming that they haven't received the notice.

With that said -- one other thing about the notice that's important is these are just regular mailings. They used to be sent certified return receipt, however we used to receive a number of complaints about that, because if you receive a notice in your mailbox that says you now have to go down to the post office to sign

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for a letter, people used to complain that they had to go, or some people don't like receiving certified return receipt mailings so they don't go and get them. There were issues with that. We moved away from that to standard mailings, and that, in combination with all the other ways that we post about public hearings, the hope is that we can encourage, as much as possible, public hearing participation.

That said, that was my recommendation. I'll obviously defer to the Board. It's quite an unusual circumstance that we have.

MR. HINES: We know they were mailed. They're mailed by a Town employee. They're brought to the Town Hall and a Town employee mails them. They were mailed on April 19th, more than two weeks ago. The fact that no one saw them, I think there's a bag of mail missing somewhere.

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MR. CORDISCO: We have an affidavit saying it was mailed, and they take this process very seriously.

CHAIRMAN EWASUTYN: I'll poll the Board Members. Is the Board in favor of re-noticing this public hearing and the mailing. Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Yes.

MR. DOMINICK: Yes.

MR. MENNERICH: Yes.

CHAIRMAN EWASUTYN: Yes.

John Ward?

MR. WARD: Yes.

MR. CORDISCO: If that's the case, my recommendation would be that the Board would set a new date now for the continuation of this public hearing. The notices that are already up and posted on the property would remain and new paper notices would go out to the entire list.

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Hopefully that bag of mail will not be lost and it will go out.

I think you do have a couple questions, Mr. Chairman.

MS. DAVIES: I have a question. As I explained before, the only notice I saw was at the end of a dead-end road where obviously nobody is driving by. Would it be possible to, on top of mailing everybody their notice, moving those notices to the beginning of Barbara Drive, or maybe several places along Holmes Road and in the Dara Drive complex, not only Dara Drive, because there's only three houses there, but all the houses that are in that development?

MR. HINES: The code says the property line.

CHAIRMAN EWASUTYN: Pat Hines, will you speak on that?

MR. HINES: The reason why they're there is the code says the property line. I did advise the

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applicant to post all the public roads, so three locations -- actually, four locations were posted at the property lines.

MS. DAVIES: Right. Which aren't driven past ever.

MR. HINES: They could add additional. The strict reading of the code says the property line.

MR. DePUY: We'll redo the mailings. I can post up and down the street all you want. If the mailings go out right, I think we're going to get everybody here.

MR. HINES: We've never had this occur before.

CHAIRMAN EWASUTYN: Pat, the second meeting in June, what's that date?

MR. HINES: The second meeting in June is the 15th.

CHAIRMAN EWASUTYN: I'll poll the Board Members. We'll have a continuation of this public hearing,

2 and it will be set for June 15th.

3 MR. HINES: John, that's six
4 weeks out. We could do the 1st of
5 June.

6 CHAIRMAN EWASUTYN: It would
7 benefit the Planning Board to have
8 the Planning Board Attorney present.
9 He isn't available on the 6th. I
10 think we'll continue on with the
11 meeting of the 15th.

12 Are the Board Members in favor
13 of that?

14 MR. GALLI: Yes.

15 MS. DeLUCA: Yes.

16 MR. DOMINICK: Yes.

17 MR. MENNERICH: Yes.

18 CHAIRMAN EWASUTYN: Yes.

19 MR. WARD: Yes.

20 CHAIRMAN EWASUTYN: Everyone
21 here, you'll be re-noticed. Hopefully
22 you'll receive that notice. The
23 continuation will be for the 15th of
24 June.

25 Thank you all for coming.

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MR. DePUY: Just a procedural question. You'll rewrite a new notice, right, because it will say a continuation?

MR. HINES: Yes.

MR. DePUY: Should we go back over the list again to make sure we've got everybody?

MR. HINES: There are ninety parcels on that list. I'm convinced the list is okay.

MR. DePUY: Well, no. Not the way they presented it to us. They only circled certain ones on that list. We called, and that was the concern.

MR. HINES: The ones that were circled are the applicants.

MR. GALLI: They're the only ones you sent it to?

MR. DePUY: We sent, I think it was to eleven or twelve. We called and they said no, the ones that are marked.

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MR. HINES: I believe those squares are either redundant --

MR. DePUY: We called twice.

MR. HINES: I don't know who told you that.

MR. DePUY: All right.

MR. HINES: That entire list is --

MR. DePUY: Could you re-send the list out and explain exactly --

MR. HINES: I will. I have no idea what those squares are.

CHAIRMAN EWASUTYN: I'm glad we all stayed around to listen.

Let's keep this in mind. It was an honest procedural error and I'm glad we had the opportunity to have a conversation about it.

The meeting will be on June 15th and everyone should be noticed.

Thank you for coming.

(Time noted: 8:27 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 16th day of May 2023.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

HILLSIDE LAND DEVELOPMENT
(2022-27)

24 Jeanne Drive
Section 34; Block 2; Lot 66
IB Zone

- - - - - X

SITE PLAN

Date: May 4, 2023
Time: 8:30 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: RYAN FELLENER

- - - - - X

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

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CHAIRMAN EWASUTYN: The third item of business this evening is Hillside Land Development. It's a site plan located on 24 Jeanne Drive in an IB Zone. It's being represented by Fellenzer Engineering.

MR. FELLEZZER: Thank you, Mr. Chairman, Members of the Board. Thanks for having us tonight. My name is Ryan Fellenzer with Fellenzer Engineering here to represent Hillside Land Development, the applicant.

The applicant is looking to develop a 3-acre lot on Jeanne Drive. It's currently vacant. They're proposing a 26,000 square foot, single-story warehouse use. We have proposed parking to accommodate 27 spaces, a 26,000 square foot building warehouse, as I just mentioned, on 3 acres.

Since our last meeting we have updated the plans for the Board and

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the consultants with a few different items. We included percolation and deep testing data on the plans. We had to add our symbols back on for Pat.

The septic design has been incorporated after we did our soil testing.

We have included a stormwater report for review.

We have also included architectural elevations for the Board's review as well.

A tree survey was done and incorporated into the landscaping plan.

We are here tonight to present this plan and receive any additional comments that you may have. Thank you.

CHAIRMAN EWASUTYN: Thank you.

At this point we'll turn the meeting over to Pat Hines with MHE.

MR. HINES: I know the

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applicant has our comments. A revised wetland delineation has been received identifying the .03 acres of wetland disturbance, so that will require a pre-construction notice to the Army Corp of Engineers.

There are many references to the Orange County Health Department. This project is not subject to Orange County Health Department review, so that should be cleaned up.

Deep test and perc test locations were not on the plans. We need to see those.

It's difficult to tell on the line types what's proposed to be curbed and what's not proposed to be curbed.

MR. FELLEENZER: We can distinguish that a little bit better.

MR. HINES: Typically the Town's requires, and we looked at the rendering at the work session, and there's no curbing depicted in the

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rendering.

MR. FELLEENZER: We are proposing curbing. We'll make that clear for you.

MR. HINES: That would be great. I have some comments on the SWPPP that I know you have.

The tree preservation plan, you did a detailed review of that, but there's no supporting calculation.

MR. FELLEENZER: I think that was one of Karen's comments as well. We're going to add a calculation.

MR. HINES: We'll need that to make sure it complies with code. I don't think it does. It looks like you're less than the required amount. There may be a need to plant additional trees and/or pay the tree preservation fee.

The employee count differs from the septic and the parking count.

MR. FELLEENZER: We're actually proposing a larger septic field.

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It's sized for 23 employees. We're currently proposing 16. We'll just differentiate that on the plan.

MR. HINES: And that's fine.

The water service detail I gave you. You have an 8-inch pipe coming in. I don't know if you really need that.

MR. FELLEZZER: It was conservatively estimated for the use depending on the actual fire calculation that we do. It wouldn't be any more than an 8. I don't think that's necessary. We'll confirm that size, and domestic as well. It won't be that much.

MR. HINES: We have a system where if the fire flow is terminated, the potable water is terminated.

MR. FELLEZZER: Your detail has helped us.

MR. HINES: We have some comments on the SWPPP. The most important one, I guess, is the

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discharge elevation of 399.

MR. FELLEZZER: We caught that. We will adjust that, because I think it was lower than grade itself. That was a typo, and we will adjust that on the next submission.

MR. HINES: That's where we're at with this.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance?

MR. CAMPBELL: The only additional comment I have is the plans don't show anything for signage. Signage is part of ARB. You might want to do it sooner rather than later.

MR. FELLEZZER: Understood.

CHAIRMAN EWASUTYN: Ken Wersted, do you have something to add to this?

MR. WERSTED: The truck turning templates that you had shown on the plans, I don't think there's any need to go out to the right, to the dead-end end of the road.

MR. FELLEZZER: There is not.

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We just wanted to show that could be met for whatever reason.

MR. WERSTED: On the movement coming in from Route 300, if you could just show that the vehicle can sweep across oncoming lanes. There's not a lot of traffic coming in. The truck driver themselves can use that area to clear.

MR. FELLENER: So from 300 on to Jeanne Drive, you would like to see a template?

MR. WERSTED: No. If you're coming in from Route 300, making the right turn into the site, that driver can swing wide and then come into the site driveway. I just want to verify that the truck can off-track and doesn't ride right on the edge of the pavement, because it's just going to deteriorate and break up.

MR. FELLENER: Got you. We currently show the vehicle backing into the entrance because there

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wasn't enough space in the rear for a full turnaround. That was our intent, to not show it fully making a right-hand turn in. It certainly can. We can show that. The driver just needs to back out.

So to piggyback on that, the applicant doesn't have a tenant in mind yet, but is considering his personal business moving into that site. His flooring company sees one tractor trailer, at most, a day. It's a very minor frequency for a 40 to 50-foot tractor trailer. He's typically using 14 to 16-foot box trucks, which have no issue. We did want to at least show that the truck could be backed in, and it stays there temporarily just for loading and unloading. It does not stay overnight. It will be in and out, no more than one a day. We'll add a truck pull-in on our plan just to show if they do pull in, they can

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back out and get out of the site.

MR. WERSTED: I think that addresses my other comment of -- my thought was the tractor trailers were going into the back loading dock. Some of those trucks are longer than the room you have back there.

MR. FELLEZZER: Correct. We do not anticipate having a large tractor trailer going all the way back into the site. It would be just a brief load/unload on the side road there, or the driveway that we show. It will be able to access the site in a certain fashion.

MR. WERSTED: And you have two parking spots in front of the building that are immediately adjacent to your drive aisle. Should one of those trucks off-track, a car that's --

MR. FELLEZZER: Close to the driveway.

MR. WERSTED: Correct. Right

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there in your visual. If that vehicle -- not every driver is as good as the other ones, and if they mess that up a little bit, someone is going to have some damage to their vehicle.

MR. FELLEZZER: Okay. We'll consider relocation for that spot, or possibly removing it if we have to.

MR. WERSTED: Thank you.

CHAIRMAN EWASUTYN: Comments from Board Members. Frank Galli?

MR. GALLI: No additional.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: My questions were answered. Thank you.

MR. DOMINICK: Ryan, you have a beautiful building there.

MR. FELLEZZER: That was one of our concerns. We wanted -- the Board, at the last meeting, wanted to see what it potentially looked like. The landscaping isn't shown quite,

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but we wanted to show what the building and facade would look like. The applicant, should he move into that and/or should he rent it out, does want it to look nice. We hired or worked with LMB Architecture to help produce this rendering. I think it's a nice modern look and will blend in with the character of the neighborhood.

MR. DOMINICK: You mentioned that the applicant might move his business. For the record, can you explain what that business is?

MR. FELLEZZER: So he does flooring and finishes. Hardwood flooring. John Herbert Company is his company.

MR. DOMINICK: Thank you.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: You did a beautiful job on the building.

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No more comments. Thank you.

MR. FELLEZZER: Thank you very much.

CHAIRMAN EWASUTYN: So you'll revise your plans and resubmit to the Planning Board.

MR. FELLEZZER: We will.

If it's okay with the Board, we would like to make the outstanding technical items a possible condition of approval, should the Board see fit, or would the Board require a resubmission?

MR. HINES: We're going to need a resubmission. We haven't made a SEQRA determination yet and we have not held a public hearing yet.

MR. FELLEZZER: Okay. Can we set the public hearing?

MR. HINES: We have not made a SEQRA determination.

MR. FELLEZZER: Understood.

MR. HINES: We're waiting on finalizing some of these technical

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details to recommend that.

MR. FELLENER: Great. Thank
you.

MR. HINES: We have an ARB form
that actually fills out the finishes.
It's online on the Planning Board
site. If you could fill that out and
submit those.

MR. CAMPBELL: I actually have
one, if you want.

(Time noted: 8:38 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 16th day of May 2023.

Michelle Conero

MICHELLE CONERO

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

- - - - - X
In the Matter of

FUSION AT UNION - OUTDOOR DINING
(2023-08)

1400 Route 300
Section 60; Block 3; Lot 43
B Zone

- - - - - X

SPECIAL USE - OUTDOOR DINING

Date: May 4, 2023
Time: 8:38 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JAMIE PATEL

- - - - - X

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

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CHAIRMAN EWASUTYN: The fourth item of business this evening is Fusion at Union, outdoor dining. It's an initial appearance for a special use for outdoor dining. It's located on 1400 Route 300 in a B Zoning District. It's being represented by Bolder Architects.

MR. PATEL: Hello, Board Members. I'm Jamie, one of the owners of Fusion at Union. First time in my life I'm in any meeting, so my sincere apologies if I do make any mistakes. I wasn't prepared. I've never been here.

Basically, like we have a restaurant like opposite the Newburgh Mall on Route 300 in the plaza. It used to be called Pizza Union. Now we are called Fusion at Union. We just changed the name. Same ownership and everything.

We have some plans. We're lucky we survived through COVID,

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thanks to New York State for allowing outdoor dining and whatnot. We survived the COVID time, and then, unfortunately, we were still into the yellow zone after the COVID cases were going down. Some restaurants were allowed to have only four people to be seated in a table. If five or more wants to come in and dine in, they were not allowed. For four or five months, when everybody else were allowed to seat more than four people at a table, we were the lucky ones to be not allowed to have more than four people on a table, and still that six feet distance and whatnot. So it's not about that thing I'm complaining.

Then we were allowed to have outdoor seating. We used some parking area next to our restaurant and we set some tables and chairs and we were able to survive that time. Then we had a small side area where we had a grass area.

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I wasn't prepared that much. My plans, it's not that -- it can give you a fair idea. So this is the side part of my restaurant. You see the grass area over here.

So during the COVID period we extended the fence and we were seating people on the parking area on this side.

What we are proposing right now is where you see the grass area will be made with a fence over here, and on the other side of the entrance, on this side, there are bollards all across. We made a pergola to have outdoor seating.

What we are proposing is to have -- Town of Newburgh does not have any restaurant to have outdoor seating for serving purposes. We are requesting to have an exceptional change of the Planning Board to allow restaurants like us to serve patrons of our restaurant, to have them to

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sit outside and we can serve them food. There are a couple of restaurants, like -- you know, like Cosimo's is grandfathered in. They were done before. I'm not trying to compare. Like Starbucks, they have outdoor seating but they're not serving outside. The customers can have a drink, because it's a to-go kind of center. The customers can have a drink, they can sit outside and enjoy their food.

Our restaurant is a sit-down restaurant. We would like to serve food to our customers outside.

CHAIRMAN EWASUTYN: Pat Hines, do you want to bring us along on this?

MR. HINES: Sure. So as the owner of the restaurant said, during COVID the Town adopted a temporary outdoor dining code, Chapter 177. Initially that was one year. It was extended an additional year. It's now expired. They're before the

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Board right now to get approval for the amended site plan for the outdoor seating.

They've identified nine tables, only the section of the -- the nine tables you gave us doesn't seem to account for the doorway in between.

MR. PATEL: This project is going on for almost two years now. I already lost my last summer. My contractor screwed me up big time. I lost last year's season if I was allowed to serve outside. He just left half the job. He made this plan, he submitted it to the Town. I never was involved because I'm not that much technical with the plans, layouts and whatnot. He's gone, so I'm here to be present. I don't know what would be required by the Planning Board.

MR. HINES: Your engineer is still on board with you; right? Bolder? You still have your engineer

2 on board?

3 MR. PATEL: Yes. Everybody is
4 -- the plan is almost built. We have
5 finished the pergola. We haven't, of
6 course, completely finished. We
7 haven't got the CO from the Town of
8 Newburgh yet because some of the
9 electrical part is left.

10 MR. HINES: You're going to
11 need approval here before they give
12 you that CO.

13 It looks like -- I can't tell
14 from the plans. Is there going to be
15 two pergolas split by the entrance?

16 MR. PATEL: Correct. As I
17 said, this plan is not so perfect.
18 You can see from a distance there's a
19 grassy area here. There's an
20 entrance here and another small
21 pergola on this side.

22 MR. HINES: Right now one of
23 the plans shows the pergola and one
24 does not. It's going to be two
25 pergolas?

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MR. PATEL: So we have submitted the plans to the Town of Newburgh.

MR. HINES: You should get your engineer these comments. He should have them.

MR. PATEL: I saw them yesterday coming in.

MR. HINES: We sent them to him. Basically I think there's a little bit of cleanup.

Because it's on a State highway, it needs to go to County Planning for the 239 review. I think the only action the Board can take tonight would be to make that referral to County Planning for the amended site plan. Then, if your representative can address these comments, I think you'll be in good shape for the next meeting.

MR. ADAMS: Good evening, Planning Board. My name is Richard Adams --

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MR. PATEL: He's with me. He's trying to add.

MR. ADAMS: I want to make a comment. I'm local. I'm also the general manager there.

I think we did submit eleven copies to everybody here on the Board to take a review of some of the items that we're discussing right now as far as layout and --

MR. HINES: You did.

MR. ADAMS: -- the pergolas, everything. So I just want to make sure, did all of you receive that?

MR. HINES: We did. These comments are based on a review of those submissions.

MR. ADAMS: Excellent. Thank you.

MR. HINES: We received those. There are some deficiencies, some questions based on the Town Code here which needs some cleanup items. Because it needs to go to County

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Planning, that is a minimum or maximum 30 days for them to respond. I don't know that they'll have any significant inter-municipal or regional issues here. It's a step in the process.

For amended site plans you have the ability to waive the public hearing. I did provide the Board a letter report on how these should be handled for the Board, between the Building Department and the Planning Board, working with the Building Department and the Chairman. I provided that letter. There are several in the Town that we're probably going to be seeing. Several of them had outdoor seating during the COVID issues. We'll probably be seeing them as well.

I think if you get your engineer these comments, they can clean it up. Things like showing how many actual tables are going to be

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there. Obviously there's an island there. The handicap accessible. There's re-stripping of the parking lot, which is fine, but I didn't know the bollards were there. That's something the Board may want to look at, what they look like, what color they are, how they function.

MR. PATEL: As I said, I wasn't aware of this. I took some pictures this morning. I don't know if I can bring it to you.

MR. HINES: That's up to the Chairman.

MR. PATEL: If I knew, I would have had a board with bigger pictures. These are two sets. I can start with one.

So the ones that you see with the chain and tables on the parking lot are the old ones when we were allowed during COVID times. So those were during the COVID times. The one you see in the morning time are ones

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which I took today which shows what it will be like. So these are all during COVID times we had the parking and we were sitting people outside on the parking lot. I just took some from different angles and whatnot. These are the new ones.

MR. GALLI: Are you also expanding the other way?

MR. PATEL: Yes.

MR. GALLI: Are you also taking over another space in the mall for more seating inside?

MR. PATEL: Which we did, yes. We did like just more for a party room and an overflow sometimes we use that. It's mostly for the parties and events.

So the dark ones, which you see chairs and lighting, are basically pre -- like COVID period. The one in the morning with the bollards and everything, the pergola, were taken this morning.

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MR. GALLI: This is already
built?

MR. PATEL: Yes, this is built.
It's not used. We had the furniture
and everything. We don't have a
storage space so we just leave it
out. It's not used.

CHAIRMAN EWASUTYN: Pat,
there's a requirement also, along
with referring this to the Orange
County Planning Department, that the
adjoiners' notices go out also?

MR. HINES: Yes. This would
require the adjoiners' notice. If
you give me your contact information,
I'll provide you with that notice.
When I give you the list of names,
you have to mail to all of them. I
will provide you with that list of
names. Ignore any circles or arrows
on that list and mail it to all of
them. I just need your contact,
unless you want me to go through your
engineer to do that.

2 MR. PATEL: No. It's Jamie --

3 MR. HINES: Within ten days of
4 showing up here you have to mail it
5 regular mail.

6 MR. PATEL: It's basically
7 info@fusionatunion.

8 MR. GALLI: Has your business
9 picked up since the casino opened
10 across the street?

11 MR. PATEL: A bit. Over the
12 weekend people may be playing games
13 and coming across. So far we have
14 been consistent.

15 Did everybody have a chance to
16 look at it?

17 MR. WARD: Thank you.

18 CHAIRMAN EWASUTYN: Okay. Do
19 you have an idea of what has to be
20 done next?

21 MR. PATEL: I have a list of
22 items which I need to address. I'm
23 going to talk to my architect and get
24 back to the Planning Board.

25 CHAIRMAN EWASUTYN: Jim Campbell,

2 do you have anything to add?

3 MR. CAMPBELL: No. Pat touched
4 on all the ADA requirements and stuff
5 like that, blocking of the exit and
6 layout, wheelchair accessible.

7 CHAIRMAN EWASUTYN: Thank you
8 for your time.

9 MR. PATEL: Thank you.

10 MR. MENNERICH: I'll make a
11 motion that the applicant's plans be
12 submitted to the Orange County
13 Planning Department.

14 CHAIRMAN EWASUTYN: Do I have a
15 second?

16 MR. DOMINICK: Second.

17 CHAIRMAN EWASUTYN: Second by
18 Dave Dominick. I'll take a roll call
19 vote starting with Frank Galli.

20 MR. GALLI: Aye.

21 MS. DeLUCA: Aye.

22 MR. DOMINICK: Aye.

23 MR. MENNERICH: Aye.

24 CHAIRMAN EWASUTYN: Aye.

25 MR. WARD: Aye.

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(Time noted: 8:52 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 16th day of May 2023.



MICHELLE CONERO

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

- - - - - X
In the Matter of

FARRELL INDUSTRIAL PARK
(2023-09)

New York State Route 300
Section 34; Block 2; Lot 45
IB Zone

- - - - - X

AMENDED SITE PLAN

Date: May 4, 2023
Time: 8:52 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVES: DAVID EVERETT,
JOSEPH MODAFFERI, ALEX BOWMAN & RICK PRATT

- - - - - X

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

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CHAIRMAN EWASUTYN: The fifth item of business this evening, the last item of business, is Farrell Industrial Park. It's an initial appearance for an amended site plan. It's located on New York Route 300 in an IB Zone. It's being represented by JMC Planning.

MR. EVERETT: Good evening, Mr. Chairman, Members of the Board. My name is Dave Everett, legal counsel for the applicant. I have with me tonight Alex Bowman back there who is a representative of the applicant. We have Joe Modafferi from JMC Engineering, and Rick Pratt is the architect for the project.

I'd just like to make a few opening remarks and then turn it over to Joe to talk about the project.

So the Board will recall, back in October, or actually November of 2021, you had approved a site plan for the Farrell Industrial Park's

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warehouse. It was conditional.
There were a number of conditions that were imposed. The applicant at the time started to work through complying with some of those conditions. They ultimately sold the warehouse and the approvals -- or the approvals to the current applicant who would now like to make some changes because they have some tenant interest in the project. They've applied for an amended site plan approval for the Board to consider. We're here tonight to go over with the Board the amended project, to get some feedback from the Board and any thoughts, questions that you have, kind of help guide us on future revisions to this plan. We'd also like to get some guidance from the Board on a couple of other procedural items.

First, I assume that you would -- even though it's an amended

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application, we would still need to send out notice of the application to the neighbors, so we're happy to do that. If you folks direct differently, we'll certainly comply with that.

Also, with respect to the SEQRA and lead agency, I'll look for guidance from you as to whether or not you guys want to redo the circulation for lead agency or not. We'll follow your direction for that as well.

Then one of the things that we wanted the Board to consider, sort of as you move through the process -- SEQRA process on this project, is the building has gotten smaller and it's -- we've also kind of moved around the parking. We reduced the number of employees that are necessary and made some other changes that are essentially sort of reducing and minimizing environmental impacts over the previous project that was

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reviewed and approved under SEQRA.
We'd like the Board to consider maybe
a SEQRA consistency determination
that this project fits within your
prior SEQRA review. We have provided
a chart that does compare some of the
elements that were reviewed under the
prior project with this project, but
we're certainly looking for any
feedback that the Board may have on
other components that you'd want to
have a comparison on.

With those brief remarks, I'd
like to turn it over to Joe, and he
can talk about the plan.

CHAIRMAN EWASUTYN: Let's stop
on that before we turn it over to
Joe, if you don't mind. The
questions that you raised as far as
circulation, SEQRA consistency, I'd
like Dominic Cordisco, Planning Board
Attorney, to discuss them now.

MR. CORDISCO: SEQRA does have
a process for reestablishing lead

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agency. I think that's appropriate when a great deal of time has passed, for instance between the prior application appearing before us and now. I would suggest that's not the case here. Also, reestablishing lead agency could be used when the revised project now requires a different involved agency. That also doesn't seem to be the case here.

My recommendation to the Board is there is no need at this time to reestablish lead agency. You don't need to circulate for that.

The comparison that you provided for SEQRA purposes is helpful, and the Board can review that and see how best they want to address any potential impacts from this project as compared to the prior one, because that does provide the yardstick that this amended approval is being measured against.

MR. EVERETT: Great. Thank you.

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CHAIRMAN EWASUTYN: Proceed,
please.

MR. MODAFFERI: Good evening,
Chairman, Members of the Board. Joe
Modafferi with JMC, engineers and
landscaping architects for the
project.

As you may recall, the site is
approximately 35.5 acres, located on
the east side of Route 300, right
here, north of Little Brook Lane,
which is down here, and opposite the
Storage Stop, which is right here.
It is zoned -- currently zoned IB,
Interchange Business, and there is an
R-1 single-family zone to the north
over here. There are a few small
structures on the site, but it is
predominantly wooded.

The previous project that was
approved was 290,000 square feet, a
single building with -- we were
proposing 290 employees with a
maximum 15 percent for office space,

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250 parking spaces, 32 loading spaces,
and then 34 truck trailer parking
spaces.

Tonight we're here to present
the revised application, which
provides a building that's 262,080
square feet, roughly 30,000 square
feet smaller.

The applicant now is proposing
that they could operate this building
with 150 employees, or one employee
per, I think it was 1,750 square
feet.

We would maintain the same
maximum office space of 15 percent of
the overall building as we had before.

We're proposing 186 parking
spaces where 100 would be required
based on the parking calculations.

We still have the same 32
loading spaces.

We have a few more truck
trailer parking spaces.

Some major differences between

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this plan and the previous plan.
Basically everything from my pen here, or the emergency access drive to the west, all essentially stayed the same. The building got a little bit longer and a little bit narrower. There was sort of a little bump out back here.

We had all of the parking for the employees and staff on the north side of the building. We have now split it between both sides of the building, which gives them the opportunity for two tenants, if they chose to do that or if that's the way the business worked out.

Previously the truck trailer parking spaces that are now here on the east side are down here on the south side of the building. The way it would operate is the employees would come in and turn on to this road, go into this parking lot here if they were going to access the

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building from this area, or they would come down here and access the lower parking area to the south for this side of the building.

Trucks for deliveries, et cetera, would continue up this road and operate here, use this turnaround and go back out.

There is parking lot access here, but this would be gated and be used for emergency purposes only. We're also proposing gates at this end here. So basically we're separating the staff parking from the truck maneuvers right here at this intersection.

The landscaping is essentially the same concept. I think we're proposing a few more trees than we were on the previous plan.

It conforms to all of the bulk requirements.

Circulation. We covered emergency access through Berry Lane

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would be maintained.

In terms of landscape design, as I said, we're proposing essentially the same design with the same screening along the residential zone and along Route 300. The same landscape design within the stormwater management areas. There are a few more trees proposed on this plan than there were on the previous plan. We also submitted the tree preservation plan in accordance with the new code. That wasn't part of our previous application. We did the calculation based on the different types of trees in the code where we are not planting to match that caliber inch. As of now we would have to pay a fee for that. I think I understand how that fee is calculated. I just need to talk to Mr. Hines about that and make sure I'm understanding that correctly at some point.

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Grading and drainage again is essentially the same. We have the two stormwater management basins at Route 300 and one on the backside of the site adjacent to the wetlands.

Minor changes to the drainage area lines that required us to do some minor tweaks, increasing the size of the basin in the back. It all conforms to the stormwater requirements.

We provided a SWPPP amendment to Pat with the application.

Utilities. We're still proposing a septic system on the frontside of the site here for the 150 employees. We have that design here. We were working through the conditions of approval previously where we needed to get that approved by the Health Department. When the new buyers came in, we had stepped back and held off on that to find out what their plan was. Now we have that new plan for

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that septic system that we will submit. After we're here speaking to you tonight, we hope to make that submission in the very near future.

We still have the proposed private water main extension that goes around the building.

There was one condition of approval that was related -- a couple of conditions of approval that were related to fire protection. The package that you have tonight includes fire protection plans. The applicant went head and started looking at that already in an effort to address that condition. That mostly covers the site plan.

Rick, do you want to go through the architectural a little bit?

MR. PRATT: I'm Rick Pratt. I'm the owner of Pratt Landscape Design Studios. I prepared these plans and elevations for the applicant.

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As Joe said, the building has gotten a little bit smaller. I don't know if you need me to go over the plan at all.

We have the north entrance here on the bottom right, south on the bottom left.

The loading docks that are on the east side are down here along the bottom.

The roof plan is not very interesting, but that's the roof. We propose the roof would be designed ahead of time to accept solar panels.

These are the elevations that are revised a little bit from what you saw from the previous applicant's architect. Generally the same style, the same color. I have color swatches if you want to see them, but breaking up the mass of the facade with color and with windows. There's clear stories around the entire building and then the entrances step in a

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little bit with the storefront to really signify that it's an entrance. Concrete panels, textured paint. That's pretty much what it would look like. We did a couple of cross sections to show you.

There's also signage. There's a monument sign. We did cross sections from various views. We have one from Berry Lane -- 15 Berry Lane. These are approximate addresses from Google, 1650 Route 300 and from Route 300. From a person's height, or in this case a second floor window, what the sight line would be across the front face or the front wall to show where any kind of roof units would be, that they would be -- it wouldn't be screened themselves but they're screened by the building. As you look up the face of the wall, that sight line where that edge of roof is shields any mechanical units that would be on the roof.

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That's the bulk of it.

CHAIRMAN EWASUTYN: Comments from Board Members as far as the initial presentation of the proposed building and architecture of it?

MR. GALLI: How tall is the building? The height hasn't changed?

MR. MODAFFERI: No. It complies with the code.

MR. PRATT: It's just under 40 feet, which is required.

MR. GALLI: It's possible it can be broken up into two tenants or possibly more?

MR. MODAFFERI: I don't know the answer to that.

CHAIRMAN EWASUTYN: There was an introductory letter that discussed the possibility of users. I think that being written and submitted, maybe we can take a moment to discuss that.

MR. MODAFFERI: Sure.

CHAIRMAN EWASUTYN: I mean,

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that's a possibility. Let's talk about it now.

MR. MODAFFERI: Okay.

CHAIRMAN EWASUTYN: Thank you. It's getting late in the evening. We want to be efficient with our time at this point.

Would you mind discussing the possibility of the tenants? Thank you. Come up front and introduce yourself one more time. I read your name on the application.

MR. BOWMAN: My name is Alex Bowman, I represent the tenant and owner. We have a possible tenant right now. The company is Living Quarters. They're actually not too far from you guys in the City of Newburgh. The tenant is a furniture retailer. They have two showrooms, one in Brooklyn and one in Lakewood. They are looking to take 62,000 square feet of the space. The rest of the space, the 200,000, would be

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left to a spec tenant.

The type of tenant. They are a low-impact tenant. They have one or two box trucks that come in. That would be used for their long-time storage. Roughly around five to twenty employees. The rest would be determined on the tenant for the rest of the space or the tenant will grow into the space.

CHAIRMAN EWASUTYN: Thank you. Questions from Board Members? Frank?

MR. GALLI: So the remaining space, the 200,000 square feet, is it possible you could break that down into three more tenants, four more tenants?

MR. BOWMAN: No. In terms of like would we do that? They would not want to do that.

MR. GALLI: That's all I have, John.

CHAIRMAN EWASUTYN: Stephanie?

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MS. DeLUCA: No further.

MR. DOMINICK: Rick or Joe, EV charging, light pollution and noise mitigation, do you want to go over those three?

MR. MODAFFERI: EV charging, I don't think we had that in the application before. I would think that we could probably add a few spaces as part of this.

MR. PRATT: You want them to be day one or --

MR. DOMINICK: I'm an employee, I want to park my car there and plug it in. That's what I think. I think with 186 parking spots, 6 on each side is appropriate maybe. That's just a number, just to have a hard defined number.

MR. MODAFFERI: Light pollution, we don't have a lighting plan yet. We have a lighting consultant who will provided it to us after we make the submission, so

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you'll get that in the next round.
They are downward lighting and should
be --

MR. PRATT: They have
residential cutoff shields. They
wouldn't go across the property at
all. It would be night sky compliant.

MR. DOMINICK: That's where I
was heading with that, to take into
consideration the community, our
neighbors around you, to have minimal
impact on that.

Noise mitigation?

MR. MODAFFERI: Noise
mitigation. We have a significant
landscape plan. Obviously the bulk
of the noise would be coming from the
loading area of the site, which is,
you know, behind everything facing
the wetland here, where the
residences are all over here. So the
building itself and the landscaping,
we feel, would mitigate that.

MR. DOMINICK: Okay. Thank you.

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CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: On the parking, how many spaces are required under the new plan? How many are you proposing?

MR. MODAFFERI: 100 required and 186 proposed. It's very similar to what we did the last time we provided the application, because we're accounting for the overflow of parking with the shift changes and stuff, if things -- we are over-parked, but that's the kind of thing we're thinking about, is the shift change.

MR. MENNERICH: Thank you.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Jim Campbell, Code Compliance, any questions or comments?

MR. CAMPBELL: In my office now there's an application to install a curtain drain.

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MR. MODAFFERI: Yes. So as I stated before, we had been working on addressing the condition of approval for the septic system. We did find some favorable results but some that were on the mark or, you know, just a little over what would be permissible. As a precautionary measure, we're proposing to install a curtain drain around the area of the septic field here. We'd like to do that as soon as possible, so we went ahead and submitted a curtain drain application for a clearing and grading permit for that.

MR. CAMPBELL: If you could supply more information as to why you want that and need that now before the design of everything else.

MR. MODAFFERI: Okay.

MR. CAMPBELL: Also, the application was submitted without insurances.

MR. MODAFFERI: Okay.

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MR. CAMPBELL: We would need insurances.

MR. HINES: I believe a portion of that has been installed. It says it on your plans.

MR. MODAFFERI: It shows on the plans as existing because we're expecting it to be installed. I mean, we're building it today hopefully, you know, or in the near future. Basically the curtain drain -- perforated drain goes across the top of the septic system and an outlet pipe comes down the hill. When it comes down the hill here, under today's conditions it's going to be at a different elevation than it will when we're cutting in this roadway. This section of pipe will need to be removed. We were trying to show that that is part of the plan.

MR. HINES: Okay.

MR. MODAFFERI: I mean, I can

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change the label to something --

MR. HINES: Your explanation is fine.

MR. MODAFFERI: I can change it to something else label wise.

CHAIRMAN EWASUTYN: Ken Wersted with Creighton, Manning?

MR. CAMPBELL: I wasn't done yet, John.

CHAIRMAN EWASUTYN: Excuse me?

MR. CAMPBELL: I wasn't done yet.

Also on your signage, what is the actual size of the sign? Is it on the site plan, which I think it says 21 feet, and then the architecturals show 10 feet. We need to narrow down which is --

MR. MODAFFERI: The sign on the site plan is left over from the previous application. We will update our plan to show the current.

MR. CAMPBELL: Will there be any building-mounted signs? If so,

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if so, supply details. That is part of ARB.

MR. PRATT: The tenant would make their own application if they want a sign.

MR. CAMPBELL: Okay. It's a requirement, so it would have to come back before this Board, just so you know that.

Also on the environmental form, the hours of work, it states 8 to 10 all days.

MR. GALLI: For construction?

MR. CAMPBELL: For construction.

MR. MODAFFERI: Okay.

MR. CAMPBELL: It lists hours and then hours of operation. The construction hours are to be 7 to 7.

MR. MODAFFERI: 7 to 7.

MR. CAMPBELL: When it's clearing and grading activities, it's 7:30 to 6:00, no Sundays or holidays.

That's all I've got.

CHAIRMAN EWASUTYN: Ken Wersted

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with Creighton, Manning?

MR. WERSTED: The project itself is about 10 percent smaller than what was previously approved, so we would expect traffic to be slightly less than analyzed. However, that's highly dependent on the tenant and who is operating there. We suggest that as you identify those tenants, to provide some type of operations plan that confirms that the tenants are complying with the SEQRA analysis that estimated a certain amount of traffic.

As you said, the site driveway and from the emergency access all the way down is largely the same as what was previously proposed there. We did note some of the item numbers are no longer valid in terms of DOT. You may have to resubmit that and make sure that they are okay with what the current plan is. They'll give you

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specific comments, these items are disapproved and these are the new ones.

That's all I have.

CHAIRMAN EWASUTYN: Thank you. Before I turn the meeting over to Pat Hines with MHE, any comments on the site plan. Frank Galli?

MR. GALLI: No.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No.

MR. DOMINICK: No.

MR. MENNERICH: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Pat Hines, would you give us an overview of your comments?

MR. HINES: Sure. The adjoiners' notices will have to be sent. There's a section of the code that if the site plan changes by 10 percent, and you're right there. We will work with you on getting

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adjoiners' notices out.

The Tree Preservation Plan,
I'll work through that with you, Joe,
to work on the compliance with that.
I think you're a little low right now
on that analysis.

The status of the subsurface
sanitary disposal system, you're
still working through that. I know
it was an issue with the last one.

Just a reminder that the
conditions were that cost estimates
for site improvements and landscaping
are required, and that requires Town
Board approval.

We talked about SEQRA lead agency.

County 239 is required. We're
suggesting that the plans are at a
level of detail that we can send them.

CHAIRMAN EWASUTYN: Dominic
Cordisco?

MR. CORDISCO: In addition to
sending the plans to County Planning,
one of the items that the Board will

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have to decide at some point will be whether or not to have a public hearing on this amended plan. The Board has the ability and discretion to be able to waive the public hearing if you so chose.

CHAIRMAN EWASUTYN: Thank you. Would someone make a motion to circulate the Farrell Industrial Park to the Orange County Planning Department?

MR. GALLI: So moved.

MS. DeLUCA: Second.

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

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

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CHAIRMAN EWASUTYN: The discussion of the public hearing we'll have at a later date.

Anything else that's outstanding at this point?

MR. EVERETT: No. I think we're good. We'll respond to the comments and make another submission and go from there.

CHAIRMAN EWASUTYN: We discussed at one point that the prior application -- Dominic.

MR. CORDISCO: The prior application?

CHAIRMAN EWASUTYN: They may have to rescind that.

MR. CORDISCO: My apologies. You do have an outstanding application that's open. It's open in the sense that it has approval and that approval remains valid. The Board really isn't in a position to grant two approvals. If and when it comes time to grant approval for this amended application, it would be expected the

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applicant will acknowledge they'll be
surrendering their prior --

MR. EVERETT: Absolutely.

MR. MODAFFERI: Understood.

CHAIRMAN EWASUTYN: Okay. Thank you.

Would someone make a motion to
close the Planning Board meeting of
the 4th of May?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: I have a
motion by Frank Galli. I have a
second, was that Stephanie DeLuca?

MS. DeLUCA: Yes.

CHAIRMAN EWASUTYN: Can I have
a roll call vote starting with John
Ward.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. MENNERICH: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

(Time noted: 9:21 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 16th day of May 2023.

Michelle Conero

MICHELLE CONERO