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

----- X
In the Matter of

DOLLAR GENERAL
(2020-04)

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

----- X

SITE PLAN

Date: June 17, 2021
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
KENNETH WERSTED

APPLICANT'S REPRESENTATIVES: CARYN
MLODZIANOWSKI, KENNETH FIORETTI, PHILIP
GREALY and JEFFREY ALBANESE

----- X

MICHELLE L. CONERO
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Newburgh, New York 12550
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CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of June 17th. This evening we have four agenda items. Of those four, two are public hearings.

At this point we'll turn the meeting over to Stephanie -- I'll call for a roll call vote first. I would like to call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. WARD: Present.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

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

MS. CONERO: Michelle Conero,

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Stenographer.

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

(Pledge of Allegiance.)

MS. DeLUCA: We ask you to silence your cellphones.

CHAIRMAN EWASUTYN: The first item on the agenda is Dollar General. It's project number 20-04. It's a site plan located on the southeast corner of 9W and North Hill Lane. It's in a B Zone and it's being represented by Bohler Engineering.

MS. MLODZIANOWSKI: Good evening. For the record, I'm Caryn Mlodzianowski from Bohler Engineering. I'm here with Ken Fioretti, Jeff Albanese from HSC Balmville this evening, and Phil Grealy from Colliers Engineering.

It's been a little bit since we've been here, so I'll give you a quick update. I know you're familiar with the overall proposal for this Dollar General

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project located at 9W and North Hill Lane here in the Town.

We were last here at the beginning of April and we received a lot of great feedback. At that time the application was circulated for SEQRA, notice of intent, as well as to the County for 239 review. We did receive the County's review. They did defer to this Board to proceed with the action and determination, and they made some suggestions and comments as well which we see no issues with.

We also submitted the signage and lighting as part of that, which they seem to accept as well, and we're happy to discuss that with the Board. It is all LED, full cutoff, downward facing fixtures for the lighting.

The County was pleased with the monument sign that we are proposing out front as well.

So now that we have those items in place, we're hopeful to continue with a

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SEQRA determination here this evening.

One of the major items was DOT input which we've been working with as well. There was a question for the need for a left-turn lane, an improvement to the intersection, which has been determined is not warranted. I don't know if Phil wants to weigh in on that. I just wanted to bring you up to speed on that as well, as that was one important piece we were waiting on for the hopeful SEQRA determination this evening.

And then hopefully we can move on to schedule a public hearing as well to gather the public input to finalize the aesthetics for the project.

With that, I'll turn it over to the Board.

CHAIRMAN EWASUTYN: Thank you.

Phil, you'll speak about the coordination with the DOT. Ken Wersted is here this evening to speak also.

DR. GREALY: Good evening.
Phillip Grealy, Colliers Engineering.

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As per Pat Hines' memo, one of the outstanding items was a question of a left-turn lane on Route 9W. DOT's determination was for the size of the project and the amount of generation, that a left-turn lane wouldn't be required to be built for this.

They did look at it in terms of whether there was any need for any right-of-way dedication. In looking at it they felt that if in the future there was going to be a left-turn lane widening along the entire stretch, that there was enough right-of-way to implement that. So there would not be any required land dedication from this property to the State to accommodate that.

There were some other items that they asked to be addressed relative to drainage, a culvert in that vicinity.

They also brought up the question about sidewalks in the area, which I think had been discussed previously. That's pretty much where we are.

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CHAIRMAN EWASUTYN: Ken Wersted
of Creighton, Manning.

MR. WERSTED: We had a similar
conversation with DOT and they indicated
that a left-turn lane wasn't going to be
required. There's already an existing
amount of right-of-way out in front of the
site that if the State needed to widen
Route 9W for a turn lane, nothing on the
site would necessarily be in the way of
that. So with that, we don't see any
outstanding SEQRA issues.

I think the comments that we have
from our March meeting and any of the
recent DOT comments would be related to
site plan.

CHAIRMAN EWASUTYN: Thank you.
Comments from Board Members.
John Ward?

MR. WARD: My question was in
reference to the stonewall and the post
rail. Did you continue the stonewall?

MR. FIORETTI: That was something
that we're considering. We'd like to get

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the public's input on all the items regarding site plan when we hopefully get to that stage so we can address a number of items. Certainly we're considering the recommendation.

MR. WARD: Okay.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: I echo what John says, that you do consider a stonewall.

MR. FIORETTI: A continuous stonewall rather than a stonewall broken up by post and rail?

MR. DOMINICK: Correct.

MR. WARD: Yes.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I'm good.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: What are your current thoughts regarding the sidewalk?

MR. FIORETTI: Well we did discuss that with the Board at a previous meeting. The main issue is that while

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there's room in this area, as we get right around here, this is where the drainage ditch comes across 9W. The area where the guardrail is to the edge of the drainage ditch, if it's two feet it's a lot. Everything on the downhill side of the drainage is all wetlands, it's all stream encroachment. It would be a nightmare to try to go through the DEC process to get the wetland mitigation done. I believe it was determined as between everyone that the sidewalks would not be necessary there.

MR. MENNERICH: Okay.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. I just wanted to echo what John and Dave Dominick had said.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional comment at this time, John.

CHAIRMAN EWASUTYN: We have received the review comments from McGoey,

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Hauser & Edsall. At this point they're recommending that the Planning Board declare a negative declaration and to set this for a public hearing.

If someone would move for that motion. The public hearing date would be on the 15th of July.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: We'll combine the neg dec action and the public hearing in one comment. So if someone would move to declare a negative declaration and to set it for a public hearing on the 15th of July.

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Cliff Browne. Any discussion of the motion?

(No response.)

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

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Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Caryn, you'll
work with Pat Hines as far as the notice.

MS. MLODZIANOWSKI: Yes.

Absolutely. We'll handle that.

CHAIRMAN EWASUTYN: Ken, thank
you for your time.

MR. FIORETTI: Thank you all very
much. Have a good evening.

MS. MLODZIANOWSKI: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day of June
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

MINARD II SUBDIVISION
(2021-02)

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

----- X

TWO-LOT SUBDIVISION

Date: June 17, 2021
Time: 7:07 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The second item of business this evening is Minard II. It's a subdivision -- a two-lot subdivision, project number 21-02. It's located on 97 Leslie Road. In it's an R-2 Zone. It's being represented by Talcott Engineering.

MR. BROWN: Thank you, John. This is a two-lot subdivision. It's been before the Board before. It's a pretty large parent parcel, 45 acres.

The existing single-family residence is served by Town water and an on-site septic system.

We are proposing one new building lot. The intent is Minard's son is going to build his house on the lot.

We received Pat's comments. I see there are a couple more here, if you wanted to address those tonight.

As far as the 15-foot strip, there's no plan to build on it at this time. Mr. Minard just wants to make sure it doesn't devalue his property, the sale

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of the parent parcel.

We did send this off to the highway superintendent. We haven't received any comments yet.

We'll provide an easement for the grading for the sight distance.

Pat did give me the updated water system notes. I'll put those on the plans. We do have a silt fence. We'll provide the notes.

So that being said, if it's not too forward to ask this be scheduled for a public hearing.

CHAIRMAN EWASUTYN: Frank Galli, your comments?

MR. GALLI: Nothing at this time.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: Nothing more. Thank

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you.

CHAIRMAN EWASUTYN: Dave

Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No questions.

CHAIRMAN EWASUTYN: Having

reviewed the comments by McGoey, Hauser & Edsall in reference to the Minard Subdivision, there being no outstanding notes, if someone would move to declare a negative declaration on the Minard Subdivision.

MR. DOMINICK: I'll make a

motion.

CHAIRMAN EWASUTYN: We have a

motion by Dave Dominick. Do I have a second?

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: Second by

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

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MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I'm thinking about the scheduling for a public hearing. I don't know if the agenda can afford the public hearing on the 15th of July. We may have to move it to the first meeting in August.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: If someone would move for a motion to set this for a public hearing on the 5th of August.

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 please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

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CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried.

MR. BROWN: Thank you very much.

CHAIRMAN EWASUTYN: You'll work
with the highway superintendent for
signing off on this?

MR. BROWN: Yes.

(Time noted: 7:12 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 30th day of June
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

HANOVER SUBDIVISION
(2021-06)

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

----- X

PUBLIC HEARING
FIVE-LOT SUBDIVISION

Date: June 17, 2021
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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CHAIRMAN EWASUTYN: The third item of business this evening is the Hanover Subdivision. It's a public hearing on a five-lot subdivision. It's located on Route 32 in an RR Zone. It's being represented by Engineering & Surveying Properties.

Mr. 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 Town Law on the application of Hanover/Route 32 Subdivision, project 2021-06. The project is a proposed five-lot single-family residential subdivision. The site is an existing 53.75 plus or minus acre parcel of property located in the RR Zoning District. The subdivision will result in a total of five new residential lots. Access to each of the lots will be via

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driveways to New York State Route 32.
Each of the lots will be served by an on-site wells and subsurface sanitary sewer disposal systems. The parcel is known on the Town of Newburgh tax maps as Section 2; Block 1, Lot 57.2. A public hearing will be held on the 17th day of June 2021 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 22 May 2021."

CHAIRMAN EWASUTYN: Thank you.

Ross Winglovitz, who is representing this application, will make his presentation. For anyone in the audience who has any questions or comments, please raise your hand, give your name and your address.

MR. WINGLOVITZ: Good evening.

Ross Winglovitz with Engineering & Surveying Properties here on behalf of the

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Hanover Subdivision.

As the notice said, this is a proposed five-lot subdivision of about 53 acres of land. The property is on New York State Route 32. East Road is kind of on the north, opposite the property, on the northern border of the property, and the cemetery is in front, around on the southern border of the property.

There are five lots varying in size from 2 acres -- 2.2 acres to 3.5 acres, 7 acres, and then a remaining lot that's almost 39 acres. So two large lots in the back and three typical lots in the front.

Septic testing has been completed and the designs have been completed for the septic systems. There's been comments by the Board's consultants which we have addressed.

We've also met with the DOT regarding the locations of the driveways. The DOT has provided a letter approving the locations of the driveways and just

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indicating that a permit will be required for each of the driveways prior to getting a building permit. That note appears on the plan.

We did get comments from the Board's consultants for tonight's meeting. I'd be glad to address anything that the Board may want. I think that's it.

CHAIRMAN EWASUTYN: At this point is there anyone in the audience this evening who has any questions on the five-lot subdivision?

Your name and your address, please?

MR. DINARDI: I'm Dominic Dinardi, 881 Route 32. I live adjacent to that property.

I want to know, what is your relationship going to be with my property and the road with access and drainage? I'm very concerned about drainage. What are the --

MR. WINGLOVITZ: Are you opposite East Road or --

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MR. DINARDI: I'm right to the right on Route 32.

MR. WINGLOVITZ: You're on the opposite side?

MR. DINARDI: I'm 881.

MR. GALLI: He's next to you. East Road is across the street.

MR. WINGLOVITZ: You're up here. Everything flows south, away from your property, all the drainage.

MR. DINARDI: Your property, it goes up this big hill, big mountain.

MR. WINGLOVITZ: Back here.

MR. DINARDI: Are you going to knock that down?

MR. WINGLOVITZ: No. There's only five single-family homes, four driveways.

MR. DINARDI: So what I'm asking, how close to my property are the houses going to be?

MR. WINGLOVITZ: This would be the closest house to your property. It's about 100 feet from the property line.

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MR. DINARDI: What kind of houses?

MR. WINGLOVITZ: Single-family homes.

MR. DINARDI: Like what's the price range?

MR. WINGLOVITZ: Today, probably \$450,000 would be your typical price range of the houses.

MR. DINARDI: The entrance is going to be by the cemetery?

MR. WINGLOVITZ: There's individual driveways.

MR. DINARDI: So all on Route 32?

MR. WINGLOVITZ: On Route 32, four driveways.

MR. DINARDI: And that was approved?

MR. WINGLOVITZ: Approved by the DOT, yes.

And all the drainage goes away from your property. It all flows to the south.

MR. DINARDI: Do you have a card?

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MR. WINGLOVITZ: Yeah. Or I can get you one afterwards.

MR. DINARDI: What are you doing about the septic now?

MR. WINGLOVITZ: Septic systems. Five septic.

MR. DINARDI: Where are your wells and septic going to be?

MR. WINGLOVITZ: They're all laid out on the plan. They've been reviewed by the engineer for the Planning Board.

MR. DINARDI: Okay. Thank you.

MR. WINGLOVITZ: Thank you.

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

MR. CRAWFORD: Alan Crawford representing Rockville Cemetery Association.

I mentioned to Ross I'm going to send him over our paperwork. We just would like to ensure the fence lines and everything are kept intact.

MR. WINGLOVITZ: I talked to Alan

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earlier. They're going to provide a deed to confirm it's the same deed we have, and we'll verify.

CHAIRMAN EWASUTYN: Can you clarify that, Ross?

MR. WINGLOVITZ: Alan just wants to make sure that the boundaries we show here are consistent with the boundaries in his deed. I'm sure we pulled the most recent deed.

MR. CRAWFORD: I was there when you surveyed.

MR. WINGLOVITZ: He was actually there when we surveyed. He's going to give us what he's got so we can confirm that his deed is consistent with what we have.

CHAIRMAN EWASUTYN: The gentleman sitting behind him. Sir.

MR. HALL: My name is Ken Hall, I'm at 161 Mill Street, Wallkill.

I have property south of the subdivision. Can I take a peek at the map?

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CHAIRMAN EWASUTYN: Sure.

MR. WINGLOVITZ: You're here.

MR. HALL: Will you have a common driveway?

MR. WINGLOVITZ: Correct. For the two lots in the rear.

MR. HALL: You said individual driveways coming to --

MR. WINGLOVITZ: To 32.

MR. HALL: So nothing coming out here?

MR. WINGLOVITZ: Nothing coming out there.

MR. HALL: The principal of the property, are they builders or they're just selling the land?

MR. WINGLOVITZ: They'll be selling the land most likely.

MR. HALL: What about the other 38 acres?

MR. WINGLOVITZ: 38 acres is with lot 5. That's going to be sold with lot 5.

MR. HALL: As 38 acres?

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MR. WINGLOVITZ: 39 acres total,
yeah.

MR. HALL: The only other
question is the drainage, which I don't
readily see.

MR. WINGLOVITZ: There's a
wetland system that runs through the
middle of the property. The Town had us
delineate that and provide a report. All
the drainage will flow to the wetland that
currently exists.

MR. HALL: With the 39 acres,
there's a house planned for that?

MR. WINGLOVITZ: Correct.

MR. HALL: That's an awful big
lot.

MR. WINGLOVITZ: An awful big
lot, yes.

MR. HALL: This common driveway,
this would just be a driveway, --

MR. WINGLOVITZ: Correct.

MR. HALL: -- not a road?

MR. WINGLOVITZ: No. Just a
driveway.

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MR. HALL: Is this published
someplace?

MR. WINGLOVITZ: It's on the
Town's website. Actually, the whole file
is for the meeting. If you go to the
Planning Board agenda, the items, there
it's listed. There are all PDFs for the
whole plan.

MR. HALL: Thanks.

MR. WINGLOVITZ: Thank you.

MR. DINARDI: I have another
question. How many acre zoning is for each
house? I know you said one was 19 acres.
What does the law say for --

MR. WINGLOVITZ: 2 acre minimum.

MR. DINARDI: 2 acre minimum?

MR. WINGLOVITZ: Yup.

MR. DINARDI: How are you going
to put five separate driveways from Route
32? You've got the cemetery right there.
You've got East Road.

MR. WINGLOVITZ: There are four
different driveways laid out. As Ken
mentioned, one of them is a combined

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driveway. The locations were staked and reviewed with the DOT and approved. DOT is the New York State Department of Transportation.

MR. DINARDI: I'm familiar with them.

MR. WINGLOVITZ: Okay. Sometimes we use acronyms and nobody knows what we're talking about.

MR. DINARDI: Do you know when they propose to start building if you get approved?

MR. WINGLOVITZ: Potentially this fall.

MR. DINARDI: Sorry?

MR. WINGLOVITZ: Potentially this fall.

MR. DINARDI: Okay.

CHAIRMAN EWASUTYN: Any additional comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'll turn the meeting over to the Planning Board Members. John Ward?

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MR. WARD: No additional.

CHAIRMAN EWASUTYN: Dave
Dominick?

MR. DOMINICK: No additional
comments.

I appreciate the public coming
out tonight and expressing their concerns,
and Ross explaining to put your mind at
ease.

CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: No, thank you.

CHAIRMAN EWASUTYN: Ken
Mennerich?

MR. MENNERICH: Nothing.

CHAIRMAN EWASUTYN: Stephanie
DeLuca?

MS. DeLUCA: I just have one
question. In regard to the lot that has
39 acres, you said -- is that available
for building afterwards or is that to be
determined by the --

MR. WINGLOVITZ: Unless somebody
retained the lots and tried to resubdivide
it, it probably wouldn't be. It's 25 feet

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of frontage on 32 and it's a common driveway, so they would have to retain the lots and try to build a road. In my opinion it would probably be cost prohibitive for doing that.

MS. DeLUCA: And nothing further is to be built close to the floodplains or the wetlands?

MR. WINGLOVITZ: No. There's a large hill here and then the wetland that's kind of to the very, very north. Chadwick Lake is way back here.

MS. DeLUCA: Thank you.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: No additional, John.

CHAIRMAN EWASUTYN: The recommendation from McGoey, Hauser & Edsall moving forward with the subdivision is that any approval resolution should contain the requirement that each of the lots receive driveway approval by the New York State DOT.

The project requires coverage under a New York State DEC SPDES permit.

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A municipal authorization will be issued upon request.

The posting of the required rec fees we'll make part of that condition.

Also, that the boundary for both the cemetery and the project before us be consistent with the metes and bounds description.

MR. WINGLOVITZ: Sure.

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

MR. CORDISCO: Yes. In addition to those conditions, which would be appropriate special conditions to any approval, I would add the common driveway maintenance agreement for the shared driveway as well should be prepared and submitted for its review.

In addition to that, if the Board is prepared to at this time, I would recommend that you consider closing the public hearing.

CHAIRMAN EWASUTYN: Thank you.

There being no further comments

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from the public or the Planning Board Members, would someone move for a motion to close the public hearing on the five-lot Hanover/Route 32 Subdivision?

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And one more time we'll turn to Dominic Cordisco, Planning Board Attorney, to give us conditions for approval based upon the resolution.

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MR. CORDISCO: Yes. Thank you, Mr. Chairman. In addition to the standard general conditions of any approval for subdivision within the Town of Newburgh, we would recommend that the Board include as special conditions the preparation of a common driveway maintenance and access agreement, as well as additionally that the applicant must obtain the approval from the New York State Department of Transportation for the four driveways. The applicant will also have to obtain coverage under the New York State Department of Environmental Conservation Stormwater General Permit, and municipal review of that will also be required. Lastly, since this is the creation of new residential lots, and there being no parkland being created, that the payment of rec fees also be a condition of the approval.

CHAIRMAN EWASUTYN: Thank you.

Having heard the conditions of approval presented by Planning Board

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Attorney Dominic Cordisco for the Hanover/
Route 32 Subdivision, would someone move
for approval subject to those conditions?

MR. MENNERICH: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried. Thank you.

MR. WINGLOVITZ: Thank you very
much.

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(Time noted: 7:27 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 30th day of June
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

WEYANTS LANE CLEARING & GRADING
(2021-12)

Weyants Lane
Section 17; Block 1; Lot 53.3
AR & R-2 Zones

----- X

PUBLIC HEARING
CLEARING & GRADING

Date: June 17, 2021
Time: 7:27 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

APPLICANT'S REPRESENTATIVE: CHRISTOPHER PRENTIS

----- X

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

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CHAIRMAN EWASUTYN: The fourth item this evening is the Weyants Lane Clearing & Grading application, project number 21-12. It's located on Weyants Lane in an AR and R-2 Zoning District. It's being represented by Lower Hudson Valley Forestry.

Mr. 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 Town Law and Chapter 83 of the Town of Newburgh Code (Clearing and Grading) on the application of Weyants Lane Timber Harvest, project 2021-12. The project is a proposed timber harvest on a 62.3 plus or minus acre parcel of property. A selective timber harvest will be performed on 33 plus or minus acres of the subject parcel. The project is located in the AR

1 and R-2 Zoning Districts. Access to the
2 timber harvest would be via adjoining
3 parcels which front on Weyants Lane.
4 Access to the parcel will be in the
5 vicinity of the power line right-of-way
6 crossing Weyants Lane. The project is
7 proposing to harvest 365 trees at a rate
8 of approximately 11 trees per acre. The
9 parcel subject to the timber harvest is
10 known on the tax maps of the Town of
11 Newburgh as Section 17; Block 1; Lot 53.3.
12 A landing access area will be via parcels
13 Section 34; Block 2; Lot 1.4 and Section
14 17; Block 1; Lot 53.1. A public hearing
15 will be held on the 17th day of June 2021
16 at the Town Hall Meeting Room, 1496 Route
17 300, Newburgh, New York at 7 p.m. at which
18 time all interested persons will be given
19 an opportunity to be heard. By order of
20 the Town of Newburgh Planning Board. John
21 P. Ewasutyn, Chairman, Planning Board Town
22 of Newburgh. Dated 27 May 2021."

24 CHAIRMAN EWASUTYN: Thank you.

25 At this point we'll turn to

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Dominic Cordisco, Planning Board Attorney,
to discuss Chapter 83 of the Town Code.

MR. CORDISCO: Yes. Thank you,
Mr. Chairman. This is a provision in the
Town Code that allows for the application
and granting of permits for clearing and
grading. Selective timber harvesting,
which is what is being proposed here,
falls within that category. The Planning
Board is authorized to hold a public
hearing to get input from the public
regarding any concerns in connection with
the clearing and grading permit, but it is
a permit that is entitled to and open to
anyone that wishes to clear or grade their
property. The Planning Board's review of
an application is really limited to make
sure that a particular applicant is
meeting the standards necessary in the
code.

Here what's being proposed is not
a clear cutting of this particular
property but rather a selective timber
harvest of mature hardwood trees as

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discussed in the public hearing notice.

CHAIRMAN EWASUTYN: At this point we'll turn to Chris Prentis who is the certified forester who is representing the owners of the property.

MR. PRENTIS: For the record, Christopher Prentis, Lower Hudson Forestry Services. I'm here tonight for a clearing and grading permit public hearing for a selected timber harvest, tax parcel 17-1-53.3. It's about 62.3 acres of which we're proposing 33 acres to be harvested.

All species of trees are hardwood species. There's 365 trees in total. 315 are saw timber, the other 50 are firewood being removed on the 33 acres, which is approximately 11 trees per acre being removed.

The harvest will utilize two other adjacent parcels that are owned by Cindy Lee Post who is also part owner of the large parcel.

A landing area will be constructed adjacent to the power line

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2 right-of-way on Weyants Lane. All skid
3 trails and the landing area will be
4 cleared and smoothed at completion of the
5 project following the State's best
6 management practices for erosion control.
7 The landing area will be seeded and
8 mulched on completion.

9 CHAIRMAN EWASUTYN: Again as in
10 the earlier public hearing, if anyone has
11 any questions or comments, please raise
12 your hand and give your name and address.

13 The gentleman there.

14 MR. GITTELSON: My name is
15 Michael Gittelsohn. I live at 3 Summit
16 Ridge Road, Newburgh, New York, which is
17 abutting the easterly boundary line of the
18 property that encloses the site.

19 I've listened to the attorney, I
20 respect what you have to say, but the
21 right to harvest timber is not a
22 guaranteed right. There are reviews that
23 have to take place. It has to go to a
24 building inspector, of course the Planning
25 Board oversees it and has a public

1
2 hearing. But there's also an
3 environmental impact. Maybe not an impact
4 statement as such, but reviews for erosion
5 and for subterranean water supplies,
6 things like that that may affect abutting
7 property. This law, Title 83 which is
8 called clearing and grading control of the
9 Town of Newburgh, is designed to protect
10 abutting owners. It includes erosion as
11 well as water supplies and sites and
12 things like that.

13 My property -- I don't see a map
14 up there, but my particular property I see
15 is about 20 feet from where the boundary
16 line of where that 32 acres is supposed to
17 be. I have a well which is about 20 or 30
18 feet from that boundary line. I'm
19 concerned that it may affect the well.

20 I have other concerns, too. I
21 mean I've lived in peace and tranquility
22 in this house for over forty years, and
23 now what I'm going to be hearing is lots
24 of noise from people cutting down trees
25 and things like that.

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I might also add that I am concerned about traffic patterns on Weyants Lane, which is a heavily traveled road. You're going to have trucks going in and out of that road that's going to affect the ability of people to travel there.

I'm concerned about wildlife also. There's an awful lot of wildlife in this 62 acres. Before I came here tonight I saw a couple of turkeys on my property. All right. What's going to happen with them? Maybe we shouldn't have any concern for wildlife, but I have a concern because if you start clearing these trees, where is the wildlife going to go? It may very well go on my property for all I know. You've got rodents, you've got deer, you've got -- and I grant you, it's not a bald eagle but it affects my way of living as well as the way other people are living along the boundary line of this area.

Also, it's going to be -- they're going to be cutting down trees. They're

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2 not going to be grinding the stumps of
3 those trees. They're going to be cutting
4 down within -- I forget how far you're
5 leaving the stumps. You're going to
6 create a waste area over there. It's
7 going to be unsightly to those who have
8 the ability to see it. I think from where
9 my property is it's going to turn out to
10 be an eyesore. So I'm concerned.

11 I am particularly concerned -- I
12 know there's people here that are involved
13 because their property is affected. I
14 looked at that map and I saw 20 feet next
15 to the boundary line which is my property,
16 and that's -- the boundary line is about
17 30 feet from my well. So I have some
18 major concerns.

19 I would ask you to just take
20 notice of Title 83 because that law is
21 designed to protect the landowner that
22 abuts people who want to do timber
23 foresting.

24 Thank you for your attention.

25 CHAIRMAN EWASUTYN: Do you want

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2 to comment on the questions that were
3 raised by Mr. Gittelsohn? He spoke about
4 erosion control, he spoke about noise, he
5 spoke about truck traffic. You could also
6 discuss the requirements as far as a
7 buffer that's in the code and what the
8 practice is of leaving stumps four feet in
9 height, and could there be a problem with
10 water?

11 MR. PRENTIS: Sure. With regard
12 to truck traffic, signs will be put up.
13 It would be fairly typical as if someone
14 was building a house and putting in a
15 construction entrance. Signs will be put
16 up on both sides warning drivers that
17 there will be trucks entering and exiting.

18 In terms of noise, the loggers
19 are going to be required to follow the
20 hours of operation that are specified by
21 the Town. So whatever the hours of
22 operation are, that's what's followed.

23 In terms of wildlife, many
24 wildlife species actually prefer a forest
25 that has been disturbed or harvested. The

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2 State DEC right now has a program called
3 Regenerate New York. They're actually
4 asking landowners to heavily cut or
5 clearcut their property to get
6 regeneration to start, which brings in
7 rodents, it brings in rabbits, it brings
8 in turkey, it brings in deer. So I don't
9 think that the wildlife are going to have
10 any issues in terms of managing a property
11 like this. You're going to be opening up
12 the canopy, you're going to be putting
13 sunlight on the ground, you're going to be
14 getting forb, grasses, new regeneration.
15 It's exactly what the wildlife want to
16 eat.

17 In terms of stumps, stumps are
18 cut as low as possible to the ground,
19 typically a foot, maybe a foot and-a-half
20 off the ground. They remain in place.
21 Those roots will hold soil for the next
22 twenty to thirty years, preventing any
23 erosion issues.

24 In terms of erosion control, the
25 State has best management practices for

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forestry operations. They require that you put water bars in which basically are deflectors of water that prevent erosion, prevent the water from running down the hill and carrying sedimentation.

I think I've hit on most of your points.

CHAIRMAN EWASUTYN: The truck traffic. Over the course of how many weeks, weather permitting, will this activity take place?

MR. PRENTIS: It's expected to take approximately five weeks.

MR. BROWNE: How many trucks per day?

MR. PRENTIS: The expectation is one truck per day. So approximately five per week. Anywhere between four and five weeks should be the expected completion.

CHAIRMAN EWASUTYN: I appreciate it, but there's others in the audience that may want to speak. I'd like to first make a complete round and then take second questions.

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Anyone else in the audience?

MR. LEVY: George Levy, 5 Summit Ridge Road. I was expecting tonight to see a map of the 33 acres out of the 62 that you're proposing to harvest. Is there such a map available that has been approved by the Planning Board and by the building inspector?

MR. PRENTIS: There is. It was available on the Town's website. All the application materials, maps, all of that was available on the Town's website.

MR. LEVY: Also I had understood that you or someone in your organization has mapped out the trees that are scheduled to be timber harvested?

MR. PRENTIS: They're indicated on the map, the area that the trees are to be harvested.

MR. LEVY: I thought they were on the trees themselves.

MR. PRENTIS: Yeah. Each tree is marked with blue paint by myself, one at about chest height and one on the ground

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level of the stump.

MR. LEVY: And how close to the abutting landowners does the timber harvest come? I mean I heard Mr. Gittelsohn say 20 feet. That shocks me a bit. Okay. If there's 33 acres out of 62, why are we going so close to the abutting landowner?

MR. PRENTIS: I'll be honest, I didn't mark anything 20 feet from the line. There's trees that are marked 30 or 40 feet. There's many areas where it's a couple hundred feet from the boundary line. It just depends. In the northern part of the property there's no mature timber, it's all small. There are places that many landowners won't even notice the fact there's any harvesting going on.

MR. LEVY: Where in terms of Summit Ridge Road do you come?

MR. PRENTIS: Here's the map. This is Summit Ridge. Correct? This is Weyants Lane.

MR. LEVY: Yes.

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MR. PRENTIS: So you can see there's a fairly large buffer there. The reason for that buffer is because it drops steeply off. That's a ridge line. So where is your house?

MR. LEVY: Right here. So the marked timber is going to come fairly close.

MR. PRENTIS: From your house it's at least a couple hundred feet. At least 100.

MR. LEVY: Thank you.

CHAIRMAN EWASUTYN: The gentleman in the back.

MR. DVASH: Joe Dvash, 435 Fostertown Road. I have the same exact concern as Mr. Gittelsohn.

Let me just ask a dumb question. Do you have a plan to build homes there, or houses or apartment buildings, or what's the purpose of that?

MR. PRENTIS: The purpose is just to harvest mature timber. It's purely economic. There are no plans for

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subdivision. This isn't a clearing or a prep cut for any sort of subdivision. I mean if it was it would be -- they'd have to go back to the Planning Board. It's a completely different application.

MR. DVASH: So the map -- you said on the Town website there are maps so we can see exactly the area. How far do they go -- my house is on the corner of Fostertown and Summit Ridge. How far do they go to Fostertown?

MR. PRENTIS: You're on Fostertown and Summit Ridge. It's quite a ways. 500, 600 feet from your house.

MR. DVASH: Thank you.

CHAIRMAN EWASUTYN: The lady in the back.

MS. KROL: Judy Krol, 17 Lauber Lane. My concern is the noise. What time of day, between what hours, and is this also going to be done on weekends? Some of these blue marked trees are right actually on the property line.

MR. PRENTIS: The hours of

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operation that the Town specifies. Is it typically 7 to 7 I believe?

CHAIRMAN EWASUTYN: Correct.

MR. PRENTIS: Monday through Saturday.

MR. CORDISCO: 7:30 to 6.

CHAIRMAN EWASUTYN: 7:30 to 6.

MS. KROL: Because I know it's loud. I could hear the clearing that was done next to Gardnertown Farms. I work from home. I'm on many conference calls from 7:30 in the morning until 6:00 at night.

MR. PRENTIS: I mean I'd be more than happy to negotiate times. You're not allowed to work --

MS. KROL: No, no. Trust me, I get it. It's like when is this planned on taking place?

MR. PRENTIS: It's expected to be sometime late summer/early fall. So like I said, if you're concerned about noise in terms of during the week, then I mean I'm more than happy to say they don't start

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until 8:00 or 8:30. I'm perfectly fine with that.

MS. KROL: How big are these machines that are going to be next to the high line?

MR. PRENTIS: They're essentially like a large farm tractor. Just one.

MS. KROL: Thank you.

MS. FASCIANA: Jill Fasciana. I live right on Weyants Lane at 119. I believe I'm right adjacent to where they're going to enter from Weyants for a small section of what you're going to take out. I did go over and look at the map but I was still a little unclear as to how to read that map. The blue lines were indications of what was going to be taken down?

MR. PRENTIS: The areas that trees are marked.

MS. FASCIANA: So did you say that the trees are marked?

MR. PRENTIS: Correct.

MS. FASCIANA: So I can actually

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go into that property right next to me and see which ones are going to be taken down?

MR. PRENTIS: Mm'hm'.

MS. FASCIANA: Could you please talk to Consorti and get their trucks to stop going up and down Weyants Lane also?

MR. PRENTIS: I did notice that.

MS. FASCIANA: And the school buses.

MR. PRENTIS: For a small side road there was a lot of traffic.

MS. FASCIANA: There is a lot of traffic.

MR. PRENTIS: Originally -- this parcel actually comes out and has about 100 foot right-of-way onto Weyants Lane, but it's just below the crest of that hill. That's the reason why we had to put the landing next to the power lines. Below the crest of that hill there's -- for sure there would have been an accident.

MS. FASCIANA: What are the trees marked with? Is there a ribbon or

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something?

MR. PRENTIS: They're marked with blue paint.

MS. FASCIANA: Paint?

MR. PRENTIS: Blue. It's long lasting. So it's not like something that would wash off. It will last three or four years easily.

MS. FASCIANA: The woodpeckers have ruined a couple of the trees in there. Would you also take those down?

MR. PRENTIS: Typically dead standing is only taken down for safety reasons, otherwise --

MS. FASCIANA: So you maybe would take them. I've spent over \$1,000 already from trees falling from that property onto mine. I'm a little concerned about the coverage of any more dropping, you know, whatever. I had a tree man look and he told me to ask someone to take it down, the people who owned it. Maybe you'll take it down.

MR. PRENTIS: I'm sure we can

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work something out.

MS. FASCIANA: I'll be over there.

MR. PRENTIS: Get it done for free.

MS. FASCIANA: Is it a cerulean blue?

MR. PRENTIS: It's a very bright blue. You won't miss it, believe me.

CHAIRMAN EWASUTYN: For the record, you're stating that the hours of operation will be starting at what time?

MR. PRENTIS: 8:30?

MS. KROL: That would be better than 7:30.

MR. PRENTIS: Fair enough.

CHAIRMAN EWASUTYN: 8:30. And you'll end at what time?

MR. PRENTIS: What's it at now currently? 6?

MR. CORDISCO: 6 p.m.

MR. PRENTIS: Is that okay?

CHAIRMAN EWASUTYN: The Town has a noise ordinance. I'm not quite sure if

1
2 it's 65 decibels. The Planning Board
3 doesn't monitor that. I wouldn't say I
4 would make it a practice, although you
5 could make it a practice. I think that
6 would be more of a nuisance than a good
7 faith resolution. You may want to -- if
8 you feel it's in excess of that, the Town
9 has a Code Compliance Department. I'm
10 certain that they would send someone out
11 to take a reading of what that noise level
12 would be. I say this to you in good
13 faith. Judy is your name?

14 MS. KROL: Yes.

15 CHAIRMAN EWASUTYN: Thank you,
16 Judy. We keep a balance to this as -- the
17 forward is let's get acclimated. I'm not
18 asking you to be hit on the head but we
19 will work as a group. Again, even with
20 the hours of operation. I can't guarantee
21 how many dead trees are going to be
22 removed, but, you know, we'll try and make
23 a good faith effort. Chris Prentis has
24 done similar actions in the Town of
25 Newburgh. He has a good track record for,

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you know, what he is involved with. I think we're starting to accomplish things.

Additional questions and comments? The gentleman there.

MR. DAVEN: Mike Daven, 1 Summit Ridge road. So I abut the right-of-way which you're not going to use. It's at the top of Weyants hill and very speedy there. Any chance that the trucks will turn right out of the Central Hudson clearing and not head towards Summit Ridge Road and Weyants? That is a dangerous intersection that you would be leading to, the intersection of Weyants and Fostertown and New Road. It's probably a bad idea for many people to travel through, let alone a truck.

MR. PRENTIS: So the purchaser that's actually going to cut the timber is from Sullivan County. The likelihood is they would go the opposite way, towards 32, take 84 and up 17.

Then in terms of the noise, this will be nowhere near as noisy as

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Fostertown Farms. That's fully mechanized, the chipper. I'm sure you hear the grinder. This is going to be intermittent noise. A chain saw. Once they cut the tree down, they limb it, they top it. You're not going to hear constant noise. Land clearing is completely different.

CHAIRMAN EWASUTYN: Any additional questions or comments?

The lady in the back.

Mike, I understand you want to speak. As I said, let's do a complete round.

MR. GITTELSOHN: Fine.

CHAIRMAN EWASUTYN: Save you the energy of --

MS. BAIRD: My name is Georgia Baird, I live on 73 Weyants Lane.

I'm concerned about Section Block 3-4 that they're going to land on. That's on my property. What are they going to do? I want to know if Central Hudson gave you permission to cross my property,

1
2 because when my husband and I built it we
3 gave Central Hudson the approval to use
4 the right-of-way only for emergency
5 purposes only. This doesn't sound like
6 it's an emergency. It's not to take the
7 trees down so it doesn't hit the power
8 line. So I'm concerned about that. Why
9 are you using mine if it's not with
10 Central Hudson? Did Central Hudson give
11 you permission to go across my property?
12 We only gave it to Central Hudson.

13 MR. PRENTIS: We're not coming
14 across your property. Where the landing
15 area is is owned by Cindy Post.

16 MS. BAIRD: The landing area is
17 my -- I own the property that you're going
18 to -- if you're going in that road there
19 that my husband and I filled in, that's my
20 property. We gave Central Hudson, if
21 there was an emergency with the power line
22 to go in there. Absolutely if it's an
23 emergency. Not for anything else. That
24 was the condition for 100 years. This
25 doesn't sound like it's for the power

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line.

MR. PRENTIS: We're not --

MS. BAIRD: Why should you use my property to cut trees off of somebody else's property if it's not for the danger of the power lines? If it's for the danger of the power lines, I'm all for it if Central Hudson wants it. Other than that, I'm against it.

MR. PRENTIS: I mean I think there's some confusion. We're not going to drive in under the power line. The parcel is completely owned -- under the power lines are owned by the entity that we're logging. So we're not crossing anybody's property -- anybody else's property.

MS. BAIRD: Well it says Section 34, Block 2, Lot 1.4. It says the lot landing access will be processed on this section. That's on my map.

MR. PRENTIS: And you're not Cindy Post?

MS. BAIRD: I'm not -- Cindy Post

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is on the hill. I'm Baird on the other end. Two different ways it says. It's right here.

MR. PRENTIS: Here's the map. I mean I'm not following exactly what --

MS. BAIRD: I brought my map with me. It's all ripped up. All of these numbers are correct. That's my property.

MR. PRENTIS: It's not according to the Orange County Parcel --

MS. BAIRD: That's who gave you the map?

MR. PRENTIS: Where is your house?

MS. BAIRD: It's the same lot number. I'm right next to the power line.

MR. PRENTIS: Here?

MS. BAIRD: Where you blocked off. Yes. Where you surveyed and you marked the things, that road there is on my property.

MR. PRENTIS: The road is over here on this parcel next to this. It's not here.

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MS. BAIRD: There's no road there.

(Inaudible discussion.)

CHAIRMAN EWASUTYN: Can we keep the conversation --

MS. BAIRD: You're not going to go in on this? It says Section 34, Block --

MR. PRENTIS: These are the three parcels that Post owns.

MS. BAIRD: So you're on the other side of the power line from my house?

MR. PRENTIS: Correct.

MS. BAIRD: You're on the Post side? You're not coming in. Why did they put that in the letter?

MR. PRENTIS: That I don't know.

MS. BAIRD: I have the map. It's all tore up. I went through my file and I dug it out. All these are my parcels.

MR. PRENTIS: We're not going to be on that side of the power line at all. We're not crossing anybody else's

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property.

CHAIRMAN EWASUTYN: Can I ask that we keep the private conversation to a minimum?

So let the record show that the applicant will only be doing work on the property owned by the applicant, and that will be looked at by --

MS. BAIRD: In other words, Post is the one that put in the application?

CHAIRMAN EWASUTYN: Right.

MR. PRENTIS: Correct.

CHAIRMAN EWASUTYN: They'll be the correct property.

MS. BAIRD: I don't have a problem with it if it's on their property.

MR. PRENTIS: It's entirely on their property.

MS. BAIRD: Central Hudson for a 100 years, if there was an emergency they could use our property. That's why I didn't understand, because Central Hudson's name isn't mentioned here.

MR. PRENTIS: Central Hudson

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doesn't own the land under the power lines. I just an agreement. Post owns the land under the power lines.

MS. BAIRD: They owned the property in the beginning. Yeah.

Another question. I was always under the impression that you could not cross underneath the power lines.

MR. PRENTIS: If you own the land under the power line you can cross under the power line. If you don't -- there are certain cases where Central Hudson actually owns the land under it.

MS. BAIRD: I didn't know you could own land under the power lines. I thought Central Hudson owned it.

MR. PRENTIS: There are many, many cases where it's just a right-of-way agreement.

MS. BAIRD: So you're not going to go on there?

MR. PRENTIS: Not on your parcel, no.

MS. BAIRD: Thank you.

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CHAIRMAN EWASUTYN: Judy, you had a chance to speak. Let's see if there's someone else.

Any additional questions from those who haven't had the opportunity to speak?

(No response.)

CHAIRMAN EWASUTYN: Now we'll turn to Mr. Gittelsohn.

MR. GITTELSON: Just a question. Would you consider redrawing your boundary lines so it's not closer than 200 feet from the -- when I say boundary lines, the area that you're going to be using to cut down trees. Would you consider redrawing that map so that it isn't closer than 200 feet from the boundary lines of your abutting neighbors?

MR. PRENTIS: No. 200 feet? I mean do you want to pay taxes on the 200 foot strip that we're going to have to remove?

MR. GITTELSON: On vacant land?

MR. PRENTIS: It's a 200 foot

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strip. For a couple thousand feet you're talking 10, 12 acres.

MR. GITTELSOHN: What about 100 feet?

MR. PRENTIS: That's still quite a bit of land.

MR. GITTELSOHN: So you're not prepared to redraw --

MR. PRENTIS: I would negotiate a couple of trees. I would not negotiate a 100 or 200 foot buffer. I mean if there's a few trees that are particular to you and they're behind your house, I'd be more than happy to talk to you about that. When we leave I'll give you my card and you can contact me.

MR. GITTELSOHN: Thank you.

CHAIRMAN EWASUTYN: Judy.

MS. KROL: Just as a safety concern, because I know some of those power lines are very low back there, has Central Hudson been notified at all of this?

MR. PRENTIS: No. We don't have

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anything proposed anywhere near the power lines, though.

MS. KROL: Okay.

CHAIRMAN EWASUTYN: Mr. Klein.

MR. LEVY: George levy. I just wanted to check with regard to the well water issue. Is there any chance that the timber harvest could affect wells along Summit Ridge?

MR. PRENTIS: I mean wells are subsurface water. It's a selective harvest removing -- you know, the amount of trees that we're removing is not going to affect subsurface water.

MR. GITTELSOHN: That sort of like begs the question. I hear what you're saying, but under Title 83 isn't there supposed to be an independent review?

MR. PRENTIS: No.

MR. GITTELSOHN: No? Should I read you --

CHAIRMAN EWASUTYN: You can.

MR. GITTELSOHN: "Permit

1 application materials. A property owner
2 or property owner's agent may initiate a
3 request for a permit or a modification of
4 a permit by filing with the authorized
5 official two copies of an application."
6 It goes on. Paragraph 8, "Modifications
7 authorized or required by the authorized
8 official. Each application required to be
9 submitted to the Town Planning Board shall
10 contain the following material:
11 Documentation regarding permit status with
12 the New York State Department of
13 Environmental Conservation prior to the
14 issuance of a permit. Any New York State
15 Department of Environmental Conservation
16 permit required must be in effect prior to
17 the Town issuing a permit." It also --
18 there's a sub-paragraph that says, "An
19 erosion control plan." Okay. Unless I'm
20 reading it wrong, Counselor. It's part of
21 Title 83-9, Sections A-5 and 6. There are
22 other provisions there also.

24 So it seems to me -- I'm not an
25 expert in this. It seems to me that it's

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a suggestion that there should be an independent review.

CHAIRMAN EWASUTYN: By whom? Are you coordinating this with the DEC?

MR. PRENTIS: There are no permits required from the DEC unless you do particular things. So, you know, if you're going to do disturbance in a classified wetland, which there isn't any. If you're going to cross a classified stream, which there are no classified streams. If there's rare or threatened endangered species, which there's none present on or near the property. So, you know, a DEC permit is only required under certain circumstances.

The erosion control plan you're talking about, agricultural and silviculture, which silviculture is forestry, are exempt from the SPDES or the stormwater pollution prevention plans that are designated by the DEC. What they suggest is that you follow the State's best management practices for forest

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activities, which we are going to follow as per contract. The most current version, which I believe is 2017, is available on the DEC's website.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney, do you want to add to that?

MR. CORDISCO: Yes. So this application did include an environmental assessment form. An environmental assessment form is required under any action that's subject to the State Environmental Quality Review Act and it's part of a typical application before the Planning Board.

This particular applicant included a long environmental assessment form, which is not necessarily required but was offered on this particular instance, and is part of the materials that are up on the Town's website. The Board had previously reviewed the environmental assessment form. You'll see it. It's something that gets generated by

1
2 an interactive website with the New York
3 State Department of Environmental
4 Conservation. It's not just the applicant
5 filling it out. The applicant identifies
6 certain things on the State DEC website,
7 such as the location of the property and
8 the type of activity, and then the DEC,
9 actually their website fills out the form
10 and identifies whether or not there's any
11 sensitive resources in the area. So that
12 form was completed according to that
13 process. It has been previously reviewed
14 by the Board and by the Board's
15 consultants. And -- hold on. The Board
16 had also previously adopted a negative
17 declaration because they had reviewed it.
18 What that meant is that they had found as
19 far as environmental concerns, that there
20 was no significant environmental concerns
21 identified.

22 MR. GITTELSOHN: Is that part of
23 the application?

24 CHAIRMAN EWASUTYN: It is.

25 MR. GITTELSOHN: It can be

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reviewed?

CHAIRMAN EWASUTYN: There's thirteen -- it's a thirteen-page EAF. It is part of the application process and it was signed by Chris Prentis. It was part of the application.

MR. CORDISCO: It was included at all of the meetings that this particular applicant has been on. It's on the Town's website, including for this particular meeting. So if you click on meetings and then you look at other documents, the heading is other documents, it would be included there.

MR. GITELSOHN: Okay.

CHAIRMAN EWASUTYN: Additional questions or comments from the public?

(No response.)

CHAIRMAN EWASUTYN: At this time we'll turn it over to Board Members. John Ward?

MR. WARD: Chris, for the public's sake, how many trees per acre do you remove?

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MR. PRENTIS: It's approximately 11.

MR. WARD: All right. And basically most of the trees, are they interior, close to the borders of the residents?

MR. PRENTIS: The majority of them are interior.

MR. WARD: At the same time, what it is is like scaling through, scanning out the trees? It's not like clearing all the trees?

MR. PRENTIS: Correct.

MR. WARD: Thank you.

And thank you for showing up and giving the input.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing further.

Again, I appreciate everyone's comments.

Chris, your answers were very well. Thank you.

CHAIRMAN EWASUTYN: Cliff Browne?

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MR. BROWNE: I don't have anything else to add.

I do want to echo the sentiments already. Your participation and your being prepared is good. That's what this is all about. As many times as Chris has been before us, there's still a chance that he misses something, and that's why you're all here, just in case.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: I'd just like to point out that the Planning Board has consultants that assist the Planning Board on evaluating these applications to make sure they meet all the requirements. So the engineers, McGoey, Hauser & Edsall, they are the engineer, they gave us comments at the prior meetings leading up to the point where we could issue a negative dec. So there is a review process that's undertaken under the Planning Board's jurisdiction.

CHAIRMAN EWASUTYN: Stephanie

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DeLuca?

MS. DeLUCA: I'd just like to echo, as my fellow Board Members as well, and thank you for some very good questions. Very tough questions.

You passed. Good job.

MR. PRENTIS: It's been worse than this.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: The Town Board and the Planning Board, Mr. Prentis has been before us numerous times over the years. If he says he's going to do it, he does it. He's always been a man of his word and he does an excellent job. We've never had an issue with him. We scrutinize him every time the same. The public is always welcome to beat him up a little bit. Like I said, he's always been good. I don't think you'll have any concerns once he starts the project.

CHAIRMAN EWASUTYN: So in support of the public comment, there will be something that will be noted in the

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2 resolution and brought to the attention of
3 the Building Department. It was agreed
4 that the hours of operation would be from
5 8:30 until 6:00. If there is a
6 possibility of a noise issue, the Building
7 Department has a Code Compliance
8 Department and they will send out someone
9 to monitor the noise at that particular
10 time.

11 The trees will be painted.

12 The traffic circulation will be
13 in the direction of Route 84.

14 Chris Prentis will make it a
15 point of meeting with Mike Gittelsohn to
16 save some requested trees that would
17 benefit Mr. Gittelsohn and his property.

18 Is there anything else that was
19 discussed that needs to be brought
20 forward?

21 Mr. Levy.

22 MR. LEVY: I would just ask that
23 Chris do the same thing with my property.

24 CHAIRMAN EWASUTYN: Okay.

25 MR. LEVY: Is that all right,

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Chris?

MR. PRENTIS: Sure.

MR. GALLI: I have another comment. For anybody that plans on walking the property, you might want to get permission from the homeowner first. It's still private property and you don't want to get in trouble. You might want to contact the Posts, if you plan on walking the property, and get permission.

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

MR. CORDISCO: Thank you, Mr. Chairman. I did check the records of the Orange County Clerk's office while the discussion was being had. The applicants are the proper owners of the parcels that are the subject of this application. I just want to make that clear as part of the record, that there's no issue there.

If the Board is in a position to consider a resolution of approval, I would recommend that it do so with the following

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conditions --

CHAIRMAN EWASUTYN: Can we first close the public hearing?

MR. CORDISCO: Yes. Thank you.

CHAIRMAN EWASUTYN: There being no further questions from the public or Planning Board Members, would someone make a motion to close the public hearing --

MR. WARD: So moved.

CHAIRMAN EWASUTYN: -- on the Weyants Lane Clearing & Grading, project number 21-12, located on Weyants Lane, being represented by Lower Hudson Valley Forestry?

MR. GALLI: So moved.

MR. DOMINICK: Second.

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

(No response.)

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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

MR. CORDISCO: Yes. Thank you.

The conditions that I would recommend would be as follows: One, the requirements of Chapter 83 of the Town Code entitled Clearing & Grading are hereby incorporated by reference in the written resolution in compliance with all applicable requirements of Chapter 83 shall be a condition of the approval.

Two, the applicant shall file with the Town Clerk a performance guarantee for the installation of security at the site access point in an amount of

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\$5,000 by either certified check or a letter of credit in a form approved by the Town Attorney in accordance with the requirements of Town Code Section 83-12.

Three, the applicant shall pay an inspection fee in amount of \$2,000.

Four, the applicant shall implement a soil erosion control plan for the landing areas and skid roads, which areas shall be rehabilitated and revegetated as currently upon completion of the timber harvest.

Five, the applicant shall install a stabilized construction entrance consistent with the New York State DEC soil erosion and sediment control manual at the site access point.

Six, timber harvesting and other site preparation activities shall be avoided within 50 feet of any stream, river, gully or ravine, and all clearing and other debris shall be removed from any watercourse.

Seven, the applicant shall obtain

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the review and written concurrence of the town highway superintendent regarding the location of the access point.

Eight, said activities shall be conducted only between the hours of 8:30 a.m. and 6 p.m. No site preparation activity shall be conducted on Sundays or public holidays. If there are noise complaints, the Building Department shall review and respond.

Number nine, traffic circulation shall be in the direction of Route 84.

Number ten, the applicant will meet with the adjoining neighbors to review the potential retainment of select trees within close proximity to their boundary.

Number eleven -- excuse me.
Number ten, the approval is further conditioned upon the applicant delivering, prior to the signing of any plans, proof in writing that all fees in regard to this project have been fully paid.

CHAIRMAN EWASUTYN: Chris

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Prentis, any questions or comments in reference to those conditions?

MR. PRENTIS: No. They're fairly standard.

CHAIRMAN EWASUTYN: Questions or comments from Board Members?

MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: No.

MR. DOMINICK: No.

MR. WARD: No.

CHAIRMAN EWASUTYN: Having heard the conditions for approving the clearing & grading application presented by Planning Board Attorney Dominic Cordisco, would someone move for that motion?

MS. DeLUCA: So moved.

MR. MENNERICH: Second.

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Motion
carried. Thank you.

Are you Ms. Wasserman?

I did have a conversation with a
Ms. Wasserman in reference to this. She
did say that she may not be able to attend
the meeting this evening but she was
content at that point in time.

UNIDENTIFIED SPEAKER: She had a
medical procedure today.

CHAIRMAN EWASUTYN: I didn't want
to make public record of that. Obviously
you're a friend. I can tell you that on
Wednesday she was having chicken with
lemon.

(Chuckling.)

(Time noted: 8:12 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 30th day of June
2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

PATTON RIDGE
(2012-18)

Request for a Six-Month Extension of
Preliminary Approval from
June 17, 2021 until December 17, 2021

----- X

BOARD BUSINESS

Date: June 17, 2021
Time: 8:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

----- X

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

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CHAIRMAN EWASUTYN: We have three items of business. The first is an extension request for Patton Ridge.

MR. MENNERICH: Planning Board Chairman Ewasutyn received a letter from Kirk Rother concerning the Patton Ridge Subdivision, Planning Board project 2012-18, requesting a six-month extension of the preliminary approval which would take effect from June 17, 2021 and remain in effect through December 17, 2021.

CHAIRMAN EWASUTYN: Would someone make a motion to grant approval of the request for the Patton Ridge extension?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli and a second by Cliff Browne. Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: May I please have a roll call vote.

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:13 p.m.)

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2021.

Michelle Conero

MICHELLE CONERO

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

----- X

In the Matter of

RESORTS WORLD HUDSON VALLEY
(2021-11)

Ratification of Approval

----- X

BOARD BUSINESS

Date: June 17, 2021
Time: 8:13 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

----- X

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

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CHAIRMAN EWASUTYN: Dominic Cordisco would like to present to the Board the Newburgh Mall gaming video, the recommendation to the Board.

MR. CORDISCO: Thank you. At your last meeting the Board had on its regular agenda the Newburgh Mall site plan amendments to allow the video lottery terminal facility to locate there. The Town Board of course had been lead agency for the environmental review and had also undertaken and previously approved a zoning text amendment to allow that facility to locate at the Newburgh Mall. The zoning text amendment is done and accomplished by local law which was duly done, and it was also sent to Albany for filing.

In New York State a local law does not become effective until it is filed in Albany. It was sent before the meeting but the receipt that came back after the meeting indicates that it was actually filed with the Secretary of

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State's office the day after the meeting.

My recommendation to this Board is to ratify now your previous approval that was granted for the Resorts World project.

CHAIRMAN EWASUTYN: Would someone make the motion to ratify based upon what was presented by Dominic Cordisco, Planning Board Attorney, for the Newburgh Mall video gaming.

MR. DOMINICK: I'll make that motion.

MR. WARD: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

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CHAIRMAN EWASUTYN: Motion
carried.

(Time noted: 8:15 p.m.)

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

----- X

In the Matter of

KARDNAR v. KADNAR LAWSUIT

Acceptance of Discontinuance

----- X

BOARD BUSINESS

Date: June 17, 2021
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.

----- X

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CHAIRMAN EWASUTYN: And the last item of business, Mr. Cordisco would like to present the Kadnar v. Kadnar lawsuit.

MR. CORDISCO: Thank you again. As previously discussed, the minor subdivision that was obtained last year for the Kadnar project was the subject of a lawsuit brought against Jan Kadnar Senior by his son, Jan Kadnar Junior. The primary issue in that lawsuit relates as to whether or not the father had the authority to subdivide the property which the son claims that he owns. The lawsuit was brought primarily against the father but also named the Town of Newburgh Town Board and the Planning Board as additional defendants.

My office was authorized, thank you, by the Town to represent the Town in defense of that lawsuit. Rather than answering it and getting into an extensive discovery, my partner, Stephen Gaba, made a motion to dismiss because we believe

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that the Town is not a proper party to this lawsuit at this time in particular.

Kevin Bloom, the attorney for the plaintiff, Jan Kadnar Junior, upon receipt of the motion to dismiss, and seeing the logic of Mr. Gaba's rationale, agreed and has offered to withdraw the lawsuit and reserve their right to bring it again in the future if there is some future requirement in connection with the subdivision that is not apparent now.

So our recommendation to this Board is to authorize and accept this discontinuance given the fact that it would be more economical and a better use of everyone's resources to not participate in a family dispute.

CHAIRMAN EWASUTYN: So then the action before us this evening would be to?

MR. CORDISCO: It would be a motion authorizing the acceptance of the discontinuance and also authorizing any rescission necessary to effectuate that.

CHAIRMAN EWASUTYN: Would someone

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make that motion?

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Stephanie DeLuca. Any discussion of the motion?

(No response.)

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: I guess the last action is to close the Planning Board meeting of the 17th of June.

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Do I have a second?

MS. DeLUCA: Aye.

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CHAIRMAN EWASUTYN: I have a
second by Stephanie DeLuca. May I please
have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 8:20 p.m.)

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