

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

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

----- X
In the Matter of

LONGVIEW FARMS
(2006-39)

Barbara Drive
Section 20; Block 1; Lots 1 & 3.35
AR Zone

----- X

FINAL APPROVAL
26-LOT SUBDIVISION - 6 LOT LINE CHANGES

Date: July 7, 2022
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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPI

APPLICANT'S REPRESENTATIVE: THOMAS DEPUY &
STANLEY SCHUTZMAN

----- X

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

1 L O N G V I E W F A R M S

2 CHAIRMAN EWASUTYN: Good
3 evening, ladies and gentlemen. The
4 Town of Newburgh Planning Board would
5 like to welcome you to their meeting
6 of July 7, 2022. Tonight's meeting
7 has five items on the agenda. The
8 fourth item, Overlook Farms, and the
9 fifth item, Monarch Woods Senior
10 Housing, will be public hearings.

11 At this point we'd like to call
12 the meeting to order with a roll call
13 vote.

14 MR. GALLI: Present.

15 MS. DeLUCA: Present.

16 CHAIRMAN EWASUTYN: Present.

17 MR. BROWNE: Present.

18 MR. DOMINICK: Present.

19 MR. WARD: Present.

20 MS. LoCICERO: Meghan LoCicero
21 on behalf of the Planning Board for
22 Attorney Dominic Cordisco.

23 MS. CONERO: Michelle Conero,
24 Stenographer.

25 MR. HINES: Pat Hines with MHE

1 L O N G V I E W F A R M S

2 Engineering.

3 MR. HIPPE: Starke Hipp with
4 Creighton, Manning Engineering.

5 CHAIRMAN EWASUTYN: At this
6 point may we all please rise. John
7 Ward will lead us.

8 (Pledge of Allegiance.)

9 MR. WARD: Please turn off your
10 phones or on vibrate. Thank you very
11 much.

12 CHAIRMAN EWASUTYN: The first
13 item on the agenda this evening is
14 Longview Farms, project number
15 2006-39. It's located on Barbara
16 Drive in an AR Zone. It's
17 represented by Tom DePuy Engineering.
18 It's a final approval for a 26-lot
19 subdivision and lot line changes.

20 Tom.

21 MR. DEPUY: This project, as
22 you know it's been around for a long
23 time. It's a 26-lot subdivision.
24 It's an extension of Barbara Drive
25 down here and also what was known as

1 L O N G V I E W F A R M S

2 Summer Drive was coming up through
3 here and interconnecting with the old
4 Hickory Shadow Subdivision. We had
5 an interconnecting road, we had
6 called it Dara Drive at the time.
7 I'm not sure that name will still
8 remain.

9 Just to give you the idea --
10 everybody hasn't seen this. The
11 overall parcel of land had been
12 subdivided several times into
13 different -- we had Rocky Heights,
14 Hickory Shadow. This blue part is
15 part of the subdivision that we're
16 proposing now. As you can see, it
17 will interconnect this road to here,
18 Barbara Drive would come down and go
19 all the way to here, and then we
20 would have an interconnecting road
21 here.

22 There's actually 26 lots in
23 this. There are 2 other lots,
24 because when we extended this road
25 out we created 2 lots. That was part

1 L O N G V I E W F A R M S

2 of the preliminary approval, too. So
3 that's basically it.

4 We're in front of the Board.
5 We had numerous items to take care
6 of. We got preliminary approval. I
7 submitted a lot of stuff to the Town
8 Engineer, or to Pat Hines. I think
9 that our attorney had put stuff
10 together for the legal part of it.

11 I think the question was what
12 we had discussed before, with the
13 numerous extensions that we would
14 hold another public hearing prior to
15 granting any final approvals.

16 So my question tonight is I'd
17 like to set a public hearing for the
18 project and represent it to the
19 public. I think that was the
20 agreement with the Board at the time.

21 CHAIRMAN EWASUTYN: Speaking
22 for the Board, we discussed the
23 project at the work session. I'll
24 let Pat Hines discuss some of the
25 outstanding items. We thought it

1 L O N G V I E W F A R M S

2 might be more beneficial to first
3 have a consultants' meeting --

4 MR. DEPUY: Okay.

5 CHAIRMAN EWASUTYN: -- to tie
6 all the loose ends together and have
7 a complete presentation for the time
8 of the public hearing.

9 Pat Hines with McGoey, Hauser &
10 Edsall, who represents the Town, will
11 discuss the matters. Pat.

12 MR. HINES: So our first has to
13 do with it's a 26-lot subdivision.
14 It received preliminary approval in
15 January of 2008. It's had numerous
16 extensions since then and was tied up
17 in some litigation many of the
18 Members of the Board are aware of.

19 We have the conditions of
20 approval from the preliminary
21 approval which is something we can
22 address at that work session.

23 The previous application that
24 we had was filled out under the
25 previous owners. We're asking that a

1 L O N G V I E W F A R M S

2 new application be submitted with the
3 current owner.

4 MR. DEPUY: Okay.

5 MR. HINES: And there were six
6 lot line changes in the original
7 approval. I'm not sure how many of
8 those are still involved.

9 MR. DEPUY: I believe there's
10 going to be five. The one that -- I
11 had reviewed this with you. Lot 15,
12 which is way up here, we had had a
13 proposed little sliver to come back
14 out to -- what was that -- Far
15 Horizon Road. We want to eliminate
16 that. There's really no need for it.
17 It was something that I think Ham
18 Staples wanted at the time. It
19 didn't really serve a purpose.

20 MR. HINES: I bring that up to
21 make sure that all the lot line
22 parcels, those are all party to the
23 application. I don't know if they
24 have been sold or transferred. We
25 need that cleaned up in the

1 LONGVIEW FARMS

2 application as well.

3 MR. DEPUY: We'll clean that
4 up. Yup.

5 MR. HINES: I took a look at
6 the DEC's database. The project is
7 now identified, it comes up as
8 potential protected bat species
9 habitat, which I don't think was the
10 case in 2008.

11 MR. DEPUY: I think we had
12 discussed it at the time. It was
13 like questionable. I think we were
14 agreeable to no tree cutting during
15 certain periods. We can iron it out.

16 MR. HINES: I'm not sure if it
17 was addressed in the original SEQRA.
18 When I looked at the DEC database, it
19 does show up now.

20 We'll be looking for security
21 for all of the public improvements.
22 That was always a condition of the
23 previous.

24 Recreation fees. Those are
25 standard conditions.

1 L O N G V I E W F A R M S

2 We have that issue with the
3 culvert that needs to be resolved. I
4 know myself, you and Jim Osborne are
5 familiar with that.

6 MR. DEPUY: Yes. I had
7 submitted the original punch list
8 that we had back in 2010 or `11.

9 MR. HINES: Those are still
10 existing.

11 There were some legal issues
12 with the interconnects. I want to
13 make sure those are all resolved. I
14 think going over to Taylor's Way. So
15 all the potential road interconnects.
16 I recall a strip of land that may
17 have not been dedicated. I want to
18 make sure that that's resolved. Is
19 that making sense?

20 MR. DEPUY: Stanley, we had
21 discussed those issues.

22 MR. SCHUTZMAN: Stanley
23 Schutzman. Those issues were
24 resolved some time ago with the Town
25 taking dedication of the road.

1 L O N G V I E W F A R M S

2 MR. HINES: Great. That's all
3 we have.

4 We do have a work session --
5 technical work session scheduled for
6 the 26th of July that we can add this
7 project to if the Board would so
8 desire. It's already been scheduled.

9 CHAIRMAN EWASUTYN: Any
10 discussion from Board Members?

11 MR. GALLI: No.

12 MS. DeLUCA: No.

13 MR. BROWNE: No.

14 MR. DOMINICK: No.

15 MR. WARD: No.

16 CHAIRMAN EWASUTYN: Would
17 someone make a motion to --

18 MR. DEPUY: I have one other
19 question. I do need another
20 extension. I think my extension
21 expires next month.

22 CHAIRMAN EWASUTYN: Okay. Can
23 you e-mail the Board a letter?

24 MR. DEPUY: Yup.

25 CHAIRMAN EWASUTYN: Our next

1 L O N G V I E W F A R M S

2 meeting is the 21st of July. We'll
3 discuss that action at that meeting.

4 MR. DEPUY: All right.

5 CHAIRMAN EWASUTYN: Would
6 someone make a motion to set the
7 Longview Farms for a consultants'
8 meeting for the 26th of this month.

9 MR. GALLI: So moved.

10 MS. DeLUCA: Second.

11 CHAIRMAN EWASUTYN: I have a
12 motion by Frank Galli. I have a
13 second by Stephanie DeLuca. Can I
14 please have a roll call vote.

15 MR. HINES: John, that will be
16 at 2:00.

17 MR. GALLI: Aye.

18 MS. DeLUCA: Aye.

19 CHAIRMAN EWASUTYN: Aye.

20 MR. BROWNE: Aye.

21 MR. DOMINICK: Aye.

22 MR. WARD: Aye.

23 CHAIRMAN EWASUTYN: You'll
24 notify everyone as to the time.

25 MR. HINES: Yes.

1 L O N G V I E W F A R M S

2 CHAIRMAN EWASUTYN: Thank you.

3 MR. DEPUY: Thank you.

4 (Time noted: 7:09 p.m.)

5

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

7

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 14th day of July 2022.

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

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

----- X
In the Matter of

14 MARINO DRIVE/AFONSO
(2022-11)

14 Marino Drive
Section 2; Block 1; Lots 16 & 23.2
AR/RR Zone

----- X

TWO-LOT SUBDIVISION

Date: July 7, 2022
Time: 7:09 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1 14 MARINO DRIVE / AFONSO

2 CHAIRMAN EWASUTYN: The
3 Planning Board's second item this
4 evening is 14 Marino Drive/Afonso.
5 It's a two-lot subdivision located on
6 14 Marino Drive in an AR and RR Zone.
7 It's represented by Doce Associates.
8 That will be Darren Doce.

9 MR. DOCE: The application
10 involves two tax parcels -- adjacent
11 tax parcels owned by Mr. Afonso. One
12 parcel has an existing single-family
13 dwelling. A 2-acre lot is going to
14 be subdivided from that tax parcel on
15 the southerly end. There's going to
16 be a lot line change for the existing
17 tax parcel to the north to provide
18 access to Marino Drive. There's one
19 new building lot. The two lots that
20 are vacant are going to have wells
21 and septic systems that were designed and
22 engineered.

23 We prepared the adjoining
24 mailings.

25 We had the town highway super

1 14 MARINO DRIVE / AFONSO

2 look at the two proposed driveway
3 locations. He found those acceptable.

4 Also it went to the County. I
5 believe it came back with no comments
6 from them.

7 We're here tonight. If the
8 Planning Board finds the plan ready
9 to proceed to the public hearing,
10 we're requesting to have a public
11 hearing scheduled.

12 CHAIRMAN EWASUTYN: Comments
13 from Board Members?

14 MR. GALLI: No additional.

15 MS. DeLUCA: No.

16 MR. BROWNE: Nothing.

17 MR. DOMINICK: Nothing.

18 MR. WARD: Not at this time.

19 CHAIRMAN EWASUTYN: Pat Hines
20 with McGoey, Hauser & Edsall.

21 MR. HINES: Mr. Doce touched on
22 many of our comments.

23 The adjoiners notices have been
24 sent.

25 We did receive a sign-off

1 14 MARINO DRIVE / AFONSO

2 letter from the highway superintendent.

3 The project has submitted a
4 short environmental assessment form
5 for an Unlisted action.

6 We've reviewed the plans, the
7 EAF and other supporting information
8 and would recommend the Board issue a
9 negative declaration as there are no
10 significant environmental impacts.

11 We also did circulate the
12 project to the Town of Plattekill due
13 to the fact it's on the municipal
14 boundary.

15 If the Board issues that
16 negative dec, they may wish to
17 schedule the public hearing.

18 CHAIRMAN EWASUTYN: Having
19 heard from Pat Hines from McGoey,
20 Hauser & Edsall, our consultant,
21 would someone move for a motion to
22 declare a negative declaration and to
23 set 14 Marino Drive for a public
24 hearing on the 4th of August.

25 MR. DOMINICK: I'll make that

1 14 MARINO DRIVE / AFONSO

2 motion.

3 MR. WARD: Second.

4 CHAIRMAN EWASUTYN: I have a
5 motion by Dave Dominick. I have a
6 second by John Ward. Can I please
7 have a roll call vote starting with
8 Frank Galli.

9 MR. GALLI: Aye.

10 MS. DeLUCA: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MR. BROWNE: Aye.

13 MR. DOMINICK: Aye.

14 MR. WARD: Aye.

15 CHAIRMAN EWASUTYN: You'll work
16 with Pat Hines as far as the notice
17 of hearing.

18 MR. DOCE: Right. Thank you.

19

20 (Time noted: 7:13 p.m.)

21

22

23

24

25

1 14 MARINO DRIVE / AFONSO

2
3 C E R T I F I C A T I O N

4
5
6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 14th day of July 2022.

18
19
20
21 *Michelle Conero*

22 _____
23 MICHELLE CONERO
24
25

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

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

----- X
In the Matter of

HUDSON ASSET
(2022-10)

Union Avenue
Section 34; Block 1; Lot 25.15
R-2 Zone

----- X

TWO-LOT SUBDIVISION
TWO FAMILY/ARB

Date: July 7, 2022
Time: 7:13 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ
& MICHAEL MAHAR

----- X

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

1 HUDSON ASSET

2 CHAIRMAN EWASUTYN: The
3 Planning Board's third item this
4 evening is Hudson Asset. It's a two-
5 lot subdivision and a two-family ARB.
6 It's located on Union Avenue. It's
7 zoned R-2. It's represented by
8 Engineering & Surveying Properties.
9 The engineer is Ross Winglovitz.

10 MR. WINGLOVITZ: Good evening.
11 For the record, Ross Winglovitz,
12 Engineering & Surveying Properties,
13 here with Mike Mahar, owner,
14 regarding a two-lot subdivision.

15 This has been in front of the
16 Board a couple times. The proposal
17 is to subdivide an 8.4 acre parcel
18 into two lots. Lot 1 contains 2
19 acres, lot 2 contains 6.46 acres.

20 The application is also for two
21 two-family homes. One on each lot
22 for a total of two.

23 The septic area has been tested.

24 The driveways have been
25 verified with the Highway Department.

1 HUDSON ASSET

2 The driveway. It's a common driveway
3 servicing both lots.

4 We're still awaiting some
5 feedback from the Water Department
6 regarding water pressures in the area
7 for the long water service that we do
8 have. Once we get that, we'll
9 address anything that may come up
10 from that.

11 When we were last here we
12 needed a County Planning referral. I
13 don't know where that's at. I think
14 that was the remaining item regarding
15 potentially setting a public hearing.

16 CHAIRMAN EWASUTYN: Thank you.

17 Comments from Board Members?

18 MR. GALLI: No additional.

19 MS. DeLUCA: No.

20 MR. BROWNE: No.

21 MR. DOMINICK: No.

22 MR. WARD: No.

23 CHAIRMAN EWASUTYN: No comments
24 from the Board. Pat Hines from
25 McGoey, Hauser & Edsall.

1 HUDSON ASSET

2 MR. HINES: We had a couple
3 outstanding technical comments at the
4 June 2nd meeting that are outstanding
5 and can be addressed.

6 The adjoiners notices have been
7 submitted.

8 We did circulate to the Orange
9 County Planning on June 14th. We
10 have not heard back from them yet.

11 The applicants have submitted a
12 full environmental assessment form
13 identifying not only this two-lot
14 subdivision but the potential for two
15 additional lots in the future. We
16 have reviewed that environmental
17 assessment form and would recommend a
18 negative declaration. There are no
19 significant environmental impacts
20 that have been identified.

21 The site will be served by on-
22 site septic systems and a connection
23 to the Town's municipal water system.

24 A single driveway access is
25 proposed, which has been modified

1 HUDSON ASSET

2 based on some of our comments to take
3 advantage of the existing farm road
4 which crosses -- there's kind of a
5 ravine or a valley area on the site.
6 By utilizing that, it will reduce
7 significantly any potential wetland
8 impacts.

9 It does need architectural
10 review for the two-family houses per
11 your code.

12 A public hearing would also be
13 required.

14 I think the action tonight
15 could be the issuance of a negative
16 declaration. Based on the
17 environmental assessment form and
18 plans submitted, the potential for
19 scheduling the public hearing.

20 CHAIRMAN EWASUTYN: Thank you.

21 Having heard from Pat Hines
22 with McGoey, Hauser & Edsall, would
23 the Board move to declare a negative
24 declaration for Hudson Asset --

25 MR. GALLI: So moved.

1 HUDSON ASSET

2 CHAIRMAN EWASUTYN: -- and to
3 set that for a public hearing on the
4 4th of August.

5 I have a motion by Frank Galli.
6 Do I have a second?

7 MR. BROWNE: Second.

8 CHAIRMAN EWASUTYN: Second by
9 Cliff Browne. May I please have a
10 roll call vote starting with Frank
11 Galli.

12 MR. GALLI: Aye.

13 MS. DeLUCA: Aye.

14 CHAIRMAN EWASUTYN: Aye.

15 MR. BROWNE: Aye.

16 MR. DOMINICK: Aye.

17 MR. WARD: Aye.

18 MR. WINGLOVITZ: Architecturals,
19 we have just a black and white
20 elevation of the front. Level of
21 detail, we'll make a formal
22 submission for the next meeting.
23 We'll put the colors and so forth on
24 this as well. We took the one door
25 and put it on the side so there's

1 HUDSON ASSET

2 only one door facing the front. I
3 think that's a requirement.

4 MR. GALLI: There are two
5 garage doors in the front?

6 MR. WINGLOVITZ: Two garage
7 doors.

8 We'll make a full submission.
9 Thank you.

10

11 (Time noted: 7:18 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 HUDSON ASSET

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 14th day of July 2022.

18

19

20

21

Michelle Conero

22

MICHELLE CONERO

23

24

25

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

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

- - - - - X
In the Matter of

OVERLOOK FARMS
(2019-23)

5417 Route 9W
Section 9; Block 1; Lots 10, 11, 12,
56.21 & 56.22
R-3/B Zone

- - - - - X

PUBLIC HEARING
SITE PLAN

Date: July 7, 2022
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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPI

APPLICANT'S REPRESENTATIVES: ANTHONY GUCCIONE,
PETER GAITO, STANLEY SCHUTZMAN & MARK PETRORO

- - - - - X

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

1 O V E R L O O K F A R M S

2 CHAIRMAN EWASUTYN: The next
3 item the Planning Board has is
4 Overlook Farms. It's a public
5 hearing for a site plan located on
6 Route 9W. The zone is R-3/B. It's
7 being represented by JMC.

8 Stephanie DeLuca will read the
9 notice of hearing.

10 Before Stephanie reads the
11 notice of hearing, how a public
12 hearing is held is the applicant will
13 make a presentation discussing the
14 concept before us. When he is
15 finished with his presentation, those
16 in the audience who would like to
17 speak, please raise your hand and
18 give your name and your address. To
19 make it beneficial for everyone
20 involved, we request that one person
21 has the opportunity to speak and then
22 allow another person to have the
23 opportunity to speak. Once we
24 complete that first round, if the
25 first person, the second person has

1 O V E R L O O K F A R M S

2 additional questions, then please
3 come forward. Let's give everyone
4 the opportunity to all participate.

5 Stephanie DeLuca.

6 MS. DeLUCA: "Notice of
7 hearing. Please take notice that the
8 Planning Board of the Town of
9 Newburgh, Orange County, New York
10 will hold a public hearing pursuant
11 to Section 274-A of the New York
12 State Town Law on the application of
13 Overlook Farms, f/k/a Hudson Place,
14 2019-23. The project proposes 203
15 multi-family apartments within 20
16 structures. The project also
17 involves the construction of a 25,000
18 square foot retail building. The
19 apartment development will have
20 amenities such as a clubhouse, pool,
21 tennis courts and dog park, while the
22 retail will have associated parking
23 and loading docks. The project will
24 be served by an on-site sewage
25 treatment plant discharging to the

1 O V E R L O O K F A R M S

2 stream along the property frontage.
3 The Town of Newburgh municipal water
4 will be extended into the project
5 site from New York State Route 9W and
6 Morris Drive to provide a looped
7 potable water system. Access to the
8 site will be at the main entrance
9 from New York State Route 9W on the
10 southern portion of the site. An
11 access to the commercial properties
12 from Morris Drive is also proposed.
13 Emergency access points are provided
14 along Morris Drive which will be
15 gated and provide for only emergency
16 vehicle access. Stormwater
17 management facilities have been
18 designed on the site to provide both
19 water quality and water quantity
20 control. A floodplain development
21 permit will be required. The
22 Planning Board is reviewing the
23 project under the Town Code Section
24 185-48, Senior Housing. A senior
25 housing bonus density has been

1 O V E R L O O K F A R M S

2 identified for the project site. The
3 project site is known on the Town tax
4 maps as Section 9; Block 1; Lots 10,
5 11, 12, 56.21, 56.22. The project
6 site is located in the Town's R-3
7 Zoning District. A public hearing
8 will be held on the 7th day of July
9 2022 at the Town Hall Meeting Room,
10 1496 Route 300, Newburgh, New York at
11 7 p.m. or as soon thereafter as can
12 be heard, at which time all
13 interested persons will be given an
14 opportunity to be heard. By order of
15 the Town of Newburgh Planning Board.
16 John P. Ewasutyn, Chairman, Planning
17 Board Town of Newburgh."

18 CHAIRMAN EWASUTYN: Thank you.

19 One other thing I'd like to
20 mention. There is a stenographer
21 taking records. When you do
22 introduce yourself, can you please
23 speak clearly so she can record your
24 name. Thank you.

25 MR. GUCCIONE: Good evening.

1 O V E R L O O K F A R M S

2 My name is Anthony Guccione, I'm with
3 JMC on behalf of Overlook Farms, a
4 Farrell Community.

5 Can everybody see the board
6 okay?

7 So the project site -- this is
8 an aerial photograph showing the
9 project site. The site is outlined
10 in this dark red, the thick red line.
11 The site is 32.7 acres in size. It's
12 located at the intersection of Route
13 9W and Morris Drive. It's currently
14 occupied by Overlook Farms, the farm
15 stand being up here and this being
16 the fields, the orchards.

17 The property consists of five
18 existing tax lots that are proposed
19 to be merged into one single tax lot.

20 There are two existing ponds on
21 the site. The upper pond will be
22 slightly modified. The lower pond
23 will remain, and that will become an
24 amenity to the project.

25 The front of the property, as

1 O V E R L O O K F A R M S

2 mentioned, is zoned B, Business. The
3 rear of the property, this green
4 line, is R-3, Residence District.
5 The project meets all of the zoning
6 bulk requirements of those zoning
7 districts.

8 I'll go to the proposed project
9 now. This is the proposed site plan.
10 The project basically includes two
11 components, one is a residential
12 component, the other is retail. The
13 residential consists of 23 apartment
14 buildings -- I'm sorry -- 203
15 apartment units in 15 buildings.
16 Those 15 buildings are up on the hill
17 at the rear of the site. So 15
18 buildings with 203 apartment units.
19 There are 23 units that are
20 designated for seniors.

21 There are 432 parking spaces,
22 some in the lower levels of the
23 units, some out in front of the
24 units. Those comply with the 2 space
25 per unit requirement by zoning.

1 O V E R L O O K F A R M S

2 You can see the units are
3 arranged on serpentine roads
4 throughout the site. Those help to
5 step the buildings into the hillside.
6 They work with the topography and
7 they take advantage of the views.
8 The different buildings are looking
9 down the hill over the buildings that
10 are lower than them.

11 The lower pond, as I mentioned,
12 is going to remain and become an
13 amenity for the project. There are
14 walking paths around the pond. There
15 are also walking paths throughout the
16 site. It provides walkability,
17 connectivity, and just another
18 amenity to the project. There will
19 be some kind of permeable paver.

20 There is a clubhouse proposed
21 right here with a pool. I mentioned
22 the walking paths. Tennis courts at
23 the rear. There's a dog park
24 proposed on the site here. A gazebo
25 for a break when you're walking

1 O V E R L O O K F A R M S

2 around the paths. Bocci courts are
3 located here. Then there's a small
4 playground, a playground here
5 adjacent to the clubhouse for use by
6 the children of the community.

7 We also incorporated a
8 designated school bus drop off. You
9 can come into the site and pull into
10 the drop off. That was coordinated
11 with the Marlboro School District.
12 We met with the superintendent. They
13 desired that. That's a safe place
14 for kids to get dropped off in the
15 morning and picked up in the
16 afternoon to go to school.

17 Also, the mailboxes are here.
18 There's a pull off to be able to pick
19 up the mail for the residents.

20 The retail component of the
21 project is located here in the front
22 along Route 9W. It's 25,000 square
23 feet in size. It has parking for --
24 there are 182 parking spaces in the
25 parking lot which is combined with

1 O V E R L O O K F A R M S

2 the requirement of 1 space per 150
3 square feet.

4 Finally, a sewage treatment
5 plant is proposed to serve both the
6 residential and the retail
7 components. That's right here,
8 centrally located. It will be
9 heavily screened. It won't be
10 visible from anywhere. That will
11 serve both the residential and the
12 retail. We've provided the
13 components, the type of system, to
14 the Town Engineer. They had no
15 exception to that type of a treatment
16 system on the site.

17 Access I think was mentioned.
18 There are two access points. The
19 first driveway is connected to Route
20 9W here. The second access point is
21 connected to Morris Drive at the rear
22 of the retail. It's a secondary
23 access point. As was mentioned,
24 there is stabilized turf here. It's
25 purely for emergency purposes. We'll

1 O V E R L O O K F A R M S

2 gate it off. It will only be
3 accessible by emergency vehicles. If
4 there was ever an issue getting out
5 this entrance, you could get out to
6 Morris Drive in case of an emergency.
7 That will look like lawn and will not
8 be used by the residents of the
9 community at any time.

10 The site will be heavily and
11 attractively landscaped. It will be
12 beautified both with buffers at the
13 perimeter of the property, adjacent
14 to any residences here and here,
15 adjacent to the landscaped site here.

16 The only other thing was the
17 clearing and grading permit. The
18 applicant, at the appropriate time,
19 would like the opportunity to file
20 for a clearing and grading permit
21 prior to getting the full building
22 permit. I'm not sure if that's
23 something I have to bring up with the
24 Board. We just wanted to bring that
25 up.

1 O V E R L O O K F A R M S

2 CHAIRMAN EWASUTYN: I think
3 what we're still not clear on is
4 whether it's going to be a phased
5 development.

6 MR. GUCCIONE: So it will be
7 one phase, the project, but they
8 would go through it in systematic
9 order, probably starting at the
10 bottom of the hill at 9W, working
11 their way up the hill, starting with
12 these units, building them and
13 stabilizing and continuing up the
14 hill as they go. It will progress
15 but it's really one phase. We'll go
16 right from one to the other.

17 CHAIRMAN EWASUTYN: I might
18 suggest that we are having a
19 consultants' work session, I believe
20 the date is on the 26th.

21 MR. HINES: The 26th.

22 CHAIRMAN EWASUTYN: You might
23 schedule this for that meeting also
24 to discuss some of the questions that
25 you're posing this evening that we're

1 O V E R L O O K F A R M S

2 not prepared to answer.

3 MR. HINES: Just back to the
4 phasing. We discussed it at work
5 session. The retail component, that
6 will be constructed in the initial
7 phase? The concern is there's not a
8 tenant and what that's going to look
9 like in between if there's not a
10 tenant and the retail is happening.

11 MR. GUCCIONE: They would want
12 to put the infrastructure in at the
13 get-go. They'd start the work at the
14 bottom of the hill, get this set up.
15 They can't really finish the building
16 until they have a tenant. They would
17 plan on getting that going into the
18 ground, the foundation and the shell,
19 early on in the project. If they can
20 have a tenant in advance, that would
21 be great because they can build it
22 custom. Otherwise, you have to build
23 it on spec and the tenant is
24 hopefully going to fit into that box.
25 They do intend to do that right now,

1 O V E R L O O K F A R M S

2 the box, and get that going and work
3 the residential up the hill.

4 MR. HINES: That will need to
5 be coordinated through the Building
6 Department as to when COs can be
7 issued, if this is a single site
8 plan, and what improvements are
9 needed. I think that might need to
10 be fleshed out on the plan a little
11 better. Prior to issuing any COs,
12 certain improvements will have to be
13 in and how that's going to function.

14 MR. GUCCIONE: Absolutely.

15 With that, Peter Gaito is here,
16 the project architect. He'd like to
17 take you through the architecturals
18 of the project.

19 CHAIRMAN EWASUTYN: Please.

20 MR. GAITO: They do have people
21 right now they are talking to. The
22 leases, they're trying to accomplish
23 that. Our goals are the materials
24 are similar. The infrastructure is
25 to a scale. Also, noise mitigation,

1 O V E R L O O K F A R M S

2 dust, that sort of thing is done
3 consecutively, as Anthony described.
4 I don't know if there's any worry
5 even if it is built with the tenant
6 not in. We do have time before it's
7 actually built to secure a tenant.
8 If not, as the other Farrell
9 communities, it will be maintained
10 and won't be an eyesore in the front.

11 In terms of the technical C of
12 O, each building will be submitted as
13 a total approval package. The
14 buildings themselves, when we submit
15 for building permit, will be
16 individualized per different codes,
17 and everything else as collective.
18 Is that what you're asking?

19 MR. HINES: It is, but our
20 Building Department does not issue
21 temporary COs.

22 MR. GAITO: We'll go right to
23 CO. Even better.

24 CHAIRMAN EWASUTYN: For the
25 benefit of the public, you mentioned

1 O V E R L O O K F A R M S

2 the Farrell Builders. That name may
3 not be a common name in most
4 households. Would someone take the
5 time to speak of a project that
6 Farrell Builders has completed in the
7 Town of Newburgh and the location of
8 that project?

9 MR. GAITO: In reference to the
10 site plan -- I'll keep this up as a
11 reference. So essentially the two
12 building types -- so this is a view
13 taken as if you're across the street
14 looking up Route 9. So essentially
15 you see the landscape --

16 CHAIRMAN EWASUTYN: Excuse me,
17 Peter. For the benefit of the
18 public, I raised a question.

19 MR. GAITO: I didn't hear it.
20 I'm sorry.

21 CHAIRMAN EWASUTYN: I'll let
22 Stan Schutzman, the Attorney, speak
23 to the public on a project that was
24 built and is completed in the Town of
25 Newburgh, the location. Farrell

1 O V E R L O O K F A R M S

2 Builders was the builder. It's the
3 same applicant before us this
4 evening.

5 MR. SCHUTZMAN: There's a
6 project up on Gardnertown Road called
7 Gardnertown Commons which has the
8 same configuration. It is apartments
9 done for rental, one-bedroom,
10 two-bedroom and some senior. The
11 fixturing of this particular project
12 will mirror the high-end facility
13 that you can see on Gardnertown Road.

14 We brought a couple pictures
15 just to show you. For example, this
16 is a kitchen layout that's
17 representative of the existing
18 Gardnertown Commons facility. The
19 Overlook facility will pretty much
20 mirror what you see here, which is
21 high-end fixturing and whatnot. High
22 ceilings.

23 This picture is representative
24 of the community center that is at
25 the Gardnertown facility. It's

1 O V E R L O O K F A R M S

2 representative of what this community
3 building at Overlook will be as well.

4 Farrell Communities is building
5 in other counties around. They're
6 building in Westchester, they're
7 building across the river in
8 Dutchess. They are specialized now
9 in pretty much high-end rental
10 facilities.

11 This particular one, apart from
12 custom cabinetry, and granite and
13 marble counters, and wood grained
14 flooring, and crown moldings, each
15 unit at Overlook will have a
16 full-size washer and dryer, a
17 clubhouse as shown before and will
18 have a high amenity package.

19 Just for point of information,
20 the rents at the Overlook facility
21 are projected now at a one-bedroom of
22 \$2,300 a month; a one-bedroom with a
23 den is \$100 more, \$2,400 month; a
24 two-bedroom at \$2,800 a month; a two-
25 bedroom with a den, \$3,000 a month;

1 O V E R L O O K F A R M S

2 and a three-bedroom at \$3,200 a
3 month.

4 CHAIRMAN EWASUTYN: Thank you.
5 Peter.

6 MR. GAITO: So as Stan
7 mentioned, Farrell is building
8 several communities. This
9 opportunity, we decided to build upon
10 the quality and theme aspects of
11 Farrell's reputation and materials
12 but also give homage to the Overlook
13 Farms site that it is.

14 So the color palette is
15 representative of that. As I said
16 earlier, this is sort of an overall
17 view. It's set way back into the
18 hill. To give you a sense of scale,
19 the buildings would start two
20 football fields from Route 9. Up
21 front would be the retail, similar to
22 where the market is currently. The
23 retail market architecture would be a
24 little bit -- sort of a similar
25 vernacular of upstate New York.

1 O V E R L O O K F A R M S

2 These are the colors and the designs
3 that are similar to red barns and
4 white farmhouses. That's the
5 overarching theme. Our scale is not
6 a big block scale.

7 The housing marches back into
8 the hill. As Anthony said, you'll
9 notice that the serpentine method is
10 almost like theater seating, so
11 there's views and light coming
12 through all different parts of the
13 units, working its way down. Most of
14 the units will have a view of the
15 pond and all the trees and
16 landscaping and such in between.

17 Here's the clubhouse, the
18 retail. So it's sort of very green.
19 The retail part is in the front and
20 the buildings are up on the hill.
21 You can't see them. That's kind of
22 the idea. They'll be hidden.

23 The buildings themselves, there
24 are actually two different types.
25 There are two different shapes. This

1 O V E R L O O K F A R M S

2 is sort of one style, building A, and
3 building B around the lake has a
4 slightly different look. The
5 character, scale and feel, this is
6 kind of the idea. So it's
7 essentially the idea of a white
8 farmhouse with barns on the sides,
9 and then the entrances are set back
10 in a little bit to give the buildings
11 -- reduce the box like character you
12 would ordinarily see and give it
13 character, provide shadows, light and
14 have a nice, attractive approach.

15 The vertical board and batten
16 elements give a sense of element and
17 scale. The dark grays are inset as
18 well to give it a sense of elegance.

19 The landscaping around the
20 perimeter will be all around the
21 buildings, both in the front and the
22 back. These are actually stepped in
23 and down the hill. It's two stories
24 on the upper side and then there's
25 three-story versions from the lower

1 O V E R L O O K F A R M S

2 side looking up towards the hill.

3 Here's another view of the
4 other side. The two-story approach,
5 a similar idea. Again you can see
6 the white sort of central building,
7 the red aspects here, the lighter
8 materials as well.

9 Landscaped approaches, benches
10 and such will be in the fronts -- in
11 the backs of the buildings to
12 emphasize a true residential feel.

13 The clubhouse is also in the
14 same family, the same grays and
15 whites. It's a low-scale farm
16 building in which case the activities
17 and amenities for the residents could
18 be had.

19 Here are a couple views of the
20 barn. It's more of a straight
21 traditional, lots of glass. Again,
22 breaking down the scale and character
23 of the old farm.

24 I can go through the plans
25 quickly if you'd like. I'll show you

1 O V E R L O O K F A R M S

2 one of the buildings just to kind of
3 get a sense as well. You can see one
4 side has a garage, the other side
5 does not. There's sort of the color
6 scheme there.

7 Then similar to that, this
8 building is a different low scale
9 flowing structure. The opposite side
10 is taller just based on the hill
11 stepping in. Then some balconies
12 facing the pond side. So no
13 balconies facing north. They face
14 the pond side, taking advantage of
15 the views.

16 Here's the clubhouse floor
17 plan, just to show you the shape.
18 Essentially it's a mixed use on this
19 side, multi-purpose rooms off the
20 entrance, a kitchenette, storage, and
21 then an exercise room to the right,
22 playground -- a children's
23 playground, other recreational areas
24 on the site, as well as the walking
25 path around the pond as well.

1 O V E R L O O K F A R M S

2 There's a dog bath. You take the dog
3 to the park, you bring him back,
4 don't take him to the apartment,
5 there is a dog bath.

6 The floor plans I'll show you.
7 It's hard to see from where it is.
8 Essentially it's broken up with
9 entrances here and a center section
10 hallway, units, units, units, units.
11 There are staircases that go up and
12 down in the front and little
13 containers out front for all of your
14 amenities, bicycles, recycling,
15 garbage and such. Nothing is going
16 to be exposed. Nothing is just going
17 to be left out in the rain and be
18 visually impactful.

19 Then the lower floor, the same
20 thing. So the lower floor opens up.
21 The ground floor terraces with patios
22 at the ground level, again towards
23 the pond side. Up above will be the
24 balconies.

25 The second building is fairly

1 O V E R L O O K F A R M S

2 similar.

3 To emphasize what we're talking
4 about, this is an overall site
5 section from the top working your way
6 down to Route 9. Here's the retail
7 building, the clubhouse. The
8 buildings kind of step up, step up,
9 step up.

10 I guess that's it.

11 CHAIRMAN EWASUTYN: Thank you.

12 At this point the meeting is
13 for the public to speak. Again,
14 would you please raise your hand,
15 give your name and your address.
16 Michelle Conero is taking the
17 minutes, so if you would stand and
18 speak clearly.

19 The gentleman with the gray
20 shirt.

21 MR. GREINER: Good evening. My
22 name is Eric Greiner, I live at 58
23 Morris Drive. That is next to the
24 project, the north side there.

25 You're speaking of the water

1 O V E R L O O K F A R M S

2 loop. Where is the water going to
3 end? Where is it going to loop to?
4 What's the structure of the water
5 line?

6 MR. GUCCIONE: Would you like
7 us to address the questions directly?

8 CHAIRMAN EWASUTYN: I think the
9 questions are posed to the applicant.
10 If the applicant needs assistance,
11 then our consultants will assist in
12 answering the questions. So please.

13 MR. GUCCIONE: There will be a
14 water loop, as stated. It's going to
15 connect from 9W, the Morris Drive
16 connection. The property, you can
17 see it fronts on Morris Drive here.
18 There will be three connections, one,
19 two, three, and then the water line
20 would come around the loop and feed
21 the retail, come up the road and feed
22 and loop around. It will all be
23 looped, so there are no dead ends.

24 MR. GREINER: The reason why I
25 ask, about three-quarters of the

1 O V E R L O O K F A R M S

2 houses on Morris Drive are connected
3 to the Town. When the project was
4 developed across from the Overlook
5 Farms, Orchard Hills, we lost about
6 20, 25 percent pressure. What's
7 going to be done? I don't know if
8 it's a concern for you but it's more
9 of a concern for the Town, because
10 the Town water system is an old
11 system. You always hear complaints
12 about this, that, water quality.
13 Every time there's a project added on
14 -- we need pressure. We're losing
15 pressure. This system here is on the
16 northern end of where the water pumps
17 are. What can be done to keep the
18 pressure up and not lose it any more?

19 MR. GUCCIONE: That would
20 really be something to deal with the
21 Town, the Engineering Department. We
22 did hydrant flow testing in
23 coordinating our system with the
24 Town. We can speak to them about
25 that. It seemed that the water

1 O V E R L O O K F A R M S

2 pressure was certainly adequate to
3 serve the project.

4 MR. GREINER: You're putting
5 over 200 people in there -- 200
6 houses in there. You're going to
7 need some kind of booster system or
8 the Town builds a new system to add
9 pressure to it. They tapped into the
10 aqueduct to add more water to all
11 these projects that's going on in the
12 Town. As for water pressure, it's
13 got down to the point where you take
14 a shower, you have to run around the
15 shower just to catch a water drop.
16 Some days it's good, some days it's
17 not good.

18 MR. GUCCIONE: We'll talk to
19 the Town about that.

20 MR. GREINER: It's probably not
21 so much your problem, but it's
22 something that you could bring up
23 with them.

24 MR. GUCCIONE: Fair enough.

25 CHAIRMAN EWASUTYN: Eric, Pat

1 O V E R L O O K F A R M S

2 Hines, who is with McGoey, Hauser &
3 Edsall, who represents you this
4 evening will speak on part of your
5 concern.

6 MR. HINES: The water pressure
7 in that area of the Town is
8 controlled by two pressure reducing
9 stations that control that. The Town
10 has the ability to adjust pressure in
11 that system through those PR --

12 MR. GREINER: So when this goes
13 online --

14 MR. HINES: There's so much
15 pressure in that portion of the Town,
16 it knocks the pressure down.

17 MR. GREINER: That's on the
18 bottom of the hill. Us houses on the
19 top of the hill on Morris Drive --

20 MR. HINES: Similarly, they
21 knock that pressure down. They can
22 adjust those. When they did the
23 water flow test, I think it was 58
24 psi on Morris Drive.

25 MR. GUCCIONE: They're saying

1 O V E R L O O K F A R M S

2 probably a pressure reduction at the
3 bottom.

4 MR. HINES: There's fairly
5 significant pressure in that area.

6 MR. GREINER: That's at the
7 bottom of the hill. We're on the
8 top. Come on up there and do a
9 pressure test on the fire hydrant.

10 MR. HINES: I believe they did.

11 MR. GUCCIONE: I'm not sure how
12 far up --

13 UNIDENTIFIED SPEAKER: We live
14 on --

15 CHAIRMAN EWASUTYN: Excuse me.
16 Excuse me. We have to keep order to
17 the meeting. One person speaks at a
18 time.

19 Eric, you raised a question.
20 Pat Hines, who represents the Town,
21 who is familiar with these pump
22 stations, is trying to respond to
23 your question.

24 MR. GREINER: I understood him.

25 CHAIRMAN EWASUTYN: We'll move

1 O V E R L O O K F A R M S

2 that forward, but I don't think we
3 want to go back and forth. They'll
4 look at that.

5 MR. GREINER: I understand that
6 much. Yes.

7 MR. HINES: We'll take a look
8 at that. I'll speak to the water
9 superintendent. I'll be in Town Hall
10 next Tuesday.

11 MR. GREINER: I'm retired. I'm
12 home all day. Come up to the top of
13 the hill, 58, and test the fire
14 hydrant right there. My house water
15 pressure is just not the greatest.

16 MR. HINES: I'll have them take
17 a look at that, Eric.

18 MR. GREINER: Thank you.

19 CHAIRMAN EWASUTYN: The
20 gentleman in the back behind Eric had
21 a question.

22 MR. CALDERON: Christopher
23 Calderon. I'm at 4 Morris Drive.

24 That entrance that you guys
25 wanted to put there, that's really --

1 O V E R L O O K F A R M S

2 like we've got kids, buses, that play
3 on that corner. You're going to
4 create a bunch of traffic there.

5 You see that little house right
6 there in between the entrance? I'm
7 the first house on the block. How
8 much fluff do you plan on putting up
9 that I'm not looking at the back of
10 some building, you know what I mean?

11 MR. GUCCIONE: You're here?

12 MR. CALDERON: I was afraid you
13 were going to use that property --
14 no. I'm literally --

15 UNIDENTIFIED SPEAKER: Right
16 off 9W on Morris Drive.

17 MR. CALDERON: Right there.
18 That's me.

19 MR. GUCCIONE: We can certainly
20 beef up the landscaping and put
21 fencing here if you'd like.

22 MR. CALDERON: What about the
23 exit or entrance that you want to put
24 there on that corner there?

25 MR. GUCCIONE: We are proposing

1 O V E R L O O K F A R M S

2 an entrance there to Morris Drive as
3 a secondary access. Like I said,
4 this is just purely --

5 MR. CALDREON: So in the
6 afternoon when the kids are getting
7 off bus, you've got all these cars
8 coming in and out of there. Now
9 you're putting more traffic in front
10 of my house. There was an entrance
11 on the corner. I don't know why you
12 can't just keep it on the corner.

13 MR. GUCCIONE: This isn't the
14 primary entrance.

15 MR. CALDERON: I'm talking
16 about on the other side.

17 MR. GUCCIONE: I get you. This
18 is the primary entrance. This is the
19 secondary entrance. That's the way
20 it's intended. The residential will
21 certainly use this access much more.
22 This would be -- the retail
23 probably --

24 MR. CALDERON: I'm talking
25 about the retail. The retail is my

1 O V E R L O O K F A R M S

2 concern right now, with that entrance
3 you're going to put there and people
4 are going to be flying. I have kids,
5 a dog. Kids play on that corner all
6 the time. You want to put a lot of
7 traffic there, let's just say.

8 MR. GUCCIONE: We can certainly
9 talk to you about buffering and
10 screening and making that a little
11 more -- the loading will be totally
12 screened. It's blocked by this part
13 of the building. This is just the
14 back. That will be the quietest part
15 of the shopping center. The activity
16 will be in the front where people are
17 parking. There's really nothing
18 going on. This is just a loop for
19 fire access.

20 MR. CALDERON: The building is
21 going to go. It is what it is. The
22 entrance, that's my concern because
23 of the traffic, especially us that
24 have to commute. We're coming back
25 and forth from work.

1 O V E R L O O K F A R M S

2 CHAIRMAN EWASUTYN: You're
3 speaking about the entrance on 9W?

4 MR. CALDERON: No. The
5 entrance on Morris which is really in
6 front of my house. You're bringing
7 all this traffic in front of my
8 house.

9 UNIDENTIFIED SPEAKER: Right
10 now that's a two-minute wait.

11 CHAIRMAN EWASUTYN: Excuse me.
12 Not to sound rude. One person speaks
13 at a time. We have to have a sense
14 of order. I apologize but the
15 Planning Board has a meeting and we'd
16 like to accommodate everybody. The
17 gentleman is still speaking.

18 MR. CALDERON: So when the farm
19 was there, there was an exit and
20 entrance on the corner where the
21 light is. If it was there, I'd be
22 fine with that. Having all these
23 cars come back and forth in front of
24 my house, I've got my kids outside
25 playing, there's other kids in the

1 O V E R L O O K F A R M S

2 which is the detailed design of the
3 conceptual improvements.

4 What you're discussing about
5 the access close to the corner,
6 that's a less than ideal situation.
7 New York State DOT does not like to
8 have access that close to
9 intersections. That's why that
10 access is pushed further back. It
11 allows for further cueing from the
12 signal as well. Also, we do have the
13 existing stream that is in conflict
14 with that as well.

15 Those are some of the criteria
16 why that was done in that situation
17 there.

18 MR. CALDERON: So get rid of it
19 all together. Let them come in and
20 out off of 9W. Why do they have to
21 come out on Morris Drive, period?

22 UNIDENTIFIED SPEAKER: Tractor
23 trailers --

24 CHAIRMAN EWASUTYN: Please.
25 Again, I don't want to sound rude.

1 O V E R L O O K F A R M S

2 The floor is to one individual. A
3 traffic consultant is responding.
4 Everyone will have an opportunity.
5 Please, I beg you to -- ma'am, you're
6 raising your hand. We will
7 acknowledge you but this isn't the
8 time. There's someone who has the
9 floor.

10 MR. PETRORO: For this
11 development a secondary access is
12 generally desired and preferred.
13 Again, it's a secondary access.

14 There's signage off of the
15 driveway off of 9W to really identify
16 it as the main driveway. However,
17 this is a secondary access. The
18 majority of the movements will be
19 here. Route 9W will be widened by
20 turning lanes. We'll be keeping the
21 through traffic over there.

22 MR. CALDERON: I'm just
23 thinking, listen, all that traffic is
24 going to be right in front of my
25 house. I'm breathing in all that

1 O V E R L O O K F A R M S

2 carbon from the brakes. I mean you
3 guys don't really care, I'm a little
4 guy, but at the end of the day I have
5 kids. We all have families. Like
6 nobody wants that traffic, especially
7 right in front of my house. Like I
8 won't even probably be able to get
9 out of my driveway, you know, with
10 everybody coming in and out and back
11 and forth. As soon as they find out
12 there's an entrance in the back,
13 that's going to be what they use. It
14 will be backed up to that light all
15 the way.

16 CHAIRMAN EWASUTYN: Christopher,
17 your comment is noted. Thank you.

18 MR. CALDERON: Thank you.

19 CHAIRMAN EWASUTYN: The lady
20 who has her hand raised.

21 MS. BUTCHER: Katherine
22 Butcher, 52 Morris Drive.

23 CHAIRMAN EWASUTYN: Can you
24 speak a little louder?

25 MS. BUTCHER: Katherine

1 O V E R L O O K F A R M S

2 Butcher, 52 Morris Drive.

3 You said that you had a study
4 from the DOT. Right now there's a
5 traffic light at Morris Drive and 9W
6 which people are running left and
7 right. We're being inundated now
8 with a retail spot, apartments,
9 across the street is a convenience
10 store which is going to be a
11 McDonald's, a Dunkin Donuts. How are
12 you controlling all of that traffic?
13 There's going to be an accident
14 there, a fatal accident.

15 You're telling me they did a
16 study, yet I literally have to go to
17 work and turn left. I sit at that
18 traffic light, it's green for me and
19 people are running the light. So
20 what are we doing with all of this
21 extra traffic?

22 CHAIRMAN EWASUTYN: The Town
23 reviewed the study that was just
24 discussed. We're being represented
25 by Creighton, Manning Engineers.

1 O V E R L O O K F A R M S

2 They'll speak as far as the
3 coordinated review. There is an
4 involved agency with this. The
5 involved agency is the permitting
6 agency, the agency that has authority
7 over 9W. They'll speak on that now.

8 Please.

9 MR. HIPPIE: The intersection
10 you're speaking of is Morris and 9W.
11 There is an existing signal there.

12 MS. BUTCHER: Right.

13 MR. HIPPIE: The applicant is
14 proposing signal modifications there
15 to optimize its operations with the
16 increased traffic.

17 Regarding the running of red
18 lights and the accidents that you're
19 concerned about, I'm unsure if a
20 collision analysis or a collision
21 evaluation was done of the
22 intersection. That is one thing that
23 perhaps the applicant could look
24 into.

25 MS. BUTCHER: What about a red

1 O V E R L O O K F A R M S

2 light camera for people that are
3 running it, because it's nonstop?
4 I'm talking tractor trailer trucks,
5 box trucks. It's dangerous.

6 MR. HIPPE: The State does have
7 guidance on modifying signals to make
8 it more visible to drivers. That is
9 something that the State will look
10 into as they progress their
11 application, or as the applicant
12 progresses their application.

13 Perhaps something that JMC
14 could do is see if there's anything
15 they can add to their modification
16 plan for their signal, whether it's
17 back plates. I'm not sure if that's
18 out there right now. That's, off the
19 top of my head, one thing that could
20 be beneficial.

21 MS. BUTCHER: That's dangerous
22 right now.

23 UNIDENTIFIED SPEAKER: Could I
24 piggyback on her?

25 CHAIRMAN EWASUTYN: If she's

1 O V E R L O O K F A R M S

2 finished, then we'll acknowledge you
3 and you can then speak if you don't
4 mind.

5 Are you finished?

6 MS. BUTCHER: I'll turn it over
7 to Robin.

8 MS. ROBIN NOWAK: Robin Nowak,
9 2 Parr Circle, which I did not
10 receive a letter from the
11 organization and we are off Morris
12 Drive. We are affected by this, so
13 we would like to receive letters. I
14 have not received one letter.

15 CHAIRMAN EWASUTYN: Pat Hines,
16 would you explain how that works?

17 MR. HINES: Sure. The process
18 for receiving notification is that
19 the Town Assessor's Office provides
20 the applicant with a list of
21 properties within 500 feet of the
22 boundary of the five or six parcels
23 that are involved in this project.
24 The applicants are tasked with
25 notifying those residents within 500

1 O V E R L O O K F A R M S

2 feet.

3 There was actually a series of
4 two letters. There was an initial
5 letter going out when the project was
6 first received, and the public
7 hearing notice letters were sent out
8 to properties provided by the
9 Assessor's Office, and those were
10 sent out two or three weeks ago.

11 MS. ROBIN NOWAK: My only
12 access to get onto 9W, unless you
13 want me to fly down, is going down
14 Morris Drive. I think anybody on 2
15 Parr Circle should be receiving it.
16 We have no other access.

17 MR. HINES: Again, the Town
18 Code says 500 feet. That's what the
19 applicant was tasked with.

20 MS. ROBIN NOWAK: I'll just
21 drive on everyone's property.

22 Anyway, to piggyback on her and
23 what you're saying, that they're
24 going to reevaluate possibly the
25 timing of these lights is you have

1 O V E R L O O K F A R M S

2 people running them, like she says.
3 We sit -- now, thank God I go to work
4 at 4 in the morning. We have people
5 who are going left and you can sit
6 there for two minutes, three minutes.
7 No traffic on 9W and you're still
8 sitting there and it's not changing.
9 It changes if someone comes out of
10 the other side of Cortland Drive but
11 not if we're coming off of Morris.

12 I had a friend who got hit by a
13 motorcycle at 4:30 in the morning
14 because someone pulled out from
15 Morris Drive in front of him because
16 he couldn't wait any longer for the
17 red light.

18 MR. HIPPE: I know they are
19 proposing an exclusive right-turn
20 lane for Morris Drive.

21 MS. ROBIN NOWAK: Something
22 needs to be done now, before all this
23 stuff happens.

24 MR. HIPPE: Yes, ma'am. I
25 understand your concern. As far as

1 O V E R L O O K F A R M S

2 this applicant and what they are
3 doing with the State to improve the
4 intersection, I can only speak to
5 that. As far as capacity there,
6 they're adding a right-turn lane and
7 they are working with the State to
8 modify the signal to account for the
9 added traffic. I understand your
10 concern now. This is the timeline
11 that you have.

12 MS. ROBIN NOWAK: Someone
13 should speak to the State now about
14 it.

15 MR. HINES: I will also --
16 again I'm taking notes. I'll also
17 speak with the Town Board regarding
18 maybe they could put additional
19 enforcement out there with the police
20 department. I can't promise that.

21 MS. ROBIN NOWAK: Or have
22 someone change the lighting system
23 where it's triggered when somebody is
24 on our side. It's not being
25 triggered off Morris Drive at all.

1 O V E R L O O K F A R M S

2 MR. HINES: The enforcement
3 issues are again beyond this
4 applicant's control. That's a police
5 department matter.

6 MS. ROBIN NOWAK: I would like
7 to receive notification.

8 MR. HIPPE: You can also reach
9 out to -- the State is broken up into
10 regions with the DOT. Region 8 is
11 the region that we are in, or that
12 you are in. You could reach out to
13 that office. It would be Traffic
14 Signals. I don't know the best way
15 to circulate that information but
16 it's pretty accessible. Just Google
17 Region 8 New York State DOT.

18 CHAIRMAN EWASUTYN: The lady
19 with the blue blouse on.

20 MS. BEATTY: Barbara Beatty, I
21 live on Cortland Drive, Parr Valley
22 East.

23 All the concerns everybody has
24 here, they're right. Traffic is
25 horrendous now.

1 O V E R L O O K F A R M S

2 I do notice you went from 20
3 buildings to 15. In here it says 20
4 buildings. I just want to make that
5 point.

6 MR. HINES: The original plan
7 has been reduced. They originally
8 included the water surface area in
9 their calculations. They lost 2
10 acres of buildable area during our
11 analysis. I did that public hearing
12 notice based on the earlier plan.
13 It's been reduced because of the
14 removal of the pond area as buildable
15 area.

16 MS. BEATTY: The older
17 generation, I'm really sad to see
18 this is happening to us. I'm sad to
19 see all of these apartments going up
20 and what's happening to the people
21 who have always lived there.

22 The fact is that this gentleman
23 is right, we have children. We have
24 children that there's a crosswalk on
25 9W they use to go across, and even

1 O V E R L O O K F A R M S

2 us, to Overlook Farm. It's not there
3 any more.

4 The concern is traffic. We
5 don't have enough police to come into
6 our area, whether it's Orchard Hills,
7 Parr Valley East, Parr Valley West.
8 Now we're going to be putting in
9 another development.

10 It's just very concerning that
11 our environment is going to hell and
12 we're becoming like 9D for 9W. We're
13 a little section. We're not huge.
14 We're putting in retail spaces and
15 you have nothing going in there yet
16 but you're still building. Why?

17 MS. BLACKLOCK: Sorry, my
18 knees. It's like an erector set
19 standing up.

20 Hi. My name is Kim Blacklock
21 and I live at 480 Farmers Hill Road
22 in Put Lake, New York, across the
23 river in a different county.

24 I have been working at Honey
25 Locust Farmhouse since last May.

1 O V E R L O O K F A R M S

2 Honey Locust Farmhouse is not
3 proposed to be the entrance for, I
4 guess what would be tractor trailers
5 and whatever else is coming into that
6 retail spot, because then the loading
7 docks are there, it looks like
8 parallel to Morris Drive.

9 There's a few things I'd like
10 to talk about. One is the water.
11 There's streams, there's ponds and
12 there's laws to protect those waters.
13 New York State has them, DEC has
14 them. At this point the DEC, the
15 last communication we got from them
16 on December 8, 2021, the DEC had not
17 received a response to the lead
18 agency SEQRA determination. The
19 SEQRA is the State Environmental
20 Quality Review Act.

21 The on-site private wastewater
22 plant is of great concern because of
23 the protections of the water. This
24 is a class C. These are sub tribs,
25 which means tributary, of the

1 O V E R L O O K F A R M S

2 Lattintown Creek. There's a DEC
3 water index number to them,
4 H1031-1-1. These are the freshwater
5 wetlands. It says your site could
6 contain Federal wetlands. The United
7 States Army Corp -- I'm reading. I
8 have a copy of this, or I could get
9 you a copy. This is February 19,
10 2021 regarding the SEQRA lead agency
11 designation, and it's from the New
12 York State Department of
13 Environmental Conservation to John
14 Ewasutyn, Chairman, Town of Newburgh
15 Planning Board. So the freshwater
16 wetlands are a concern. They suggest
17 that the United States Army Corp of
18 Engineers may require a water
19 qualification certification from the
20 DEC on this.

21 There's State listed species
22 that are endangered.

23 There's concerns about the
24 SPDES stormwater construction. It
25 says, the last sentence,

1 O V E R L O O K F A R M S

2 "Authorization" -- this one paragraph
3 is called SPDES stormwater
4 construction. "Authorization
5 coverage under the SPDES general
6 permit is not granted until the
7 Department issues any other necessary
8 DEC permits." And again, with the
9 SPDES wastewater there's a concern
10 because the permit for the facility
11 whose treated wastewater discharges
12 to groundwater, it's a little stream
13 in front of the property, is greater
14 than 1,000 gallons a day. I'd like
15 to know exactly what that discharge
16 would be when you're talking about --
17 what were the numbers? How many
18 square foot retail store? 25,000
19 retail store. 25,000 square foot,
20 203 housing units. That's a lot of
21 peeing, a lot of flushing.

22 And then the species. You
23 know, I don't want to be -- it's a
24 little bizarre in this day and age
25 but it's the Indiana Bat that's

1 O V E R L O O K F A R M S

2 endangered. I don't know what that
3 means for us.

4 There are concerns about what
5 it does to the environment. We
6 haven't even talked about the New
7 York State laws to protect historical
8 farmland. We haven't talked about
9 here we are as a species trying to
10 survive on the planet. There's very
11 scientific recognized ways that we
12 can try to stave off the heating of
13 our planet and destroying 42 acres of
14 working farmland, 40 acres of apple
15 orchard, replacing it with concrete,
16 replacing it -- what's the timeline
17 to build it? Five years.

18 The noise pollution already
19 across the street. I've only been at
20 the farm working for fourteen months
21 trying to save the organic plants,
22 but across the street, for the
23 fourteen months, eight hours a day,
24 every workday, bang, bang, bang.
25 What about the noise mitigation? Is

1 O V E R L O O K F A R M S

2 that put into the State Environmental
3 Quality Review Act, what happens for
4 the construction of this thing, the
5 gas that's spent for it, the concrete
6 that's spent for it?

7 The retail has been suggested
8 it could be a Trader Joe's. I'm not
9 really quite sure why we're
10 destroying a working farm, a
11 historical 200 year old family farm,
12 to replace it with tractor trailers
13 bringing in food from California when
14 we're supposed to be reducing our use
15 of fossil fuels.

16 So the other human toll is the
17 old ladies that lived at the farm. I
18 know the one lady who has been
19 farming it for forty years isn't here
20 because she was hospitalized. She
21 fainted the other day in the grocery
22 store because here she is losing a
23 farm because her 98 year old mother
24 signed it, unbeknownst to her. So
25 that's a little shady.

1 O V E R L O O K F A R M S

2 We have a responsibility to the
3 environment, to the animals, to the
4 water.

5 This feeds into those streams.
6 Has been anybody been there? Have
7 you seen the size of that stream?
8 You're going to do a water treatment,
9 sewage plant.

10 We hear that the codes are
11 being met and that this is being met.
12 The people are saying we already have
13 traffic problems. We already have
14 water pressure problems. Are you
15 going to listen or does big money
16 take over?

17 Are we going to reduce our
18 carbon footprint or are we going to
19 increase it? The amount of
20 construction vehicles and the gas
21 that would be used for it.

22 They say we're going to have
23 jobs. There are people with jobs at
24 the farm now. We wouldn't have to be
25 importing food from California and

1 O V E R L O O K F A R M S

2 Ecuador. So what is the
3 environmental impact of that? I
4 don't see that.

5 So then the other thing I'd
6 like to also enter is these laws.
7 These are protection of A, B, C
8 streams. This is a C stream. We
9 have the historical farm, preserving
10 our historical farms, those are
11 different laws. They don't have
12 those right at the moment.

13 We have the Newburgh Clean
14 Water Project is very concerned about
15 this. We have The Environment
16 Advocates for New York who are very
17 concerned about this. There's been a
18 petition started -- there's been a
19 petition started on change.org. So
20 there are quite a few people
21 concerned with the environmental
22 impact, the historical impact.

23 We're changing 9W into New
24 Jersey. It's just before, the irony,
25 the Marlborough Farm Trail. You're

1 O V E R L O O K F A R M S

2 going to take out your 200 year old
3 farm. We already know what the
4 project across the street looks like
5 and sounds like. This is beyond.

6 Thank you for your time.

7 CHAIRMAN EWASUTYN: Pat, do you
8 want to speak about the coordination
9 with the involved agencies, the Army
10 Corp of Engineers, the DEC?

11 MR. HINES: The letter that was
12 just spoken about was the DEC's
13 response to this Board's lead agency
14 circulation. The lead agency -- when
15 this project is before us, the State
16 Environmental Quality Review Act
17 requires that one of the agencies
18 acts as "gatekeeper" for the
19 environmental review of the project.
20 This Board circulated its notice of
21 intent for lead agency. The letter
22 you were referencing was the DEC's
23 response back, not necessarily
24 identifying any specific concerns but
25 identifying the permit issues that

1 O V E R L O O K F A R M S

2 need to be addressed during both the
3 environmental review and the entire
4 review of the parcel. So the Board
5 is aware of each of those items in
6 that. That's kind of a checklist
7 that was used to do the other studies
8 on the project, the stormwater
9 management, ultimately the design of
10 the sewage treatment plant. That
11 design has not been undertaken yet.
12 DEC will not permit any of the
13 permits, as was mentioned, until this
14 Board, as lead agency, has made a
15 SEQRA determination. This Board did
16 do that about a month ago and issued
17 a negative declaration for the
18 project. Now it can proceed to those
19 outside agencies, the DOT, the DEC,
20 the Health Department. There are
21 numerous outside involved agencies
22 that must issue permits for the
23 project. As gatekeeper, this Board
24 is controlling that process and
25 accepting their comments and kind of

1 O V E R L O O K F A R M S

2 controlling that environmental review
3 and the permit process. So that
4 letter was in response to this Board
5 soliciting DEC's comments.

6 CHAIRMAN EWASUTYN: The
7 gentleman in the back.

8 MR. HENDERSON: My name is
9 Kevin Henderon, I live at 381 South
10 Plank Road. I'm here primarily for
11 the Monarch Road or the Monarch
12 development, but my question is
13 similar to this.

14 Combined here we're talking
15 about adding somewhere near 350
16 apartments between these two
17 projects, retail space, we have a
18 casino going up.

19 My question, just generally,
20 has to do with the infrastructure of
21 the Town and considerations that have
22 been made to mitigate for the other
23 things that come with mass
24 development like this.

25 I know you mentioned, and this

1 O V E R L O O K F A R M S

2 is helpful for me because I didn't
3 realize this. I know you mentioned
4 there are all these corresponding
5 requirements for if you have a retail
6 space you have to have X number of
7 parking spaces, or if you have this
8 you have to have X number of that,
9 which is very helpful. For the Town
10 is there any kind of corresponding
11 requirement for police coverage, fire
12 coverage? We're talking about 200
13 some odd apartments and the issues
14 and challenges that go with that. I
15 don't know if this is the correct
16 forum for this but I don't know of
17 any other forum. Is there
18 corresponding action that the Town
19 takes when these developments are
20 built?

21 CHAIRMAN EWASUTYN: Pat Hines.

22 MR. HINES: So these projects
23 were circulated to the jurisdictional
24 emergency services. Specifically the
25 fire department did weigh in. That's

1 O V E R L O O K F A R M S

2 the reason why we have the multiple
3 emergency access points. They were
4 concerned about access and backing of
5 fire apparatus out of the site should
6 there be an issue. So yes, they are
7 coordinated.

8 The hiring of the police is
9 controlled by the Town Board,
10 obviously. The fire departments are
11 coordinated with all the larger
12 projects such as this. We received
13 their comments.

14 MR. HENDERSON: I appreciate
15 that. I'm also a firefighter.

16 I'm actually curious about the
17 police. I never see any notification
18 of police hiring or anything like
19 that. I'm wondering, related to
20 these projects, what is the -- is
21 there a regulation that, you know, is
22 in place to make sure there's
23 adequate coverage for cases like this
24 for extra police? How does that work?

25 MR. HINES: I don't know that

1 O V E R L O O K F A R M S

2 there is a standard for that. I do
3 go to every Town Board meeting and
4 they are hiring police at almost
5 every Town Board meeting. They're
6 actively adding to their police
7 force, I know that. The last six
8 Town Board meetings in a row.

9 MR. HENDERSON: There's no
10 standard is what you're saying?

11 MR. HINES: The police may have
12 a standard. There's a certain
13 population ratio but I don't know
14 what that is. That's not my
15 expertise. I do know the Town is
16 actively hiring police officers.

17 MR. HENDERSON: Thank you.

18 CHAIRMAN EWASUTYN: Is there
19 anyone else who hasn't spoken that
20 would like to speak, and then we'll
21 complete it with one question in the
22 back. The lady here.

23 DIANA: My name is Diana and I
24 live in Parr Valley East.

25 My question here is I'm very

1 O V E R L O O K F A R M S

2 concerned about that intersection
3 from Cortland Drive to Morris and 9W.
4 Every winter there are serious
5 accidents along there. It was
6 impossible for me to make it into my
7 drive, Cortland Drive, just to get
8 home. I could wind my way through
9 the hills and be north of it and try
10 to come down from the north and I
11 couldn't get in, or come up through
12 the south and again go through the
13 hills and everything and I still
14 couldn't get to my area. The
15 engineering on the traffic for
16 emergency purposes there is
17 nonexistent. Even the police can't
18 get through there in the wintertime
19 when there's an accident. Not even a
20 serious one, just a sloppy one.

21 CHAIRMAN EWASUTYN: Okay.

22 DIANA: So I think that needs
23 looking at, because you have so many
24 more people that will be joining us
25 in this venture here. We have

1 O V E R L O O K F A R M S

2 Orchard Hills which isn't full yet,
3 when it reaches capacity, our condo
4 complex. So you've got three of them
5 there. Then on the east side of 9W
6 you have these two new businesses. I
7 mean two on the corner, the north and
8 the south on the corner there.

9 I'm not even sure where the
10 newest building, the one that makes
11 all the noise, what driveway are they
12 using? Did you give them access off
13 of 9W or off of Cortland Drive?

14 That's a very complex situation
15 for emergencies and just for daily
16 living, otherwise it will be coming a
17 center for road rage.

18 CHAIRMAN EWASUTYN: I think
19 there was the lady in the back.

20 MS. MICHELLE NOWAK: Michelle
21 Nowak, 2 Parr Circle.

22 I have a couple of questions
23 for you guys. How are these
24 buildings going to be heated? Is it
25 natural gas, electric, oil, propane?

1 O V E R L O O K F A R M S

2 MR. GAITO: It's electric.

3 MS. MICHELLE NOWAK: Electric.

4 All of it? There's going to be no
5 oil, no propane, no generators?

6 MR. GAITO: Just as a quick
7 aside, there's been moratoriums on
8 gas for a long time. No buildings
9 are going to have those sort of things.

10 MS. MICHELLE NOWAK: Are there
11 going to be storm drains? Where are
12 they going to discharge to? Are they
13 going to discharge to the stream or
14 are they going to go into your sewage
15 plant? If they go into the streams,
16 you are polluting the streams, as she
17 said. You said there was going to be
18 permeable pavement?

19 MR. GAITO: I'll collect them.

20 MS. MICHELLE NOWAK: I'll go
21 one at a time so you can answer each
22 one.

23 MR. GUCCIONE: As was mentioned, we
24 prepared a full stormwater pollution
25 prevention plan for the project.

1 O V E R L O O K F A R M S

2 There are three infiltration basins
3 on the site. A pond is being
4 proposed, in addition to the ponds
5 that are there, as well as a
6 subsurface system under the parking
7 lot of the retail center. Those will
8 treat water quality, water quantity.
9 There will be no increase in the rate
10 of runoff running off the site after
11 development, and the water quality
12 will be brought to a standard that
13 meets the DEC and the Town's standards.

14 MS. MICHELLE NOWAK: It's not
15 going to raise the temperature at all
16 of the streams?

17 MR. GUCCIONE: It will all be
18 treated. That's all studied.

19 MS. MICHELLE NOWAK: Further,
20 who ran the engineering report that
21 was online? I think that was his
22 traffic engineering report. It said
23 that traffic was going to increase at
24 least 9 percent to 12 percent peak
25 times. There was a traffic report

1 O V E R L O O K F A R M S

2 online. It also included an Oak
3 Street entrance.

4 MR. PETRORO: We studied
5 multiple intersections as far as the
6 study. I believe it was seven or
7 eight intersections.

8 MS. MICHELLE NOWAK: Oak Street
9 is on the other side. I was just
10 wondering, are you guys going to try
11 to reroute Oak Street?

12 MR. PETRORO: No. Oak Street
13 was just a studied intersection.

14 MS. MICHELLE NOWAK: Are you
15 going to put an additional traffic
16 light at that second entrance on 9W?
17 In the engineering report it
18 suggested it.

19 MR. PETRORO: We proposed it,
20 however the DOT, Department of
21 Transportation, has jurisdiction over
22 Route 9W and was not allowing us to
23 put a signal at that time.

24 MS. MICHELLE NOWAK: In the
25 report it said that you didn't have

1 O V E R L O O K F A R M S

2 any results yet because it was only
3 run in March. Can you guys produce
4 those results from the DOT? You just
5 mentioned it was approved by the DOT
6 to add this additional study.

7 MR. PETRORO: We provided it to
8 the Board for circulation for public
9 record.

10 MS. MICHELLE NOWAK: Okay. So
11 as my mom said, Parr Circle is at the
12 top of Morris Drive. I've gone on
13 and off Morris Drive for my entire
14 life. As Kathy Butcher said, people
15 run it all the time. I actually
16 watched two people run the red in
17 front of me at the same time. It was
18 really spectacular. I'm wondering if
19 there's any possibility that we can
20 lower the speed limit to 40 all the
21 way out to Old Post Road, because
22 onto Old Post Road you also have
23 those big oil tankers coming out. So
24 I think by decreasing the speed limit
25 to 40 from 55, because I know

1 O V E R L O O K F A R M S

2 personally I take that corner around
3 the pond in Middlehope and I hit the
4 gas pedal. If we lower it --

5 MR. HINES: There's no pond
6 there anymore.

7 MS. MICHELLE NOWAK: It filled
8 in. Another environmental issue, but
9 nobody said anything then.

10 So if we lower it to 40, at
11 least to Old Post Road, that gives
12 people at least a chance of hitting
13 their brake light. One of her good
14 friends getting totally destroyed on
15 a motorcycle and being in the
16 hospital for six months --

17 CHAIRMAN EWASUTYN: Who has
18 jurisdiction over controlling the
19 speeds on 9W?

20 MS. MICHELLE NOWAK: DOT. I'm
21 aware. I'm an environmental analyst.
22 Planet. But he's the one who ran the
23 transportation. I'm asking you guys
24 to run an inspection, something,
25 because obviously there's a chance of

1 O V E R L O O K F A R M S

2 him being bias because he wants this
3 to be developed. He gets paid.

4 CHAIRMAN EWASUTYN: We do have
5 a traffic consultant that reviewed
6 that report.

7 MS. MICHELLE NOWAK: Okay. I'm
8 asking you guys to get a traffic
9 engineer in there and do a realtime --

10 CHAIRMAN EWASUTYN: He's a
11 traffic engineer.

12 MS. MICHELLE NOWAK: And did
13 you do a realtime inspection in the
14 last two years with all the
15 development across the street? I've
16 been there before there was a traffic
17 light. I grew up on that road.
18 There was woods across the street.
19 None of that existed. Obviously to
20 pull out onto 9W is nightmare. The
21 traffic light is nice but now people
22 are just blowing through it. I have
23 friends that come over and they don't
24 know they have to wait a second to
25 make sure nobody runs the red light,

1 O V E R L O O K F A R M S

2 so they're going to get hit. I know.
3 I wait a couple seconds. I let
4 everybody do their stuff. It's a
5 realtime issue. I was wondering if
6 you have done a collision report?

7 MR. HIPPE: I was looking
8 through their report. They did
9 provide a --

10 MS. MICHELLE NOWAK: Who is
11 they? They did. I want you to do
12 it.

13 MR. HIPPE: I understand. They
14 FOIL the data from the State who
15 collects the collision data. That
16 has been provided to us.

17 MS. MICHELLE NOWAK: Yes.

18 MR. HIPPE: Reviewing that in
19 the last -- from 2017 to 2020, there
20 were ten collisions along the roadway
21 in proximity to the site.

22 MS. MICHELLE NOWAK: Reported
23 to the DOT.

24 MR. HIPPE: That means the
25 police showed up.

1 O V E R L O O K F A R M S

2 MS. MICHELLE NOWAK: Okay.

3 MR. HIPPE: Seven of those were
4 animal collisions. So the
5 information they obtained from the
6 DOT and included in their report.

7 MS. MICHELLE NOWAK: Respectfully,
8 I'm asking you to do the work through
9 the DOT because you are a non-biased
10 factor. They are a biased party.
11 You are not. So I'm just requesting
12 that the Town of Newburgh does this.
13 I understand, it's a private company.
14 You are -- you're public. You guys
15 are for us. So I would like you guys
16 to do a report for us.

17 CHAIRMAN EWASUTYN: We'll take
18 your comment into consideration.
19 Thank you.

20 MS. MICHELLE NOWAK: Thank you.

21 CHAIRMAN EWASUTYN: You had the
22 opportunity to speak, ma'am. The
23 gentleman there.

24 MR. FETTER: Bill Fetter,
25 Rockwood Drive.

1 O V E R L O O K F A R M S

2 A few questions. I'd like to
3 compare the Gardnertown Commons to
4 this size wise. How do they compare
5 acreage wise? Do you have any idea?
6 Are they relatively the same size?
7 How many buildings are in Gardnertown
8 Commons and how the building sizes
9 compare to Gardnertown Commons?

10 MR. GUCCIONE: I don't have
11 that information.

12 MR. FETTER: That would be
13 useful. There's 220 apartments here,
14 they're saying, in 15 buildings.
15 That's 12 to 14 apartments per
16 building I guess.

17 How many entrances per building
18 would there be? How many access
19 points for those 21 apartments? Are
20 there 4 apartments off an entrance,
21 are there 6? Is it like walking into
22 a hotel lobby? How is it configured,
23 the entrance? How many apartments
24 off an access?

25 MR. GAITO: It depends on each

1 O V E R L O O K F A R M S

2 building. There are several off each
3 access and there's a central hallway.
4 You can go up and down, left and
5 right.

6 MR. FETTER: The whole building
7 is accessible through any given access?

8 MR. GAITO: Are you asking about
9 ADA?

10 MR. FETTER: No. If somebody
11 walks into one end of a building and
12 they are trying to visit the other
13 end, they can walk through the whole
14 building?

15 MR. GAITO: No.

16 MR. FETTER: They'd have to go
17 back out into another lobby and find
18 the right apartment to go into?

19 MR. GAITO: If you live on unit
20 4-G, you describe where they are and
21 here's the door, there's a sign above
22 the door.

23 MR. FETTER: It's 4-A through D
24 or is it 4-A through H?

25 MR. GAITO: There's a variety

1 O V E R L O O K F A R M S

2 of numbers.

3 MR. FETTER: I'm just trying to
4 get a sense of the size of the
5 buildings. That's why I was asking
6 the square footage of these
7 buildings, the footprint, versus what
8 we're seeing in Woodbury Commons --
9 not Woodbury.

10 MR. GAITO: I'll tell you one
11 thing. You brought up a good point.
12 The scale of this is actually smaller
13 than Gardnertown Road.

14 MR. FETTER: The footprint of
15 the buildings are smaller?

16 MR. GAITO: Correct. The
17 buildings are a smaller footprint,
18 tucked in the land, lower in height
19 and more of a residential feel than a
20 big conglomerate building. As I said
21 before, this is a sort of different
22 idea.

23 MR. FETTER: There's only two
24 stories on Gardnertown Commons.

25 MR. HINES: There's three.

1 O V E R L O O K F A R M S

2 Some of them are.

3 CHAIRMAN EWASUTYN: Those are
4 the ones towards the back.

5 MR. HINES: They took advantage
6 of the grade. Two-story in the front
7 and three in the back.

8 MR. FETTER: In the applicant's
9 defense I would like to say I was
10 here at a Town Board meeting when the
11 owner of the property, or purported
12 owner at that time, came in and
13 talked to the Town Board about
14 developing this property for
15 retirement. I don't know that it's
16 the applicant's issue that you have
17 200 new apartments. I'm on your
18 side, believe me, but I don't know
19 that they are the people to be taking
20 the pounding. That's food for
21 thought.

22 One last thing. Could you
23 elaborate on the floodplain
24 development plan that was mentioned?

25 Thank you.

1 O V E R L O O K F A R M S

2 MR. GUCCIONE: The applicant
3 has hired a floodplain consultant to
4 do a hydraulic analysis of the
5 floodplain, Leonard Jackson &
6 Associates. It was submitted to the
7 Town and the Engineer for review.
8 The wetlands consultant on the
9 project is right now in the process
10 of working with the Army Corp and the
11 DEC to get the permits necessary to
12 do the work along the watercourse
13 that comes through here. That would
14 require an Army Corp permit, it would
15 require DEC approval. That's all in
16 the works.

17 They did do a flood analysis to
18 make sure there won't be any
19 additional flooding. A portion of
20 the front is a flood zone. We had to
21 do an analysis to make sure it
22 wouldn't exacerbate that condition
23 with the development. All of those
24 permits -- neither the wetlands
25 consultant nor the floodplain

1 O V E R L O O K F A R M S

2 consultant are here. Those studies
3 are being undertaken and those
4 permits are being pursued.

5 MR. FETTER: Thank you.

6 CHAIRMAN EWASUTYN: The last
7 two questions. Those who haven't
8 spoken, can you raise your hand now
9 and then we'll take -- you've spoken,
10 Eric.

11 MR. GREINER: I want to
12 piggyback off of her on the traffic
13 speed limit. At one time right by
14 Mary Jane's Ice Cream stand was the
15 50 mile-an-hour speed sign. They
16 moved it up to the first entrance of
17 the old Middlehope Cold Storage, then
18 they moved it again over to the
19 corner. It is possible to move that
20 sign all the way up to Old Post. If
21 they moved it three times, it could
22 be moved again.

23 MR. HIPPE: I don't disagree
24 with you.

25 MR. GREINER: Because that road

1 O V E R L O O K F A R M S

2 is just unbearably fast. Like she
3 said, they hit that corner and it's
4 pedal to the metal. I can hear the
5 cars just roaring up through there.

6 MR. HIPPE: I understand.

7 CHAIRMAN EWASUTYN: The
8 gentleman in the back and then the
9 lady in the front and then we'll end
10 the hearing.

11 MR. CALDERON: As far as
12 speaking about the water, that stream
13 runs alongside. Basically there will
14 be a cesspool alongside my house. I
15 also have a well. You know, that's a
16 concern. Would that affect my well?
17 I mean I have a filtration system.
18 Still, I have a well right there
19 where you're going to put all this
20 traffic again and this whole -- the
21 whole plan thing. That's going to
22 affect me.

23 I just want to know, should I
24 sell my house now? You want to buy
25 it and make it another stand? Let me

1 O V E R L O O K F A R M S

2 know and I'll sell it to you.

3 CHAIRMAN EWASUTYN: The last
4 question, the lady up front.

5 MS. BLACKLOCK: It is still
6 really about the water, and no one
7 has addressed the historical farm --
8 the New York State laws that are
9 protecting historical farms or this
10 class C stream. We have been there
11 -- I've only been there for fourteen
12 months but the neighbor behind, they
13 know that stream, they know how
14 little it is. Now the ponds are
15 going to be used for filtration
16 systems for sewage.

17 CHAIRMAN EWASUTYN: I think in
18 reference --

19 MS. BLACKLOCK: Who is the
20 wetlands consultant?

21 CHAIRMAN EWASUTYN: In
22 reference to what you're proposing,
23 one more time would you discuss the
24 coordination with the interested
25 agencies, the Army Corp of Engineers?

1 O V E R L O O K F A R M S

2 MR. BLACKLOCK: Who is the
3 wetlands consultant you're using?

4 MR. GUCCIONE: Ecological
5 Solutions.

6 MS. BLACKLOCK: Nothing has
7 been approved yet on the water stuff
8 or the sewage treatment. It's all
9 pie in the sky.

10 MR. GUCCIONE: Like Mr. Hines
11 was saying, there's an order in which
12 you have to do things. We've been
13 talking to the Army Corp for quite a
14 while on that. We're getting closer
15 to the permits. It takes some time
16 with the permits.

17 As far as the archeological,
18 there was an archeological assessment
19 done here. I'm not remembering the
20 firm. It was a while back. They did
21 the study on the site. They did the
22 shovel tests and they coordinated
23 with SHPO, the State Historic
24 Preservation Office, and did get a
25 letter of clearance on that. So that

1 O V E R L O O K F A R M S

2 was studied when we were going
3 through the environmental process.

4 MS. BLACKLOCK: Do they have
5 permits to disassemble a 200 year old
6 farmhouse? A historical farmhouse?
7 Those also require permits.

8 MR. GUCCIONE: They looked at
9 that.

10 MS. BLACKLOCK: Do we have
11 those on public access, all these
12 reports?

13 MR. GUCCIONE: We submitted
14 reports to the Town.

15 MR. HINES: It's at the
16 Planning Board.

17 MS. BLACKLOCK: So they're up
18 online?

19 MR. HINES: They're not online.
20 They're available at the Planning
21 Board if you want to FOIL them, yes.

22 MS. BLACKLOCK: So the public
23 has to FOIL the reports. Okay.

24 CHAIRMAN EWASUTYN: Questions
25 from Board Members now. Frank Galli?

1 O V E R L O O K F A R M S

2 MR. GALLI: Just a clarification.
3 You said that the ponds are going to
4 be used for sewer. I don't think
5 they're going to be used for sewer.
6 I think it's just water treatment.

7 MR. GUCCIONE: Correct. Ponds
8 are for stormwater.

9 MR. GALLI: There's no sewer in
10 ponds.

11 The only concern I had, and I
12 brought it up numerous times, is the
13 discharge of the water from the site
14 behind Parr. The 100 year
15 floodplain, instead of 100 years it
16 seems to be every 5 years. Behind
17 Parr it builds up and floods out over
18 that berm and it runs through. Is
19 the water off of this site now going
20 to be discharged through the back of
21 Parr on the west side, not the east
22 side?

23 MR. GUCCIONE: It will be
24 discharged into the watercourse. It
25 goes under Morris and continues down.

1 O V E R L O O K F A R M S

2 Water will be collected on site. You
3 have a series of infiltration basins,
4 1, 2, 3. Like I said, there's a
5 subsurface system here. There will
6 be hydrodynamic structures to treat
7 the stormwater before it goes into
8 the pond for water quality. It will
9 be infiltrated into the ground to
10 reduce the amount of runoff, and it
11 will be discharged from those
12 stormwater facilities at a rate less
13 than what it is today. So there will
14 be more water held back, infiltrated
15 into the ground, less will be
16 discharged. In addition, the
17 watercourse will have more volume for
18 storage in it than it has today. As
19 a result of that, there won't be an
20 exacerbation of any conditions
21 downstream.

22 MS. BLACKLOCK: You did say a
23 second time --

24 CHAIRMAN EWASUTYN: Again,
25 let's keep order. Let's keep order

1 O V E R L O O K F A R M S

2 to the meeting.

3 MS. BLACKLOCK: You said
4 filtration. You did talk about the
5 pond being used in your --

6 MR. HINES: Those are
7 constructed stormwater management
8 facilities, not the existing surface
9 water ponds.

10 MR. GALLI: It shouldn't be
11 flooded out more than it gets flooded
12 out now.

13 CHAIRMAN EWASUTYN: Stephanie
14 DeLuca?

15 MS. DeLUCA: I don't have any
16 questions off the top of my head but
17 I do appreciate the presentation.

18 I also appreciate the feedback
19 you have given. It's a very wide
20 range. I'm very appreciative of it,
21 especially because of it being a
22 farmland, a historical farmland.
23 Thank you.

24 CHAIRMAN EWASUTYN: Cliff Browne?

25 MR. BROWNE: Just like again

1 O V E R L O O K F A R M S

2 the same as Stephanie, thank you all
3 for your input.

4 Again, one of the things was
5 the water pressure that was brought
6 up. Pat, you're going to follow up
7 with that with the Town to make sure
8 that's squared away. That is
9 important in my mind.

10 The speed zone thing that was
11 brought up about the speed, that's a
12 DOT thing. You'll look to the DOT
13 agency hopefully. I forget, there is
14 a local one here that you can contact
15 and put the question to them. If you
16 have detail as far as information,
17 they love it.

18 I had personal experience when
19 I lived up in Meadow Winds. We got
20 involved because the plans called for
21 reduction on 52. It wasn't done
22 initially. We followed up on it and
23 the State did do that, they lowered
24 the speed limit. It wasn't in the
25 plan to happen. There's a lot of

1 O V E R L O O K F A R M S

2 things that go into it. It's not
3 just we want it. The State will look
4 at it but they do need documentation
5 and statistics and numbers to work
6 with. Thank you.

7 CHAIRMAN EWASUTYN: What is the
8 region that Cliff Browne is
9 referencing that they should contact?

10 MR. HIPPE: The region is Region
11 8. I believe the local office you're
12 speaking of is the residency. You
13 can reach out to -- I was just
14 looking it up. Lee Zimmer is the
15 head of traffic safety for Region 8.
16 That information is a quick Google.
17 The residency is Region 8 I believe.

18 CHAIRMAN EWASUTYN: Dave Dominick?

19 MR. DOMINICK: I thank you for
20 coming here tonight. We really
21 appreciate your comments. I really
22 admire and appreciate this amount of
23 people in our community, in your
24 community coming together and voicing
25 your concerns.

1 O V E R L O O K F A R M S

2 I did see a theme here, running
3 red lights, speed, speeding, reckless
4 driving and all of that. Sadly,
5 unfortunately, we don't have that law
6 enforcement authority. I really
7 suggest, strongly suggest each and
8 every one of you remain as a group
9 like you are and go to the Town
10 Board, talk to the highway
11 superintendent, talk to the police
12 chief who is at the Town Board and
13 see what they can do to help you
14 reduce these problems. I've been on
15 9W. I know what you're talking about
16 as well. I think that part of this
17 equation that we're talking about can
18 really help you at the next Town
19 Board. I really hope to see you
20 folks there and express your concerns
21 to the Town Board, the police chief,
22 like I said, the highway
23 superintendent. Maybe they can put
24 speed bumps on Morris Lane. I'm just
25 throwing it out there. I don't know.

1 O V E R L O O K F A R M S

2 But there's options out there, like
3 Cliff was saying where he lived in
4 his development.

5 Thank you again.

6 CHAIRMAN EWASUTYN: John Ward?

7 MR. WARD: I ditto again, thank
8 you very much for showing up. We all
9 listen to everybody. We've been
10 there. We're residents in the Town.

11 My question for the access to
12 Morris Drive, I'm talking to you, can
13 you straighten that out so it's
14 straight going out? You're behind
15 the retail store. Do you see how you
16 have it to the right?

17 MR. GUCCIONE: Go back further?

18 MR. WARD: Yes.

19 MR. GUCCIONE: The intention
20 there was to line it with Parr Lake
21 Drive. That's where the drive comes
22 in right here. Typically where you
23 can, you try to line driveways rather
24 than have a small offset. That was
25 the intention.

1 O V E R L O O K F A R M S

2 MR. WARD: I'm thinking the
3 situation with the traffic.

4 CHAIRMAN EWASUTYN: We're closing it
5 out now. We're finalizing.

6 MR. WARD: I'm asking you, it
7 was an issue with the public, if you
8 can look at it and see if that helps
9 the situation, because if it's not --
10 I've been on streets where they are
11 not together. It interacts. It
12 slows people down no matter how you
13 do it, especially with the residents
14 across the street.

15 My other thing is when you do
16 the construction, are you accessing
17 from 9W only?

18 MR. GUCCIONE: Yes. That would
19 be the intention.

20 MR. WARD: Okay. This is
21 something I talked to the architect
22 about plenty of times. On the peak
23 I've asked like an architectural
24 design, like a feature. Not a
25 window. Gardnertown Commons, they

1 O V E R L O O K F A R M S

2 have like a gingerbread molding.
3 Make it look -- compared to a box
4 looking barn with nothing there, add
5 accent to it to make it look
6 presentable. It looks like a box.
7 That's what I keep saying to you.

8 Another one was basically you
9 did a traffic study. Our traffic
10 consultant did everything they could.

11 Thank you very much.

12 CHAIRMAN EWASUTYN: Pat Hines
13 with McGoey, Hauser & Edsall, will
14 you close the meeting out for us.

15 MR. HINES: We have some
16 technical comments that we provided
17 them. The first is that we had some
18 comments outstanding from the June
19 16th meeting that are technical in
20 nature. Some of them had to do with
21 the stormwater and the floodplain.

22 We did comment on the
23 floodplain analysis and had them do
24 an additional analysis of the
25 discharge from this site and their

1 O V E R L O O K F A R M S

2 stormwater management facilities and
3 input that into the floodplain model
4 to address some of the comments the
5 folks had here. We've given them
6 several rounds of comments on the
7 stormwater management.

8 The project will require a DOT
9 permit.

10 It will require a DEC permit
11 for sanitary sewer as well as the
12 stormwater management facilities.

13 We have the applicants
14 coordinating with the Code
15 Enforcement Department. The package
16 sanitary sewer plant relies on a form
17 of overseas container for some of the
18 process equipment. I know the
19 applicant is coordinating with the
20 Code Enforcement Department to make
21 sure that that meets the code. So
22 that's outstanding.

23 Prior to this project receiving
24 final approval, all the improvements
25 will be required to be bonded. The

1 O V E R L O O K F A R M S

2 stormwater management, the erosion
3 and sediment control, the landscaping
4 requirements will be required to be
5 bonded. The water infrastructure
6 will also be required to be secured.

7 The site has its own sewage
8 treatment plant, so that will not be
9 bonded, that will be controlled by
10 the applicant themselves.

11 The Health Department will have
12 to review the potable water system.
13 The Town has been working with the
14 pressure and flow, providing them
15 data. Again we'll work with the
16 Water Department on getting some
17 information on the upper portions of
18 the road there.

19 We have coordinated with the
20 emergency services. That goes
21 through the Building Department. We
22 will require a final sign off from
23 them. The emergency access road
24 system was developed in conjunction
25 with them.

1 O V E R L O O K F A R M S

2 We talked about phasing
3 earlier. We want some additional
4 details on that phasing.

5 A stormwater facilities
6 maintenance agreement will be
7 required to be executed with the Town
8 and filed with the County Clerk's
9 office to assure the long-term
10 maintenance of the stormwater
11 management facilities.

12 The Town has a permit from the
13 DEC as a regulated municipal separate
14 storm sewer permitted agency. The
15 Town is required to do construction
16 monitoring as well as post
17 construction, and that stormwater
18 facilities agreement makes sure that
19 the stormwater improvements that are
20 identified in the stormwater
21 pollution prevention plan are
22 operated and maintained. The Town
23 periodically receives reports from
24 various commercial entities regarding
25 the operation and maintenance of

1 O V E R L O O K F A R M S

2 those. We're going through a series
3 of that now, all the sites that have
4 those.

5 They will require a 5 acre
6 disturbance waiver. The project will
7 disturb greater than 5 acres, so they
8 need an additional approval from the
9 Town for that. That kicks in an
10 additional review process of
11 additional inspections required, two
12 per week rather than one per week,
13 and some quicker stabilization
14 required on sites that have the 5
15 acre waiver.

16 The project also requires
17 submission to the Town Board for
18 their senior bonus density. Now that
19 the project has received its neg dec,
20 it needs to go back to the Town Board
21 to confirm the senior density bonus
22 under Section 185-48. That's a step
23 that needs to be done. The Board
24 can't take any action further until
25 they hear back from the Town Board

1 O V E R L O O K F A R M S

2 confirming that senior density bonus.
3 The senior density bonus in the code
4 allows -- the project would be
5 allowed 6 units per acre. With the
6 senior component added, it's allowed
7 to go to 9 units per acre. A certain
8 number of those units must be
9 dedicated to seniors based on the
10 Town Code. There's requirements for
11 filing certain documents to assure
12 that that remains senior housing.

13 CHAIRMAN EWASUTYN: Thank you.

14 At this point I'll move for a
15 motion from the Board to close the
16 hearing on Overlook Farms.

17 MR. GALLI: So moved.

18 MR. WARD: Second.

19 CHAIRMAN EWASUTYN: I have a
20 motion by Frank Galli. I have a
21 second by John Ward. May I please
22 have a roll call vote.

23 MR. GALLI: Aye.

24 MS. DeLUCA: Aye.

25 CHAIRMAN EWASUTYN: Aye.

1 O V E R L O O K F A R M S

2 MR. BROWNE: Aye.

3 MR. DOMINICK: Aye.

4 MR. WARD: Aye.

5 CHAIRMAN EWASUTYN: Having
6 heard from Pat Hines of McGoey,
7 Hauser & Edsall, we'll refer to the
8 Town Board in reference to the senior
9 density.

10 We'll also move for a motion,
11 if someone would make that motion, to
12 set this up for the consultants'
13 meeting on the 26th of this month.

14 MR. GALLI: 24th, John.

15 MR. HINES: It's the 26th. I
16 misspoke at the work session.

17 MR. WARD: So moved.

18 MS. DeLUCA: Second.

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

24 MR. WARD: Aye.

25 MR. DOMINICK: Aye.

1 O V E R L O O K F A R M S

2 MR. BROWNE: Aye.

3 CHAIRMAN EWASUTYN: Aye.

4 MS. DeLUCA: Aye.

5 MR. GALLI: Aye.

6 CHAIRMAN EWASUTYN: Thank you
7 all for coming out.

8 MR. SCHUTZMAN: Mr. Chairman,
9 one last thing if I may.

10 CHAIRMAN EWASUTYN: Sure.

11 MR. SCHUTZMAN: The wording of
12 what Mr. Hines said, the Planning
13 Board is now going to put the
14 referral in to the Town Board for the
15 Town Board to consider the
16 application for senior density bonus?

17 CHAIRMAN EWASUTYN: Pat.

18 MR. HINES: Yes. We just did
19 that.

20 MR. SCHUTZMAN: Okay. Would it
21 be presumptuous for the Planning
22 Board to recommend that it be granted?

23 CHAIRMAN EWASUTYN: We don't
24 make recommendations to the Town
25 Board one way or the other.

1 O V E R L O O K F A R M S

2 MR. SCHUTZMAN: Thank you.

3 CHAIRMAN EWASUTYN: The meeting
4 is closed, ma'am.

5 MS. BLACKLOCK: If we have
6 other questions we write them to you?

7 CHAIRMAN EWASUTYN: It's
8 closed.

9

10 (Time noted: 8:44 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 O V E R L O O K F A R M S

2

3

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

4

5

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

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

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

16 IN WITNESS WHEREOF, I have hereunto
17 set my hand this 24th day of July 2022.

18

19

20

21

Michelle Conero

22

MICHELLE CONERO

23

24

25

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

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

- - - - - X
In the Matter of

MONARCH WOODS SENIOR HOUSING
(2019-28)

Monarch Drive
Section 103; Block 7; Lot 18
Section 47; Block 1; Lot 46
R Zone

- - - - - X

PUBLIC HEARING
MULTI-FAMILY SENIOR HOUSING/SITE PLAN

Date: July 7, 2022
Time: 8:50 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPIE

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ,
LARRY WOLINSKY, MICHAEL PUZIO & MICHAEL MAHAR

- - - - - X

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

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: The last
3 item of business this evening is
4 Monarch Woods Senior Housing, project
5 number 19-28. It's a public hearing
6 on a multi-family senior housing site
7 plan. It's located on Monarch Drive
8 in an R Zoning District. It's being
9 represented by Engineering &
10 Surveying Properties.

11 At this time Frank Galli will
12 read the notice of hearing.

13 MR. GALLI: "Please take notice
14 that the Planning Board of the Town
15 of Newburgh, Orange County, New York
16 will hold a public hearing pursuant
17 to Section 274-A of the New York
18 State Town Law on the application of
19 Monarch Senior Housing, 2019-28. The
20 project proposes the construction of
21 100 senior housing apartments in two
22 structures. The project site is
23 located on the southeast quadrant of
24 the Route 52/Monarch Drive
25 intersection. The project will be

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 served by connections to the existing
3 water and sewer within the existing
4 right-of-ways. The units will be a
5 mix of one and two-bedroom units.
6 The project will include a clubhouse,
7 pool, parking area and stormwater
8 management facilities. Access to the
9 site will be a boulevard type
10 entrance from Monarch Drive. An
11 emergency access road is proposed off
12 of New York State Route 52. The
13 Planning Board is reviewing the
14 project under Town Code Section
15 185-48, Senior Citizen Housing. The
16 project is located in the Town's B
17 Zoning District. The project site is
18 known on the Town tax map as Section
19 103; Block 7; Lot 18 and Section 47;
20 Block 1; Lot 46. A public hearing
21 will be held on the 7th day of July
22 2022 at the Town Hall Meeting Room,
23 1496 Route 300, Newburgh, New York at
24 7 p.m. or as soon thereafter as can
25 be heard, at which time all

1 MONARCH WOODS SENIOR HOUSING

2 interested persons will be given an
3 opportunity to be heard. By order of
4 the Town of Newburgh Planning Board.
5 John P. Ewasutyn, Chairman, Planning
6 Board Town of Newburgh. Dated June
7 14, 2022."

8 MR. WINGLOVITZ: Good evening.
9 For the record, Ross Winglovitz with
10 Engineering & Surveying Properties.
11 I'm here this evening with Mike Mahar
12 representing the ownership; Larry
13 Wolinsky, Jacobowitz & Gubits,
14 Counsel; and Michael Puzio from my
15 office, the project engineer.

16 I recognize a lot of faces.
17 This project has a history and had
18 several hearings. I'm going to
19 outline the project briefly and give
20 a little background on the history.

21 I want to make a correction.
22 It's 102 units. There was a bank at
23 this location. As part of the
24 wetland delineation that was done,
25 that bank was removed because of the

1 MONARCH WOODS SENIOR HOUSING

2 wetlands. There were two units
3 added, one to each of the buildings.

4 There's 78 two-bedrooms, 24
5 one-bedroom units in two buildings
6 that are three stories each. These
7 buildings are similar to some of the
8 other ones you've seen built
9 recently. These are senior housing
10 restricted to 55 and over per the
11 code. There are specific
12 requirements that the Town has and
13 the State law requires.

14 The buildings actually have an
15 additional setback because of the
16 residential zone. Instead of being
17 setback, I think it's 35 feet,
18 they're actually setback 75 feet to
19 provide an additional buffer as per
20 the buffering requirements of the
21 Town Zoning.

22 Access, as Frank said, is
23 provided via a boulevard off of
24 Monarch Drive. To get access into
25 the site, a central parking area.

1 MONARCH WOODS SENIOR HOUSING

2 There's parking below the buildings
3 in the basement areas in each of the
4 buildings. In total there are 204
5 parking spaces. 44 of those will be
6 in the basement.

7 A pool, a clubhouse are being
8 provided as part of the amenities, as
9 well as a dog run.

10 Drainage for the site.
11 Drainage flows basically to the north
12 from the residential area through the
13 property -- that's probably what
14 created the wetlands at one point --
15 to two discharge points, one at 52
16 and one at Monarch Drive. Both of
17 those go to the large State wetland
18 that is north of New York State Route
19 52.

20 Water and sewer, as Frank
21 noted, are going to be through
22 connections to Monarch Drive.
23 There's a water main and a sewer main
24 directly in front of the site, so
25 we'll connect to those. They will

1 MONARCH WOODS SENIOR HOUSING

2 require Department of Health approval
3 for those connections.

4 A traffic study was done
5 indicating there was no significant
6 impact to traffic, and that was done
7 actually concerning the bank which
8 was a much higher traffic producer
9 than the seniors. The bank was about
10 33 trips peak hour and the seniors
11 were about 25. It was actually based
12 on double the traffic and there was
13 no significant impact. We removed
14 the bank from the equation so it was
15 even less of an impact.

16 There was a wetlands
17 delineation done, completed at the
18 site. There's going to be some
19 wetlands disturbance and some
20 wetlands mitigation that will be
21 required. A permit will be required
22 from the Army Corp of Engineers for
23 that.

24 There was an extensive
25 landscape plan prepared at the

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 request of the Planning Board.

3 There's been an archeological
4 investigation completed indicating
5 there's no impact.

6 The fire department was
7 consulted. There was a meeting with
8 the fire department. They provided
9 their sign off on this layout as an
10 emergency access road on 52, another
11 emergency access road behind this
12 building. Each have emergency
13 accesses behind it as well as access
14 along the front.

15 History wise, the application
16 was submitted in early 2020 and
17 referred to the Town Board. This is
18 a senior project in the B Zone. It
19 required Town Board action regarding
20 allowing the use in this zone. There
21 were several informational meetings
22 that were held, at least two I think,
23 with a few of the Town Board members,
24 and the public was invited. After
25 that process and the use being

1 MONARCH WOODS SENIOR HOUSING

2 permitted by the Town Board, it was
3 referred back to the Planning Board
4 and a review was conducted, SEQRA
5 reviews, environmental reviews. All
6 those things we talked about,
7 wetlands, traffic, drainage and so
8 forth, were analyzed by the Board,
9 including one of the most important
10 things, and the last thing we
11 finalized, was the viewshed analysis
12 from Royal Court, from the Monarch
13 Drive entrance and from 52. So there
14 are viewsheds that we can provide.
15 This would be from Monarch Drive with
16 the buildings in the background.

17 UNIDENTIFIED SPEAKER: Can you
18 show that again?

19 MR. WINGLOVITZ: This is on
20 Monarch Drive looking up the hill.
21 The entrance is --

22 UNIDENTIFIED SPEAKER: Thank
23 you.

24 UNIDENTIFIED SPEAKER: That's
25 from Route 52? The picture is Route

1 MONARCH WOODS SENIOR HOUSING

2 52 looking down?

3 MR. WINGLOVITZ: I'm sorry.

4 Correct. That is from 52. This is
5 from Monarch Drive.

6 We had various versions of
7 these during the public informational
8 meeting. These are the latest ones
9 that the Planning Board had asked for
10 as part of the review.

11 UNIDENTIFIED SPEAKER: That
12 intersection is very good on there,
13 too.

14 MR. WINGLOVITZ: And this is an
15 architectural elevation interior to
16 the site, looking from the parking
17 lot from one building to the other.

18 The buildings will have
19 elevators as well as access to the
20 parking area.

21 That was the viewshed from the
22 rear yard.

23 UNIDENTIFIED SPEAKER: That's
24 from my backyard.

25 MR. WINGLOVITZ: One of the

1 MONARCH WOODS SENIOR HOUSING

2 things during the public
3 informational meeting that came from
4 the public was concerns about view.
5 One of the requirements that the Town
6 Board had was that an 8 foot fence be
7 put up along the rear of the
8 properties to screen the view from
9 the rear yards to the project, as
10 well as preserving as much vegetation
11 as possible. So this darker green
12 represents the existing vegetation
13 that would remain around the site.

14 UNIDENTIFIED SPEAKER: That's
15 going all the way back out to 52?
16 The fence?

17 MR. WINGLOVITZ: No, no. The
18 fence is only in this location. Only
19 along the rear of the residences.
20 It's an 8-foot fence. It's an 8-foot
21 high solid fence.

22 UNIDENTIFIED SPEAKER: Solid
23 fence?

24 MR. WINGLOVITZ: Yes.

25 CHAIRMAN EWASUTYN: I

1 MONARCH WOODS SENIOR HOUSING

2 apologize. He's going through his
3 presentation. I know I'm the
4 unpleasant person. Let him go
5 through his presentation and then if
6 you could give your name and your
7 address.

8 MR. WINGLOVITZ: It was also
9 referred to the ZBA regarding the
10 size of the units. The code limits
11 the size. We can't make them any
12 bigger than 700 for a one-bedroom and
13 900 for a two-bedroom. Mike was
14 concerned about the current
15 situation, people working from home,
16 having little space for internal
17 offices, so that was presented to the
18 ZBA. A public hearing was also held.
19 Many of you were noticed for that as
20 well. We came back here after that
21 and are before you now regarding the
22 public comment.

23 I'd be glad to answer any
24 questions the Board has.

25 CHAIRMAN EWASUTYN: Thank you.

1 MONARCH WOODS SENIOR HOUSING

2 As in the earlier public
3 hearing, can you please raise your
4 hand and give your name and your
5 address.

6 MR. BODNAR: Hi. My name is
7 Brian Bodnar, I live at 45 Monarch
8 Drive, just a little bit further to
9 the southwest there.

10 I have three points that are
11 personal and one that is logistical.
12 The first point that's personal is
13 living on Monarch Drive, I'm greatly
14 concerned because we have a lot of
15 kids in the neighborhood that walk to
16 Stewart's shop, especially during the
17 summer, to get ice cream. The
18 increase in traffic right there next
19 to the Stewart's entrance is a pretty
20 serious concern. I myself have a 2
21 1/2 year old. Something like this
22 would make me not want to let my
23 child walk down to Stewart's.

24 The second concern is
25 environmental. We have a lot of

1 MONARCH WOODS SENIOR HOUSING

2 birds of prey that have been coming
3 back to our area. I don't know if
4 anybody here is on the Meadow Hill
5 Board Facebook, but we have two bald
6 eagles in the area as well as many
7 owls and hawks and a couple of
8 falcons. That's a large disruption
9 to a large parcel of all wooded area.

10 The third issue is Monarch
11 Drive, Patton, all of that area is
12 single-family homes. You are taking
13 a single-family home neighborhood and
14 turning it into a development
15 setting. My wife grew up in the
16 area. We moved from Brooklyn to come
17 back here after we lived in the city
18 for a while. Part of the draw was
19 the single-family home residential
20 community. I teach at NFA. My wife
21 works at Adams. We wanted to be a
22 part of the Newburgh community. This
23 is just a very large development in a
24 very small community.

25 The fourth point that I wanted

1 MONARCH WOODS SENIOR HOUSING

2 to bring up, the logistical point,
3 was that in September of this past
4 year my wife and I in our home, as
5 well as the neighbors across the
6 street from us, had a backflow of
7 sewage. As I understand it, and I
8 don't understand it entirely,
9 admittedly, the sewage backed into
10 the sewers, or vice versa. From what
11 the plumbers were saying, it was due
12 to the diameter of the plenum that
13 services our area. So there are too
14 many houses essentially for the
15 amount of waste removal. Now, I know
16 that very recently they did something
17 at Monarch and Patton to help blow
18 out those lines, but adding 102, was
19 it, new units on that same line,
20 because the plan said it was going to
21 be serviced on the same line, is of
22 serious concern. I mean hey, the
23 Town covered it because it was a Town
24 issue. It was tens of thousands of
25 dollars worth of damage. There are a

1 MONARCH WOODS SENIOR HOUSING

2 lot of homes on that line. It poses
3 a serious threat with 102 new units.
4 As I understand it, it's an 8-inch
5 plenum when it should be a 12-inch
6 plenum for the current load. So that
7 is something that concerns me
8 logistically.

9 Thank you.

10 CHAIRMAN EWASUTYN: Pat Hines,
11 any response to the problem with
12 sewer?

13 MR. HINES: I'm not aware of
14 that issue. It may have been a clog
15 or something.

16 Just below this project is a
17 10-inch diameter line that goes down
18 Route 52. I am aware of that. This
19 is tying in very close to that.

20 MR. BODNAR: May I address Mr.
21 Hines? So the new units go down to
22 52; right?

23 MR. HINES: Yes.

24 MR. BODNAR: Thank you. So
25 it's an 8-inch into a 10-inch.

1 MONARCH WOODS SENIOR HOUSING

2 MR. FETTER: Bill Fetter,
3 Rockwood Drive.

4 Does the parking, Ross, allow
5 that you might be able to put an
6 island or two with some vegetation in
7 it? Do you have any spare parking?

8 MR. WINGLOVITZ: There are
9 several landscaped islands around the
10 site to break up that pavement.
11 Especially with the parking
12 underneath, we've been able to reduce
13 the size of the surface parking by
14 putting basement garages in and
15 landscaping.

16 MR. FETTER: Thank you.

17 MR. BERRY: Al Berry, I live at
18 4 Capital Court.

19 I have one concern -- a couple
20 concerns. On your drawing there, the
21 green dark areas on the perimeter, is
22 that going to be undisturbed forest
23 area?

24 MR. WINGLOVITZ: That's
25 existing vegetation. Yes.

1 MONARCH WOODS SENIOR HOUSING

2 MR. BERRY: You're going to
3 leave that as it is?

4 MR. WINGLOVITZ: Correct.

5 MR. BERRY: My second concern
6 is I don't want to see this project
7 get started, similar to what happened
8 on Route 300 and 84 where they came
9 in, clearcut the whole property and
10 then nothing happened for ten years.
11 Is there an ordinance or a law or
12 something that prevents the builder
13 from coming in and clear cutting and
14 then not having a scheduled
15 construction date?

16 CHAIRMAN EWASUTYN: Pat Hines
17 with McGoey, Hauser & Edsall.

18 MR. HINES: There is no
19 regulation on that. Several projects
20 that happens to because of the
21 threatened bat species that we've
22 heard. There are limits of time when
23 you can clear projects, so developers
24 often want to take advantage of that
25 window of time when the bats are

1 MONARCH WOODS SENIOR HOUSING

2 hibernating and the DEC allows that
3 clearing. It's kind of a catch 22
4 with the environmental regulations,
5 which is why that occurs. Until it
6 has approval, they can't do anything.
7 No clearing on the site.

8 MR. BERRY: But when they get
9 approval, do you set a date when the
10 construction is supposed to start
11 or --

12 MR. HINES: We don't. Site
13 plan approvals have a time limit, as
14 do building permits. Their site plan
15 approval is good for, I believe two
16 years before they have to get a
17 building permit, and then the
18 building permit has a window of time.
19 Right now there are no regulations in
20 the Town that say when they can start
21 and finish. Once they clear the
22 property, they're subject to doing
23 stormwater inspections from the
24 moment they start until the site is
25 80 percent stabilized per the DEC

1 MONARCH WOODS SENIOR HOUSING

2 regulations. It does have a cost to
3 them to start and not bring it to
4 completion.

5 CHAIRMAN EWASUTYN: Would you
6 also speak to Al as far as the dollar
7 amount per acre that has to be put in
8 place?

9 MR. HINES: Projects like this,
10 we do secure -- they do have to put
11 up security should they disturb the
12 site and not complete the project.
13 We require a deposit -- part of the
14 security for water, sewer, drainage
15 and everything is a \$3,500 per acre
16 security should they walk away from
17 the site and not restore it. The
18 Town requires that as part of the
19 checks and balances. Prior to any
20 disturbance on the site, that has to
21 be posted as security.

22 MR. BERRY: That was my big
23 concern.

24 MR. HINES: It allows the Town
25 to conceivably hydroseed the site.

1 MONARCH WOODS SENIOR HOUSING

2 MR. BERRY: My big concern
3 about this whole project was would
4 they come in and disturb the property
5 and then the project fall through.

6 MR. HINES: That's difficult
7 for the Town to control but we do
8 have those timeframes built into the
9 ordinance, that permits will expire
10 if they don't finish the job.

11 CHAIRMAN EWASUTYN: Kevin.

12 MR. HENDERSON: Again, my name
13 is Kevin Henderson, 381 South Plank
14 Road. We're actually that brown
15 house down at the bottom. Our house
16 is on that map. It's a historic
17 home.

18 I have a couple of questions
19 about this project. This is one of
20 the developments going up here.
21 There's also one coming up right
22 behind us, a 16-lot subdivision. So
23 we have some questions.

24 The tree cover that's being
25 left, it's good to see the tree

1 MONARCH WOODS SENIOR HOUSING

2 cover, at least on our side it's
3 still going to exist and not be
4 touched. I'm wondering, and this is
5 something maybe for the current
6 owner, there are a number of trees
7 that are tall over there as you drive
8 by and see. There are a number of
9 trees that look like they're in
10 danger of falling, those big pines
11 that are there. I'm wondering if
12 anything can be done to take care of
13 that? Just remove that wood.

14 Also, the line of sight for
15 that curve. If anybody drives around
16 52 heading towards, that would be
17 west, I try to keep it as low as
18 possible in that end right there
19 where my house is at the bottom. I
20 guess that would be the southeastern
21 side.

22 CHAIRMAN EWASUTYN: I think
23 everyone is kind of guessing. I'm
24 guessing.

25 MR. HENDERSON: Can I point?

1 MONARCH WOODS SENIOR HOUSING

2 MR. WINGLOVITZ: Here?

3 MR. HENDERSON: Exactly. Right
4 at the corner of the property. So
5 when you're going up this way --

6 MR. DOMINICK: Kevin, just go
7 up to the map and walk us through.

8 MR. HENDERSON: Sure. This is
9 my home right here. When you're
10 coming up 52, in this area right here
11 it's very difficult to see. A lot of
12 that has to do with the vegetation
13 that's currently here.

14 I agree with my neighbor here.
15 There is a lot -- we see vultures and
16 other things. There are a lot of
17 birds we don't want to disturb.

18 If we could trim this to help
19 with the line of sight, that would be
20 great.

21 Also, have there been any
22 studies that have been done about
23 light pollution? As my neighbor here
24 and others probably recognize, it's a
25 very dark community for the most part

1 MONARCH WOODS SENIOR HOUSING

2 at night. We also live there because
3 we like that. It's a single-family
4 sort of environment. I'm wondering
5 if there's been any studies done on
6 light pollution or any mitigations
7 that are going to be done in the
8 evening time to reduce light in areas
9 where it's not needed? What kind of
10 lighting is going to be there? Is it
11 going to be bright LEDs? I'm sure
12 that's kind of the trend. It would
13 be nice to know that information.

14 MR. WINGLOVITZ: There was a
15 lighting plan that was prepared and
16 submitted as part of this. The
17 requirement is that there's night sky
18 friendly fixtures. There's zero
19 uplighting. They'll be LED fixtures.
20 Primarily one of the nice things
21 about this layout is the buildings do
22 a lot of the shielding. The lighting
23 is interior to the site. There's
24 some required lighting for exit doors
25 and so forth around the back required

1 MONARCH WOODS SENIOR HOUSING

2 by the Building Code. The poles and
3 the parking lot lighting are
4 primarily interior to the site, night
5 sky friendly LED fixtures.

6 MR. HENDERSON: The vegetation
7 issue, the line of sight?

8 MR. WINGLOVITZ: We don't have
9 a problem with looking at that. I
10 don't know at what point in the
11 process we would clear that. It
12 would have to be part of the approval.

13 MR. HINES: It looks like a lot
14 of it might be in the DOT right-of-way.

15 MR. WINGLOVITZ: It may be.

16 MR. HENDERSON: They trim it
17 every year. I'm sorry to interject.
18 They do trim it but it's not enough.
19 It would be more helpful for the
20 drivers and maybe the dead trees
21 especially. There's just dead pines
22 there.

23 CHAIRMAN EWASUTYN: Additional
24 questions?

25 MS. WILSON: Virginia Wilson, 3

1 MONARCH WOODS SENIOR HOUSING

2 Royal Circle.

3 My concern is the building
4 that's closest to Monarch. There's a
5 patio in the back of the building
6 that's just about 40 feet, on all the
7 drawings I've been given, from our
8 property line. That's really close.

9 Then I don't like the three
10 stories. They're so high up, they
11 are looking down. It's just
12 overwhelming.

13 CHAIRMAN EWASUTYN: Ross,
14 what's the setback?

15 MR. WINGLOVITZ: The building
16 setback is 75 feet. The Town Code,
17 based on the size of the building,
18 requires an additional setback. So
19 normally it would be able to be here,
20 which is about 35 feet. The code
21 requires an additional 35 feet. The
22 building is over 75 foot back. The
23 patio looks like it's about 15 feet
24 wide. 60 feet.

25 MS. WILSON: The lines I have,

1 MONARCH WOODS SENIOR HOUSING

2 it's just about 40 feet from my
3 property line to the patio. That's
4 what concerns me. There's 50
5 apartments there. If everybody is
6 coming out in the back, that's a lot
7 of people.

8 MR. WINGLOVITZ: It's about 60.

9 MR. HINES: It's 62.

10 MR. WINGLOVITZ: 62 feet.

11 We'll take a look at the landscaping
12 there to make sure there's a nice
13 landscape buffer along the patio.
14 That would be a benefit to both the
15 residents of the development and
16 yourself.

17 MR. BETCHER: Charles Betcher,
18 5 Royal Circle.

19 First of all, I'm not against
20 growth in the Town of Newburgh. I do
21 feel and I do object to a three-story
22 tall building behind single-family
23 homes, housing. Three stories,
24 that's 46.5 feet I think that they
25 have going up.

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: 46.5.

3 MR. BETCHER: .5. I thought the
4 B codes were somewhere in the 26 foot
5 range.

6 CHAIRMAN EWASUTYN: The B code
7 -- again, the B code actually permits
8 50 feet.

9 MR. HINES: For some uses.

10 CHAIRMAN EWASUTYN: I'm not
11 correcting, I'm just --

12 MR. BETCHER: I didn't know for
13 sure. That's why I said that.

14 I think it's just really -- I'm
15 not sure. What is the distance from
16 the exit door to my property line?
17 I'm Betcher, right there.

18 MR. WINGLOVITZ: So that's 75
19 feet from the back of the building.
20 77 feet.

21 MR. BETCHRE: I'm looking at a
22 three-story building 75 feet from my
23 home at night with low level
24 lighting, but they forget about the
25 inside lights. The peace and

1 MONARCH WOODS SENIOR HOUSING

2 happiness that we have felt for the
3 forty some odd years we have all
4 lived there I think deserves a little
5 bit more consideration than the
6 three-story building. Okay. Privacy
7 is a very important issue to many of
8 us. We've all enjoyed this for all
9 these years.

10 Garbage dumpsters, where are
11 they going to be?

12 MR. WINGLOVITZ: Garbage
13 dumpsters are located here and one
14 here.

15 MR. BETCHER: What time will
16 they be collecting?

17 MR. WINGLOVITZ: That can be
18 scheduled. I don't know. We haven't
19 gotten to that detail.

20 MR. BETCHER: We don't want to
21 listen to the garbage dumpsters
22 coming in there at 5:00 in the
23 morning. You hear it from the ice
24 cream shop down there.

25 MR. WINGLOVITZ: We don't want

1 MONARCH WOODS SENIOR HOUSING

2 that for our residents as well.

3 MR. BETCHER: You said the
4 traffic study was not a problem. Has
5 anybody further looked down 1.7 miles
6 to Route 52 and 300, at the
7 intersection there east and west, 300
8 north and south? What are these
9 additional 150 cars, approximately,
10 going to create at that intersection?
11 You make a left-hand turn off of 300
12 coming westbound on 52, you've got a
13 left-hand turn into Dairy Queen. Go
14 50 feet and you have a left-hand turn
15 into CVS. Right at the corner you
16 have a right-hand turn into Joe's.
17 He's been there a long time. I don't
18 want to disturb him.

19 CHAIRMAN EWASUTYN: Do you
20 remember when it was a gas station?

21 MR. BETCHER: Yes, I do.

22 CHAIRMAN EWASUTYN: Al Tricillo.

23 MR. BETCHER: You go up a
24 little further and you've got the
25 Vietnamese restaurant. You've got

1 MONARCH WOODS SENIOR HOUSING

2 what used to be the old Subway there,
3 too. You've got Consorti right
4 there. You've got Valero gas station
5 up to the left. You've got so much
6 right there. Now you've got an
7 entrance off from CVS onto Route 300.
8 Do you know how many cars are cutting
9 through there and coming through CVS?

10 Pardon me, I forgot my belt.
11 You don't have to put that in there.
12 I lost some weight. What can I tell
13 you. I ran out of the house.

14 That really, really -- I see
15 that people don't want to wait for a
16 traffic light. I seen the lady that
17 talked before regarding the stop
18 signs. You don't dare cross that
19 intersection without waiting at least
20 30 seconds. Invariably you're going
21 to have people going each and every
22 way.

23 If you want to go a little
24 further down, the park --

25 CHAIRMAN EWASUTYN: Algonquin

1 MONARCH WOODS SENIOR HOUSING

2 Park, Powder Mill Road.

3 MR. BETCHER: That
4 intersection, God that is a mess.
5 Left hand. Drivers forget that
6 you're supposed to pull up to the
7 back of the vehicle to make a
8 left-hand turn. Everybody is cutting
9 in front of you. You stop to let
10 them go around, boom. I don't know
11 how many accidents are there.
12 Thankfully not that many.

13 I've had it several times,
14 making a left-hand turn off of 300
15 and boom, 25 feet he puts the blinker
16 on, he wants to go into the Dairy
17 Queen because he sees the line going
18 up in the summertime, waiting to get
19 in the driver line.

20 CHAIRMAN EWASUTYN: Was that
21 intersection of Route 52 and 300
22 taken into consideration under the
23 traffic study?

24 MR. HIPPE: No, it was not.

25 CHAIRMAN EWASUTYN: Can you

1 MONARCH WOODS SENIOR HOUSING

2 explain the logic to what is chosen
3 as far as the study?

4 MR. HIPPE: So the studies are
5 done to analyze impacts. One item or
6 kind of guideline for studying -- the
7 number of intersections studied is
8 how many trips are generated by a
9 site in a peak hour. The peak hour
10 trip generation for this site I
11 believe is 20 total trips. In the
12 morning that's probably 13 trips
13 leaving and 17 trips coming back.
14 Again you have to remember this is
15 not multi-family. This is going to
16 be senior housing. These people
17 aren't going out to --

18 MR. BETCHER: Can I interject
19 one thing here? How many cars do you
20 think a senior owns that's 55?

21 MR. HIPPE: One.

22 MR. BETCHER: You better wake
23 up, son. There's a couple of us here
24 close to 80 years old and we all have
25 two cars.

1 MONARCH WOODS SENIOR HOUSING

2 MR. HIPPE: This is occurring at
3 the peak hour. That's the guideline
4 for understanding which intersections
5 to study.

6 MR. BETCHER: Was that done
7 during school time or non school
8 time?

9 MR. HIPPE: It was done -- I
10 believe it was done during November.
11 School would have been in session.

12 MR. BETCHER: You should have
13 gone all the way down. 1.7 miles,
14 that's all it is. You've got Meadow
15 Winds down there, too. That's a
16 treacherous area because nobody wants
17 to stop at the stop sign coming out
18 because they are all Brooklyn-ites or
19 Jersey-ites or wherever else they're
20 going to. Going to Connecticut.

21 MR. HIPPE: As a Jersey-ite I
22 don't like coming up here. It's for
23 the Planning Board.

24 MR. BETCHER: All we want is
25 what's good for the Town and the

1 MONARCH WOODS SENIOR HOUSING

2 people. We need you folks to look at
3 it.

4 The three-story building just
5 doesn't go. Please, in my heart and
6 a lot of the people sitting here.
7 We're long-term residents of this
8 area. A two-family, we can live with
9 that. But, you know, 75 feet to my
10 property line I think he said. My
11 back door, you know, that's not a
12 nice thing to look at day in, day
13 out, especially at night. You know,
14 we see the lightening bugs and
15 everything else. I know we can't
16 have it all, but we've enjoyed it for
17 almost 45 years and we also need some
18 protection. We're not against
19 building. We're not against your
20 project. We're just trying to share
21 ours. Thank you.

22 MS. FREILICH: Heather
23 Freilich, 13 Toms Lane.

24 My question is to the Town of
25 Newburgh. Why are we letting all

1 MONARCH WOODS SENIOR HOUSING

2 these commercial, big properties come
3 in and not have single-family homes
4 where we can own them? We can't own
5 this. It's big corporations that own
6 it.

7 CHAIRMAN EWASUTYN: It's a
8 positive question. What you're
9 looking at now is occurring
10 throughout Orange County, occurring
11 throughout Dutchess County. The
12 desire to own single-family homes the
13 way it had been going back 10 years,
14 20 years ago is not a popular desire.
15 As you heard earlier, when people
16 start renting two-bedroom units for
17 \$2,500, \$2,600 a month, or for that
18 matter a three-bedroom unit for
19 \$3,000 a month, logic will say why
20 not build a house.

21 MS. FREILICH: Correct.

22 CHAIRMAN EWASUTYN: In a
23 general response to your question, if
24 over the course of the year the
25 Planning Board receives -- I know

1 MONARCH WOODS SENIOR HOUSING

2 Kevin spoke about a project by him,
3 Patton Ridge, 16 lots. That project
4 started out in 2008. There is no
5 interest from builders. There's no
6 activity from builders to build
7 single-family homes. There just
8 isn't. What is going on today is
9 warehouses, apartment buildings and
10 self storage.

11 MS. FREILICH: The building
12 across from the Newburgh Mall is
13 disgusting. Somebody says it's a
14 prison.

15 MR. GALLI: We created it
16 ourselves. You shop online every
17 day.

18 MS. FREILICH: I don't. I try
19 not to.

20 MR. GALLI: We created it
21 ourselves. Someone brought up about
22 the mall on 300, it was all clearcut.
23 They tried to put a retail mall
24 there. It failed. They couldn't get
25 bank financing. People started

1 MONARCH WOODS SENIOR HOUSING

2 shopping online. They couldn't build
3 it. They already clearcut it. They
4 got denied. Finally they had to sell
5 the project.

6 MS. FREILICH: I heard that the
7 Town of Newburgh did not want them.

8 MR. GALLI: We did it
9 ourselves. We all shop online.
10 Nobody goes to a store anymore.

11 CHAIRMAN EWASUTYN: What really
12 happened there, it's very common,
13 whether it be a Shop Rite, whether it
14 be the project that you're
15 discussing, the Newburgh Mall
16 continually sued the project claiming
17 that it didn't look at this, it
18 didn't look at that, it didn't look
19 at that. That project was tied up in
20 the courts for almost six years. The
21 Town did not object to the project.
22 The Newburgh Mall objected to the
23 project. Timing being timing, when
24 all the legal suits were settled,
25 then the retail market collapsed.

1 MONARCH WOODS SENIOR HOUSING

2 MS. FREILICH: I believe there
3 were two developers that tried to
4 come in.

5 CHAIRMAN EWASUTYN: Right. The
6 second developer could not get the
7 financing. There was a need of
8 approximately \$10,000,000 for the
9 infrastructure, the below ground
10 costs. Banks won't finance that.
11 That developer was looking to get all
12 kinds of incentives from the outside
13 to raise that money.

14 I'll bore you for a second, and
15 I'll apologize to you for boring you.
16 In 1985 Miron Lumber bought that
17 property. Do you remember Miron
18 Lumber?

19 MS. FREILICH: Yes.

20 CHAIRMAN EWASUTYN: Miron
21 Lumber bought the property because
22 they had what would have been the
23 largest retail store in this area.
24 It was a K-Mart of 165,000 square
25 feet. So you fast forward it, go to

1 MONARCH WOODS SENIOR HOUSING

2 bed, forty years later and you have
3 approximately 1,300,000 square feet
4 of warehouse.

5 MS. FREILICH: Right. So are
6 they paying school taxes?

7 CHAIRMAN EWASUTYN: Excuse me?

8 MS. FREILICH: They're paying
9 school taxes?

10 MR. GALLI: Yes.

11 MS. FREILICH: At the rate that
12 a commercial property or --

13 MR. GALLI: Town of Newburgh
14 did not give them one penny. Town of
15 Newburgh is not giving them one cent.

16 This project here is a local
17 builder. He's not a big conglomerate
18 He builds local. He's the gentleman
19 that had the two-family duplexes a
20 couple projects before and he's doing
21 this project.

22 MS. FREILICH: Why can't they be
23 something that is sellable? Why
24 can't we buy like condos or, you
25 know --

1 MONARCH WOODS SENIOR HOUSING

2 MR. GALLI: It's all return on
3 investment.

4 MS. FREILICH: You say
5 single-family homes aren't --

6 CHAIRMAN EWASUTYN: There was a
7 point in time when townhouses were
8 popular. They're no longer popular.

9 MS. FREILICH: I beg to differ.

10 CHAIRMAN EWASUTYN: I can
11 understand.

12 MS. FREILICH: People are
13 moving up to New Paltz, up to
14 Gardiner because they don't want to
15 be in this area. My property value
16 is going down because of stuff like
17 this. Nobody seems to care.

18 CHAIRMAN EWASUTYN: Well it's
19 not a question that we don't care.
20 The zoning allows for this type of
21 use. The Planning Board can't pick
22 and choose projects.

23 I'll have Pat Hines explain to
24 you actually the purpose of the
25 Planning Board and the code itself.

1 MONARCH WOODS SENIOR HOUSING

2 Pat.

3 MR. HINES: The Planning Board
4 is an administrative review board.
5 They don't have legislative authority
6 or enforcement authority. They're
7 here to make sure that projects meet
8 the requirements of the Town Code.
9 The Town Code has various zoning
10 areas in the Town that allow certain
11 uses. In this B Zone senior housing
12 is a permitted use. I know that
13 around this is residential, but this
14 lot actually is zoned B for Business.
15 One of the uses in that code is B.
16 The Board is tasked with making sure
17 that, I used the term earlier
18 gatekeeper, that the projects are
19 undergoing environmental review,
20 coordinating with the outside
21 agencies and that the projects meet
22 the code, that the Is are dotted, the
23 Ts are crossed and it meets all the
24 requirements. A lot of people think
25 the Planning Board can just

1 MONARCH WOODS SENIOR HOUSING

2 arbitrarily say no. They can't.
3 They don't have that authority.
4 They're an administrative review
5 board to make sure it follows the
6 code. The code is adopted by the
7 Town Board through the comprehensive
8 plan as their guide. They use that
9 comprehensive plan to do any zoning
10 changes or to actually zone areas.

11 This area is served by water
12 and sewer. This is an allowable use.
13 The Board has before it the
14 responsibility to make sure it meets
15 the intent of the code.

16 MS. FREILICH: I still don't
17 have sewer and I'm right down the
18 road. You're going to give sewer to
19 them and the other project on 9W. I
20 have Town water but I don't have --

21 MR. HINES: The 9W project is
22 building its own sewage treatment
23 plant. This project has sewer lines
24 available to it.

25 MS. FREILICH: Still right down

1 MONARCH WOODS SENIOR HOUSING

2 the road I don't.

3 I'd like to know what I can do
4 to oppose all this big building
5 that's happening.

6 MR. HINES: I hate to say this
7 because the Town Board is going to
8 not like it, but the Town Board
9 controls what are permitted uses on
10 certain parcels of land.

11 MS. FREILICH: How do we oppose
12 this?

13 MR. HINES: There's a
14 comprehensive plan going on through
15 the Town Board. Several of the
16 Zoning Board members and Planning
17 Board members are represented on
18 that. I believe those meetings are
19 open to the public.

20 MS. FREILICH: Okay. So where
21 would I get a list of these meetings?

22 MR. HINES: On the Town's
23 website I believe all those meetings
24 are published. They are public
25 meetings. The comprehensive plan,

1 MONARCH WOODS SENIOR HOUSING

2 it's not law, it's a guide for the
3 Town. They use that guide to come up
4 with zoning. It has to meet the
5 comprehensive plan to change or
6 approve zoning changes in the Town.
7 There's an opportunity now to
8 participate in that.

9 MS. FREILICH: Okay.

10 CHAIRMAN EWASUTYN: An
11 interesting story that someone told
12 me many years ago and I'll take it to
13 the grave with me. He's deceased
14 now. A gentleman by the name of
15 Jimmy Patsalos. Do you remember
16 Jimmy? Great, great guy. His wife
17 was very active on the school board.
18 Well respected in the community.
19 Jimmy owned the property where Stop &
20 Shop is. Jimmy at one time owned the
21 property where the big project is
22 going on now.

23 MR. HINES: Choppers, too.

24 CHAIRMAN EWASUTYN: He actually
25 was the one who got the first

1 MONARCH WOODS SENIOR HOUSING

2 approval for Meadow Hill. He got
3 that approval and sold it to
4 Schoonmaker. He told me the story.
5 He said at the public hearing there
6 was a woman who raised her hand and
7 she was very concerned about the
8 single-family homes going into her
9 neighborhood. Her concern was that
10 at that point in time she would look
11 out her kitchen window and see the
12 cows in the field and that she would
13 no longer see the cows. Again, I'll
14 take that to the grave with me. It
15 sounds funny but, you know, it's the
16 times we live in. I can't say I was
17 around when there were cows, but, you
18 know, in fact this is the change in
19 our community.

20 MS. FREILICH: But it shouldn't
21 be so commercial.

22 CHAIRMAN EWASUTYN: Ken, you
23 had a chance to speak. I'll come
24 back to you.

25 Additional questions?

1 MONARCH WOODS SENIOR HOUSING

2 MS. SIERODZINSKI: I'm Marcia
3 Sierodzinski, I live at 7 Royal
4 Circle. My house is right here.

5 I have a question. It seems
6 like there's more of a buffer here
7 and here and here than I have.

8 UNIDENTIFIED SPEAKER: Mine has
9 less of a buffer than yours.

10 MS. SIERODZINSKI: It seems
11 like my buffer is less. It's 75 feet
12 from our property line to the buffer?

13 MR. WINGLOVITZ: Mr. Betcher's
14 house, the back property line to the
15 building is 75. You're one further
16 north, so the building is set further
17 back.

18 MS. SIERODZINSKI: What's the
19 distance between our property line
20 and the fence?

21 MR. WINGLOVITZ: The fence is
22 going to be right up near the
23 property.

24 MS. SIERODZINSKI: What
25 material is the fence?

1 MONARCH WOODS SENIOR HOUSING

2 MR. WINGLOVITZ: It's going to
3 be -- I think we're doing white vinyl
4 board on board.

5 UNIDENTIFIED SPEAKER: Jaylock
6 8 foot high with vinyl slats.

7 MR. WINGLOVITZ: Board on
8 board. Vinyl board on board.

9 MS. SIERODZINSKI: Is this
10 going to be maintained --

11 MR. WINGLOVITZ: It's board on
12 board style made of vinyl.

13 MR. BETCHER: Is that set right
14 on the property line?

15 MR. WINGLOVITZ: It will have
16 to be a foot into our property.

17 MS. SIERODZINSKI: Is it going
18 to be maintained on both sides by
19 you?

20 MR. WINGLOVITZ: The best
21 buffer would be as close as it can be
22 to you.

23 MS. SIERODZINSKI: In other
24 words, I have a chain link fence.
25 If I have a chain link fence and you

1 MONARCH WOODS SENIOR HOUSING

2 put it right next to it, there's
3 going to be no maintenance in that
4 area.

5 MR. WINGLOVITZ: We can look at
6 providing some kind of room for that.
7 The closer we keep it to your
8 property, the best for providing
9 screening.

10 MS. SIERODZINSKI: Thank you.

11 CHAIRMAN EWASUTYN: People that
12 haven't spoken.

13 MS. CUMMINGS: Michaela
14 Cummings, I'm at 54 Monarch Drive.

15 CHAIRMAN EWASUTYN: Can you
16 speak a little louder, please.

17 MS. CUMMINGS: My name is
18 Michaela Cummings, I'm at 54 Monarch
19 Drive.

20 I'm just kind of curious. Can
21 I walk up here and just -- I'm
22 curious to find out where our home
23 is. This is Royal right here?

24 MR. WINGLOVITZ: That's Royal.
25 This is Monarch.

1 MONARCH WOODS SENIOR HOUSING

2 MS. CUMMINGS: So there's going
3 to be that one entrance up there?

4 MR. WINGLOVITZ: Correct.
5 Here's Stewart's right here.

6 MS. CUMMINGS: Okay. My
7 question is from start to finish are
8 you giving us an estimated amount of
9 time for the project, when it starts
10 and when it ends?

11 MR. WINGLOVITZ: Two to three
12 years.

13 MR. MAHAR: Mike Mahar, 50
14 Cocoa Lane.

15 Probably 24 to 36 months from
16 start to finish.

17 CHAIRMAN EWASUTYN: You had a
18 chance to speak.

19 Is there anyone here that would
20 like to speak that hasn't had a
21 chance to speak?

22 (No response.)

23 CHAIRMAN EWASUTYN: Kevin, your
24 question.

25 MR. HENDERSON: Two more

1 MONARCH WOODS SENIOR HOUSING

2 additional questions.

3 The first is about are we to be
4 privy to pricing for these units?
5 Roughly how much are they going to
6 cost? I know it's a 55 community.

7 MR. MAHAR: Currently it's
8 going to be market rate. What the
9 market will allow at that time when
10 they're put together as far as ready
11 to rent. I would imagine -- you
12 heard the rental rates for what
13 you're getting on 9W there, which
14 surprised me. But yeah. This is for
15 seniors. Again, these are smaller
16 units. It wouldn't be anywhere near
17 that. I really couldn't tell you. I
18 imagine in the \$1,800, \$2,000. It's
19 going to be market rate at that time.

20 MR. HENDERSON: Thank you. To
21 the point that was brought up earlier
22 about kids walking back and forth, is
23 it possible the Town could consider
24 some sort of sidewalk or, I don't
25 know, some sort of space for the kids

1 MONARCH WOODS SENIOR HOUSING

2 to walk on the westerly side of
3 Monarch, on the Stewart's side of
4 Monarch? Maybe starting at --
5 there's no existing sidewalk now. I
6 don't know what that is. I don't
7 know if it's possible to put some
8 sort of walkway in.

9 The last question I have is --
10 I just forgot it.

11 CHAIRMAN EWASUTYN: Kevin,
12 while you're collecting your
13 thoughts, I lose track of what I'm
14 thinking all the time. People are
15 always reminding me, too. It's good
16 I'm around people, otherwise I would
17 really be lost.

18 Pat, for Kevin's education, the
19 Town's policy or thoughts on sidewalks.

20 MR. HINES: So the Town Board
21 has a policy that they will permit
22 sidewalks within the State and County
23 right-of-ways. They do not want
24 sidewalks within the Town road right-
25 of-ways due to the operation and

1 MONARCH WOODS SENIOR HOUSING

2 maintenance and expense of having
3 sidewalks in there. So when we have
4 developments that are -- the mall,
5 they're putting sidewalks along the
6 State highway. People are walking
7 there. DOT used to not allow them.
8 About five years ago DOT did a 180
9 and is now permitting them and
10 requiring them to be in the
11 right-of-way when people propose
12 them. The Town Board does not have
13 an interest in having sidewalks
14 within the Town roadways.

15 MR. HENDERSON: Thank you. I
16 remembered my last question.

17 This goes to what you
18 mentioned. What is the entity in the
19 Town that -- this is more for my own
20 education -- the body in the Town
21 that deals with historic preservation
22 of the Town's character and quality?
23 This is a very old Town. There's a
24 lot of history here, a lot of rich
25 history, a lot of really nice

1 MONARCH WOODS SENIOR HOUSING

2 properties and buildings. Is there a
3 historic preservation unit within the
4 Town itself? Like who do we go to if
5 we're concerned? A lot of the
6 questions I hear have to do with
7 character and quality of the Town.

8 CHAIRMAN EWASUTYN: Quality of
9 life.

10 MR. HENDERSON: Quality of
11 life, yes, but also character of the
12 Town. This was a rural Town at one
13 point in time. I think the cow
14 story, it's humorous but it brings us
15 back to what this Town was.

16 CHAIRMAN EWASUTYN: I'm looking
17 to find humor.

18 MR. HENDERSON: To me I found
19 it funny. I also think it's
20 realistic. Obviously we can't have a
21 rural Town again. There is a
22 character of stonewalls on my
23 property and just old buildings.
24 There's character to this Town. I
25 think we're right to be concerned it

1 MONARCH WOODS SENIOR HOUSING

2 would be lost with developments like
3 this. So I'm wondering what body in
4 the Town addresses that?

5 MR. GALLI: Can I? I think
6 where you might want to start, in
7 fact the gentleman was in the
8 audience earlier, Alan Crawford.

9 MR. HENDERSON: I know Alan.

10 MR. GALLI: He does an article
11 all the time of the Town history.
12 You might want to contact him. He
13 could probably put you in the right
14 direction since he's involved in that
15 all the time. You can go there and
16 start with him.

17 MR. HENDERSON: There's no
18 entity that the Town has?

19 MR. GALLI: I'm not sure if
20 there is an entity. He does the
21 writing for the Town.

22 MR. HENDERSON: I'll ask him.

23 MS. DeLUCA: Can I just speak
24 to that? There is a historian within
25 the City of Newburgh.

1 MONARCH WOODS SENIOR HOUSING

2 MR. HENDERSON: Mary McNamara.

3 MS. DeLUCA: Mary McNamara,
4 yes. There's also -- I know she has
5 a building or an office, I believe
6 it's on Grand Street. I'm not sure.

7 MR. HENDERSON: Yeah. They
8 have a body, an entity that deals
9 with that in the city.

10 MS. DeLUCA: They also have a
11 room in the Newburgh Free Library for
12 historical documents and things like
13 that as well. But as far as our --

14 MR. HENDERSON: Our Town.

15 MR. DOMINICK: There's also a
16 Facebook page, Kevin. Mr. Crawford
17 runs it.

18 MR. HENDERSON: Our house was
19 on there.

20 CHAIRMAN EWASUTYN: Let's go
21 back to this gentleman and then we'll
22 summarize it with you two people.

23 MR. BODNAR: I'll be brief. I
24 have a 2 1/2 year old at home. This
25 is the latest I've stayed up in 2 1/2

1 MONARCH WOODS SENIOR HOUSING

2 years. Two additional points.

3 One, for the traffic at Monarch
4 and Route 52 there, is there any way
5 to help ease what will be an increase
6 of turning onto Monarch, whether it
7 be a stoplight or a stop sign? I
8 personally pulled off into the
9 wetland once because I looked in my
10 rearview mirror as I was turning left
11 and I saw the person didn't see my
12 turn signal. They went up onto that
13 little triangular esplanade of
14 Stewart's Shop and onto the other
15 lane of traffic and up towards the
16 daycare where my son goes. That was
17 terrifying. If we're having 150 or
18 200 more cars turning onto Monarch, I
19 would like some form of traffic
20 mitigation.

21 The only other thing that I
22 wanted to say was I know it doesn't
23 seem like there's a lot of single-
24 family homes selling. I don't know
25 if you're familiar with the two homes

1 MONARCH WOODS SENIOR HOUSING

2 my age.

3 MS. FREILICH: Who are you
4 selling this complex to? If you're
5 the builder, who are you selling it
6 to?

7 MR. MAHAR: No. This is 55 and
8 older. This is senior housing.
9 There's a need for senior housing.
10 So we have had Patterns for Progress
11 do an extensive needs survey based in
12 Orange County. They're the one that
13 came back with the need for this
14 project and housing in the general
15 area. Ultimately the single families
16 are still being built, but the 55 and
17 older crowd is not the clientele for
18 those homes.

19 MS. FREILICH: Who is going to
20 be the owner? Who do you pay rent
21 to? What entity is that? Is it you,
22 is it him, is it --

23 MR. MAHAR: No. Currently the
24 project is owned by myself and
25 partners. As we move forward, we

1 MONARCH WOODS SENIOR HOUSING

2 develop a game plan for building this
3 out. As of right now, myself and two
4 partners own it.

5 MS. FREILICH: So you will be
6 collecting the rent? You will
7 maintain the complex? You will
8 maintain the upkeep?

9 MR. MAHAR: There will
10 ultimately be a property manager on
11 site that runs the complex on a daily
12 basis.

13 MS. FREILICH: What I'm saying
14 is you are the property owner?

15 MR. MAHAR: At this time we are
16 the developer and the owner of the
17 project until we get to a point where
18 we have permits and we get to that
19 point and build it out. Will it be
20 me collecting the rent, no. The
21 property manager we have in place
22 will be doing that.

23 MS. FREILICH: What I'm saying
24 is it's you? It's your corporation
25 that --

1 MONARCH WOODS SENIOR HOUSING

2 MR. MAHAR: Correct.

3 MS. FREILICH: -- is going to
4 build and purchase and maintain the
5 property?

6 MR. MAHAR: Yes.

7 CHAIRMAN EWASUTYN: The last
8 question. The two of you. You and
9 Al will finish it off.

10 MR. BETCHER: Charlie Betcher,
11 5 Royal Circle.

12 Will this always, always be a
13 55 and over senior housing project
14 and living quarters for its entirety?

15 CHAIRMAN EWASUTYN: Pat Hines.

16 MR. HINES: Section 185-48 of
17 the Town Code, which this is being
18 processed under, requires filing of
19 covenants and stipulations that
20 require that to remain in perpetuity.
21 There's no time lapse on that.
22 There's no sunset on that. They're
23 actually filed in the County and
24 become part of the record for the
25 property.

1 MONARCH WOODS SENIOR HOUSING

2 MR. BETCHER: What happens now
3 if you have -- is it just for seniors
4 or can seniors bring in children?

5 MR. HINES: There are portions
6 of that code that allow for children
7 with disabilities. One of the
8 residents has to be 55 or older.
9 There are provisions for allowing for
10 disabilities and such as that.

11 MS. FREILICH: Is it
12 supplemented by the government?

13 CHAIRMAN EWASUTYN: Ma'am,
14 ma'am. We're getting carried away as
15 far as how I run the meeting.

16 MR. BETCHER: One last question
17 I have here. How long will you
18 maintain ownership of this building
19 once it is completed?

20 MR. MAHAR: That I can't tell
21 you. I honestly don't know right
22 now. It depends on the market
23 conditions as we move forward.
24 Anything is possible. The current
25 plan, I would say, is to maintain

1 MONARCH WOODS SENIOR HOUSING

2 ownership. Obviously my retirement,
3 that is my goal. At the end of the
4 day I can't guarantee.

5 MR. BETCHER: Can you put a
6 timeline?

7 MR. MAHAR: I'm 58 so I'm going
8 to retire in a couple years.
9 Honestly I can't. I don't want to
10 mislead you and tell you it's going
11 to be me until I kick the bucket. I
12 can't do that.

13 MR. BETCHER: Thank you.

14 CHAIRMAN EWASUTYN: Al.

15 MR. BERRY: I'm just sitting
16 here listening. A lot of my
17 neighbors have concerns about the
18 setback and the closeness of the
19 building, particularly this part of
20 the building, to these properties
21 here. My house is located off the
22 map here. It really doesn't concern
23 me in that respect.

24 Isn't there a way that this
25 project could be manipulated,

1 MONARCH WOODS SENIOR HOUSING

2 reoriented that would increase this
3 distance? Move these buildings? I
4 mean there's a lot of property here.
5 I would think there would be a way of
6 redoing the positions of those
7 buildings that would help this project.

8 CHAIRMAN EWASUTYN: Don't look
9 at the Planning Board. Look at Ross
10 Winglovitz and the owner.

11 Ross.

12 MR. WINGLOVITZ: We looked at
13 many ways to orient these buildings.
14 Based on the design of the buildings
15 and the shape of the property, this
16 was the most efficient layout, A, and
17 provided the most protection for
18 parking and parking lighting for all
19 the neighbors by keeping it turned
20 that way.

21 CHAIRMAN EWASUTYN: I'll take
22 one more question before we close the
23 hearing. In the back.

24 MS. FREILICH: Will the rent be
25 subsidized by the government?

1 MONARCH WOODS SENIOR HOUSING

2 MR. MAHAR: No. There's no
3 public funding for this project.
4 It's all private.

5 CHAIRMAN EWASUTYN: At this
6 point I'll turn the meeting over to
7 the Planning Board Members. Frank
8 Galli?

9 MR. GALLI: No additional.

10 CHAIRMAN EWASUTYN: Stephanie
11 DeLuca?

12 MS. DeLUCA: Yes. I actually
13 have a question for one of the
14 members.

15 In regards to the
16 environmental, you mentioned
17 something about sightings of eagles
18 and falcons and all of that.

19 MR. BODNAR: Yes, ma'am.

20 MS. DeLUCA: Is that true?
21 It's actually been noted?

22 MR. BODNAR: One day coming
23 home from NFA, between Galati Pool
24 and 84, I was driving and parallel to
25 me was a bald eagle that we believe

1 MONARCH WOODS SENIOR HOUSING

2 lives in Meadow Hill. That's one of
3 two that we believe lives there. I
4 clocked it going 40 miles-an-hour in
5 a straight line, dead parallel. Blew
6 my mind. I've had two separate
7 families of red tail hawks that have
8 lived within the trees around my
9 property. My son loves when I open
10 the front window and he can hear the
11 hoo'ing of what I believe are
12 actually a screech owl,
13 counterintuitive to its name. I
14 believe there's a family. I thought
15 it was over where the development is.
16 And then there's one by that old
17 historic home.

18 MR. HENDERSON: Behind me.

19 CHAIRMAN EWASUTYN: Ross, did
20 you look at that as far as --

21 MR. WINGLOVITZ: The EAF does a
22 screening of the endangered species
23 on the site. The eagles did not come
24 up. They're typically nesting near
25 open water. The screening looks at

1 MONARCH WOODS SENIOR HOUSING

2 no nests I think at 2,000 feet from
3 the property. We will be getting a
4 DEC permit because there's a buffer
5 here. The DEC will re-review that as
6 part of the permit.

7 CHAIRMAN EWASUTYN: Thank you.
8 Cliff Browne?

9 MR. BROWNE: Going through this
10 application, one of the things for
11 the public in general, the applicant
12 has met all the requirements that
13 have been laid on him by the Town,
14 the County, the State, the Feds. In
15 addition to that, he has gone beyond
16 quite a few of those things and gone
17 extra beyond to make things better
18 than he really had to. So from that
19 perspective I'm looking at it as a
20 Board Member from the plan, that the
21 plan that's being put forward to us,
22 in my opinion, is very good.

23 I have sat here. If it was my
24 personal ability to I would reject.
25 I can't because that's not our

1 MONARCH WOODS SENIOR HOUSING

2 business. Pat described it earlier.
3 Our responsibility is to review a
4 plan to ensure that it meets code.
5 That doesn't mean I have to like it.
6 It has to meet code. This one goes
7 beyond the code. He's done a great
8 job on the plan. Hopefully it's
9 executed as good.

10 Thank you.

11 CHAIRMAN EWASUTYN: Dave Dominick?

12 MR. DOMINICK: Thanks for the
13 input and everyone's candidness
14 tonight. It was great to hear your
15 comments.

16 Dovetailing on what Cliff said,
17 this applicant did go above and
18 beyond what we've asked.

19 I, for one, in the beginning
20 asked that this complex have a
21 generators. This 100-year storm, as
22 Frank mentioned, comes every 2 years
23 and power goes out. Now every
24 building will have a generator for
25 emergency power for the residents for

1 MONARCH WOODS SENIOR HOUSING

2 their safety.

3 Ross, tonight we heard from
4 Kevin, I'll start with him, about the
5 line of sight and safety on 52. Can
6 you looking into that a little
7 further, on clearing that back --

8 MR. WINGLOVITZ: Yup.

9 MR. DOMINICK: -- of what the
10 DOT leaves and make that more visible
11 for traffic?

12 MR. WINGLOVITZ: Sure.

13 MR. DOMINICK: The second
14 comment was from Al, Charlie,
15 Virginia and Marcia I believe, the
16 Royal Circle folks. Anything more on
17 the buffer you can do would help
18 them, not eliminate, improve their
19 not seeing this project as much,
20 whether it be fencing, whether it be
21 vegetation, whether it be trees?

22 MR. WINGLOVITZ: We basically
23 provided the fencing near the
24 property line, A, because they are
25 the receptors so they're closer to

1 MONARCH WOODS SENIOR HOUSING

2 the residents, we tried to preserve
3 the trees to the greatest extent
4 practical and we've landscaped it.

5 I did note about the comment on
6 the patio. I think it's important
7 that we look at the landscaping
8 around that patio, tighten that patio
9 to then buffer anything from the
10 patio in that direction. We'll be
11 glad to look at that with Pat and the
12 landscape architect to see if there
13 is anything else we can add in to
14 improve that.

15 MR. DOMINICK: I think doing
16 what you can to help Virginia with
17 that patio and her privacy, enjoy
18 your yard and also the residents
19 enjoying their patio and their yard.

20 Thank you.

21 CHAIRMAN EWASUTYN: John Ward?

22 MR. WARD: I want to say thank
23 you very much to everybody.

24 On the senior citizen housing,
25 basically it's empty nesters that

1 MONARCH WOODS SENIOR HOUSING

2 slow down all the single families of
3 building and all. People can't
4 afford it or they're retiring, the
5 children grew up. There's a market
6 for senior housing. That's how it
7 all started.

8 Second was in reference to --
9 both you two in reference to the
10 comprehensive plan. We have
11 guidelines at the Town of Newburgh.
12 If you go into the Town Hall and look
13 at them, you'll see we have
14 guidelines for everything we're
15 doing. The comprehensive plan covers
16 the Town of Newburgh with hamlets.
17 We're in different hamlets. You've
18 got Meadow Hill, you've got
19 Coldenham. They're trying to keep
20 the character of the hamlets. If you
21 look into it, you'll know more detail
22 when you talk to other people of what
23 we're trying to do with the Town.

24 A personal note. With the
25 fence, Ross, I had a situation, a

1 MONARCH WOODS SENIOR HOUSING

2 vinyl fence and my own chain link
3 fence. They put the vinyl fence up,
4 I took the chain link down up to that
5 point where I could maintain the
6 vinyl fence. So that's --

7 MS. SIERODZINSKI: I don't want
8 any more work. I don't want to
9 maintain somebody else's property.

10 MR. WARD: It's your own
11 property. You're saying with your
12 fence and their fence. I took the
13 chain link fence and kept the vinyl.
14 So whatever it is, at least you don't
15 have to worry about it getting grown
16 between it or whatever.

17 CHAIRMAN EWASUTYN: Pat Hines
18 with McGoey, Hauser & Edsall.

19 MR. HINES: So my first comment
20 just is that the project is before
21 the Board for the 102 units.

22 The project will need a permit
23 from DOT for the emergency access
24 road off of New York State Route 52.

25 The project will need approval

1 MONARCH WOODS SENIOR HOUSING

2 from the Health Department for water
3 main extensions with hydrants.

4 I have a couple of outstanding
5 comments, technical comments from my
6 April comment letter.

7 As was mentioned at the
8 previous project, the stormwater
9 management facilities will be covered
10 by a stormwater facilities
11 maintenance agreement that will be
12 executed with the Town and filed to
13 become part of the record of the
14 property at the County.

15 The Town will require
16 securities for stormwater management,
17 erosion and sediment control and
18 landscaping in order to ensure that
19 those are implemented properly and
20 maintained throughout the project.

21 We'll need cost estimates for
22 the water and sewer in order to
23 establish the fees for those.

24 A permit or pre-construction
25 notice from the Army Corp of

1 MONARCH WOODS SENIOR HOUSING

2 Engineers will be required.

3 A permit from the DEC for
4 wetlands and water quality
5 certification will be required.

6 The landscape review of the
7 patio which was recently mentioned.

8 Notes will need to be added to
9 the plans to be in compliance with
10 Section 185-48, the senior
11 requirements that are going to be
12 anchored on the property in perpetuity.

13 I would suggest that the Route
14 52 line of sight be required prior to
15 any final approvals.

16 The Town Board must make a
17 final determination on anchoring of
18 the senior use in this zone.

19 The Board did issue a negative
20 declaration recently. The Town Board
21 would be in a position to take that
22 action.

23 That's the extent of our
24 comments. All of those comments
25 would be a condition of any

1 MONARCH WOODS SENIOR HOUSING

2 preliminary approval the Board may
3 entertain.

4 CHAIRMAN EWASUTYN: So the
5 action before us this evening is to
6 close the public hearing. Correct?

7 MR. HINES: Yes.

8 CHAIRMAN EWASUTYN: Anything
9 else?

10 MR. HINES: There's a
11 potential, if the Board wished, to
12 grant the preliminary approval with
13 those conditions that I just
14 mentioned in the record. Also to
15 refer this for the final Town Board
16 approval of the senior use on this
17 project.

18 Ross, the project -- there was
19 discussion earlier. The project is
20 in the sewer district or needs an
21 outside user?

22 MR. WINGLOVITZ: Outside user.

23 MR. HINES: The outside user
24 agreement will also need to be
25 executed with the Town for the sewer.

1 MONARCH WOODS SENIOR HOUSING

2 CHAIRMAN EWASUTYN: At this
3 point we'll move for a motion to
4 close the public hearing on Monarch
5 Woods Senior Housing project. Would
6 someone make that motion?

7 MR. GALLI: So moved.

8 MS. DeLUCA: Second.

9 CHAIRMAN EWASUTYN: I have a
10 motion by Frank Galli. I have a
11 second by Stephanie DeLuca. May I
12 please have a roll call vote starting
13 with Frank Galli.

14 MR. GALLI: Aye.

15 MS. DeLUCA: Aye.

16 CHAIRMAN EWASUTYN: Aye.

17 MR. BROWNE: Aye.

18 MR. DOMINICK: Aye.

19 MR. WARD: Aye.

20 CHAIRMAN EWASUTYN: One more
21 time Pat, can you give us the
22 conditions for granting preliminary
23 approval for the Monarch Woods Senior
24 housing?

25 MR. HINES: I can. I'll run

1 MONARCH WOODS SENIOR HOUSING

2 through them once more. A New York
3 State Department of Transportation
4 access permit for the emergency
5 access drive.

6 Health Department approval for
7 the water main extension with
8 hydrants.

9 A stormwater facilities
10 maintenance agreement will be
11 required.

12 Securities for stormwater,
13 erosion control and landscaping are
14 required.

15 Cost estimates for water and
16 sewer.

17 Army Corp of Engineers permit
18 or pre-construction notice.

19 DEC wetland permit and water
20 quality certification.

21 The landscape review of the
22 patio area for building 1.

23 The analysis for the Route 52
24 line of sight improvements.

25 I do note that we did receive

1 MONARCH WOODS SENIOR HOUSING

2 the City of Newburgh flow acceptance
3 letter today allowing the project to
4 be tributary to their sanitary sewer
5 plant.

6 There's a standard comment that
7 only those items that are shown on
8 the plans can be constructed, a
9 standard note that Dominic and
10 Meghan's office included in the
11 comment letter.

12 The Town Board approval for the
13 final approval for the senior use on
14 the site.

15 I believe that encompasses it.

16 MR. WINGLOVITZ: ZBA for the
17 square footages.

18 MR. HINES: The ZBA hadn't
19 taken action previously because it
20 was a coordinated review type 1
21 action, as Ross just mentioned. They
22 were before the ZBA for the size of
23 the units. The Town Code only
24 permits units of 1,000 square feet.
25 The applicants are before the ZBA to

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 allow them to be 20 percent larger I
3 believe.

4 MR. MAHAR: If I may. The code
5 is 700 and 900 square foot. We had
6 increased roughly 10 to 20 percent on
7 some of the units to give the area.

8 MR. HINES: The Town Code I
9 mentioned was for the previous
10 project, the bonus density. This is
11 a straight senior project. They need
12 ZBA final approval for the size of
13 the units.

14 CHAIRMAN EWASUTYN: That was to
15 allow for some people who will be
16 working from home?

17 MR. HINES: Yes.

18 CHAIRMAN EWASUTYN: Having
19 heard the conditions spoken of by Pat
20 Hines with McGoey, Hauser & Edsall
21 for granting preliminary approval,
22 would someone move for that motion?

23 MR. DOMINICK: So moved.

24 MR. WARD: Second.

25 CHAIRMAN EWASUTYN: I have a

1 MONARCH WOODS SENIOR HOUSING

2 motion by Dave Dominick. I have a
3 second by John Ward, I believe.

4 MR. WARD: Yes.

5 CHAIRMAN EWASUTYN: May I
6 please have a roll call vote starting
7 with John Ward.

8 MR. WARD: Aye.

9 MR. DOMINICK: Aye.

10 MR. BROWNE: Aye.

11 CHAIRMAN EWASUTYN: Aye.

12 MS. DeLUCA: Aye.

13 MR. GALLI: Aye.

14 MR. HINES: I think Mr. Betcher
15 had one more comment.

16 MR. BETCHER: What about
17 re-evaluating the buffer zone?

18 MR. HINES: I didn't hear that
19 from the Board. This is in
20 compliance with the Town Code.

21 MR. BETCHER: It was never
22 spoken about.

23 MR. HINES: I can't request any
24 more than the 75 foot. The actual
25 setback in the B Zone is 40 feet.

1 MONARCH WOODS SENIOR HOUSING

2 Because this use, it abuts the
3 residential property, it's 75 feet.

4 CHAIRMAN EWASUTYN: Dave
5 Dominick wants to speak.

6 MR. BETCHER: Is that based on
7 single-family homes?

8 MR. HINES: It's based on the B
9 Zone abutting a single-family
10 residential zone.

11 MR. DOMINICK: I did mention to
12 Ross if he could look just a little
13 bit further for Al and Virginia and
14 everybody on that Royal Circle area
15 to see what he could do. Ross
16 acknowledged he would see what he
17 could do, especially in the patio
18 area.

19 MR. HINES: I think that was
20 additional landscaping, not
21 increasing the buffer. Increasing
22 the buffer would have significant --

23 MR. DOMINICK: You're correct.
24 I did ask for additional landscaping.

25 MR. WINGLOVITZ: Agreed.

1 M O N A R C H W O O D S S E N I O R H O U S I N G

2 CHAIRMAN EWASUTYN: Thank you.

3 MR. WINGLOVITZ: Thank you.

4

5 (Time noted: 9:52 p.m.)

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 14th day of July 2022.

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

STATE OF NEW YORK : COUNTY OF ORANGE
TOWN OF NEWBURGH PLANNING BOARD
----- X
In the Matter of

MATRIX
(2020-17)

Request for Field Changes

----- X

BOARD BUSINESS

Date: July 7, 2022
Time: 9:52 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPI

----- X

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

1

2

CHAIRMAN EWASUTYN: We have three Board business items and we'll closeout the meeting.

4

5

We have the Matrix project.

6

7

MR. HINES: As we discussed at work session, the Matrix project is under construction at this time.

8

9

10

They've made a couple of requests to the Board for "field changes". I

11

told them I would defer or refer them

12

to the Planning Board as their

13

resolution states clearly only that

14

which is shown on the plans can be

15

constructed.

16

They have a request to modify

17

three retaining walls -- one

18

retaining wall and two headwalls on

19

the site, to change the materials.

20

They were originally proposed to be

21

poured concrete or precast concrete.

22

They would like to change those to a

23

modular block system. Some of that

24

has to do with the aesthetics. The

25

other has to do with the potential

1

2

for encountering rock in the area of those retaining walls and the ability to construct the footings required.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

The other is that they have encountered excess topsoil on the site. Rather than truck that off and the impacts associated with trucking it off, they would like to place that excess topsoil on the eastern portion of the site on top of the hill, generally behind the sound barrier, and add to that buffer/sound barrier by placing that topsoil there in a kind of berm. I suggested some modifications to the grading they proposed in order to extend that berm and raise it up a little bit. They were amicable to that.

20

21

22

23

24

25

Generally some of that work is outside the limits of disturbance. The vegetation had been cleared under the previous project and was in the limits of disturbance of the previous project. When this project moved

1

2

more central to the site, those

3

limits of disturbance were moved in.

4

They're requesting that that limit of

5

disturbance be extended slightly to

6

allow the placement of the topsoil.

7

It will enhance the visual buffer and

8

also provide for additional noise

9

attenuation.

10

They are going to keep the

11

sound wall. They've already

12

purchased it. They are going to put

13

that up as well. They're going to

14

start about 5 feet behind it with

15

this berm.

16

They're requesting that change.

17

The Walgreens --

18

CHAIRMAN EWASUTYN: Let's take

19

one at a time.

20

MR. HINES: I did two already.

21

CHAIRMAN EWASUTYN: Continue.

22

MR. HINES: If you want to --

23

CHAIRMAN EWASUTYN: Maybe we'll

24

do the soil and divide it up.

25

Any comments from Board

1

2

Members?

3

MR. GALLI: No.

4

MS. DeLUCA: No.

5

MR. DOMINICK: No.

6

MR. WARD: No.

7

MR. BROWNE: The second one

8

with the berm, the plan as Pat

9

presented would be the one that I

10

would approve, that I would say yes,

11

that would be an appropriate field

12

change.

13

MR. HINES: Subject to my sign

14

off I guess.

15

MR. BROWNE: Just so there's no

16

like --

17

MR. WARD: Clear the part with

18

the residents.

19

MR. HINES: I suggested they

20

extend it a little further south.

21

MR. WARD: That's what we're

22

saying.

23

CHAIRMAN EWASUTYN: Would

24

someone make a motion to approve the

25

field change for Matrix subject to

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

the conditions that Pat Hines presented this evening.

MR. DOMINICK: So moved.

MR. BROWNE: Second.

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

MR. WARD: Aye.

MR. DOMINICK: Aye.

MR. BROWNE: Aye.

CHAIRMAN EWASUTYN: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

CHAIRMAN EWASUTYN: Pat, continue.

MR. HINES: That also included the retaining walls.

The third one would be that they have a tenant now. Everyone knows it's going to be a Walgreens, the structure that's under construction right now in the front.

1
2 Walgreens has some requests for
3 changes to the site. One which we
4 discussed at work session was an
5 outside patio area for employees. I
6 believe it has to do with their
7 security. They have an outside patio
8 with an 8 foot decorative fence
9 around it to allow employees access
10 outside without having to come
11 through security.

12 In addition, they wanted to add
13 fencing along the portion of the
14 loading dock area for security due to
15 the products that they have on their
16 site.

17 They also wanted to modify a
18 retaining wall on that site similar
19 to the headwalls we discussed
20 earlier. Rather than a poured
21 concrete wall, they want to use a
22 gravity segmented block wall in that
23 area.

24 They're kind of minor changes.
25 The fence won't be seen from the

1

2

roadway. The employee area is on the south end of the site. The design engineers have also concurred with the change of the wall type.

6

7

8

9

10

11

12

13

14

They have another change but it doesn't really involve the Planning Board. Two changes. They've changed the location of the underground utilities which we previously signed off. The Board usually doesn't get involved in the gas and electric because those are dictated by the utility company.

15

16

17

They also want to split the water services, but the Water Department is handling that internally.

18

19

20

21

CHAIRMAN EWASUTYN: We have no interest if Walgreens looks to lease out a certain percentage of that site to another user?

22

23

24

25

MR. HINES: We don't. It's a warehouse. If they divide it into several, it's not a change of use so it wouldn't come back to you.

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

CHAIRMAN EWASUTYN: Just a flex space.

MR. HINES: They intend, in the future I think, to occupy the entire structure, but I don't think they need it immediately.

CHAIRMAN EWASUTYN: Having heard the recommendations for the field changes for Walgreens presented by Pat Hines of McGoey, Hauser & Edsall, would someone make a motion to approve that?

MR. WARD: So moved.

MR. GALLI: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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

MR. WARD: Aye.

(Time noted: 10:00 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of July 2022.

Michelle Conero

MICHELLE CONERO

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

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

- - - - - X
In the Matter of

MICHAEL GIORDANO
154 Frozen Ridge Road

Request for Field Changes

- - - - - X

BOARD BUSINESS

Date: July 7, 2022
Time: 10:00 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
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: MEGHAN R. LoCICERO, ESQ.
PATRICK HINES
STARKE HIPPI

- - - - - X

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

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

CHAIRMAN EWASUTYN: The last item of business, I need some advice, Pat, as far as the subdivision on Fostertown Road, how to address the applicant as to what he can do as far as coming back to get the road bonded and approved.

MR. HINES: There's a subdivision that was approved many years ago.

CHAIRMAN EWASUTYN: I think 1991.

MR. HINES: It's before Pat. The private road was never constructed. Apparently there was never any security required. They're looking to market some of the lots and the private road hasn't been constructed.

I would suggest that we do similar to what we did on Poppy Lane off of Lester Clark Road, that they come back in and apply for an approval, at which time we can have

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

the private road upgraded to current private road specifications and receive security for that private road which would allow the lots to be sold.

 Their other option is to construct the private road to current Town specs and come in for a re-approval. I think the applicant is looking to come back in and secure the private road construction.

 MS. DeLUCA: Where on Fostertown is this?

 CHAIRMAN EWASUTYN: It's where Holmes Road -- that intersection just about Holmes Road and Fostertown Road. I think his name is Giordano Michael.

 MS. DeLUCA: I know of that issue very specifically because they're our neighbors and they -- I mean when their houses were built, because the road was going right behind their property, they --

1

2

there's a -- they said -- I'm trying
to remember what it was.

3

4

MR. HINES: An easement?

5

6

MS. DeLUCA: But they said no.
That's why that never happened,
because the people that lived there
didn't want that.

7

8

9

10

MR. HINES: The lots exist. It
must have happened --

11

12

MS. DeLUCA: It might have been
after the fact, but --

13

14

MR. HINES: Somehow the lots
exist.

15

16

17

18

19

20

21

22

MS. DeLUCA: The three people
that owned those specific houses had
denied him the ability to create the
road behind their houses. It was in
the deed. It was something in the
deed. Don't quote me on it for sure
but there was something in the deed
about it.

23

24

25

CHAIRMAN EWASUTYN: All right.
Why don't you prepare a memo. I
don't have an escrow for it.

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

That's true of you, Michelle.
For now we'll do this under the
consultants' cost.

MS. CONERO: Is there an
application name to put it under?

CHAIRMAN EWASUTYN: Michael
Giordano, G-I-O-R-D-A-N-O, location
154 Frozen Ridge Road.

MR. HINES: That's in the
vicinity of that Frozen Ridge project
that was before us and it hasn't come
back.

CHAIRMAN EWASUTYN: The 23-lot
subdivision.

MR. HINES: That kind of loops
next to that. That's why I
recognized the name.

MS. DeLUCA: The three people
that owned those houses no longer
live there. Maybe that's why it came
up again.

CHAIRMAN EWASUTYN: Can I have
a motion to close the Planning Board
meeting of the 7th of July?

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

MR. 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.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WARD: Aye.

(Time noted: 10:12 p.m.)

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 14th day of July 2022.

Michelle Conero

MICHELLE CONERO