

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

In the Matter of:

MADAN SUBDIVISION
(20-06)

Orchard Drive
Section 1; Block 1; Lot 132
AR Zone

FINAL
THREE LOT SUBDIVISION

Date: August 6, 2020
Time: 7:00 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: All right. Well,
3 we'll first start off by welcoming everyone to
4 the Town of Newburgh Planning Board meeting of
5 August 6th, 2020. We have seven items on the
6 agenda, and one more business item and a
7 discussion item.

8 At this time I'll call the meeting to
9 order with a roll call vote, starting with Frank
10 Galli.

11 MR. GALLI: Present.

12 MR. MENNERICH: Present.

13 CHAIR EWASUTYN: Present.

14 MR. BROWNE: Present.

15 MR. DOMINICK: Present.

16 MS. DeLUCA: Present.

17 CHAIR EWASUTYN: Pat? Did you say
18 present?

19 MR. HINES: I did not. Pat Hines with
20 McGoey Hauser & Edsall Consulting Engineers.

21 MR. CORDISCO: I'm sorry. I'm Dominic
22 Cordisco. I'm the Planning Board Attorney and
23 also the Board's AD consultant because I'm
24 getting the Zoom meeting up.

25 CHAIR EWASUTYN: And before we actually

1 Proceedings

2 turn the meeting over to Pat Hines, I'm going to
3 ask Dominick Cordisco to discuss the other part
4 of his business which he's alluded to. Dominic.

5 MR. CORDISCO: Yes, thank you,
6 Mr. Chairman.

7 So this is a hybrid meeting of the
8 Planning Board. There is an person component to
9 the agenda items that are on tonight, with the
10 exception of the polo club public hearing, which
11 is being done virtually to the extent that the
12 public is being allowed to comment on the
13 supplemental draft impact statement via the
14 Town's Zoom account. And so at the point that we
15 reach that agenda item we will open it up to the
16 public who are attending via Zoom for their
17 comment.

18 This is being done consistent with the
19 Governor's Executive Orders dealing with the
20 COVID-19 pandemic. So the Executive Orders can
21 briefly be summarized as saying that the Board
22 may meet in public provided that there are
23 restrictions and social distancing in place. And
24 but the public hearings, however, are restricted,
25 and public hearings where the public is in

1 Proceedings

2 attendance can only be done with either video
3 conference or teleconference. So that is the
4 purpose of tonight's hybrid meeting. And with
5 that I turn it back to the Chairman.

6 CHAIR EWASUTYN: Thank you.

7 It was my error, I'd like to introduce
8 who's with us also this evening Gerry Canfield,
9 code compliance officer.

10 MR. CANFIELD: Present.

11 CHAIR EWASUTYN: Okay, at this point
12 we'll turn to Pat Hines to lead the Board in the
13 Pledge of Allegiance.

14 (Pledge of Allegiance.)

15 CHAIR EWASUTYN: Thank you.

16 Our first item of business this evening
17 is the Madan subdivision. It's located on
18 Orchard Drive in an AR zone, and it's here before
19 us for a final approval of a three lot
20 subdivision.

21 MR. HINES: So John, Larry Marshall
22 from Mecurio, Norton, Tarolli, I don't know if
23 you didn't get the memo or not, but he's on
24 Dominic's Zoom meeting. So I've offered to put
25 the map up.

1 Proceedings

2 There's only a couple of minor items
3 that need to be addressed. This has been before
4 the Board many times, and we were waiting for the
5 public hearing time frames to lapse, which they
6 have. So since Larry is on the Zoom he can't
7 participate, I'll throw the map up for him.

8 This is, as we discussed at the work
9 session, the Madan three lot subdivision. It's
10 been before the Board. And it went to County
11 Planning because it's on the border of Ulster
12 County, Orange County, Town of Plattekill, Town
13 of Newburgh and further down into the Town
14 Plattekill as well. It's a three lot
15 subdivision. We had the public hearing, opened
16 the comments up for ten days, and that time has
17 now passed and it's before you now for final
18 approval.

19 The only suggested condition of
20 approval is that there is a utility line crossing
21 lot two, which serves the existing house on lot
22 one, and we're suggesting that a condition of
23 approval be required that that utility line be
24 relocated prior to filing the maps, so that it's
25 located in the easement area and doesn't impact

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Proceedings

the development of lot two. There will be a recreation fee, but there's no other public securities that's needed.

CHAIR EWASUTYN: Comments from Gerry Canfield, do you have any comments?

MR. CANFIELD: Nothing, nothing additional.

CHAIR EWASUTYN: Comments from Board members?

MR. GALLI: No.

MR. MENNERICH: No.

CHAIR EWASUTYN: At this point we'll turn the meeting over to Dominic Cordisco, Planning Board Attorney, to give us conditions for final approval.

MR. CORDISCO: Yes. The Board is in a position, if it so chooses, to adopt a resolution authorizing the preparation of a resolution for final subdivision approval for this project. The only condition is that, as outlined out by Pat Hines, which is in connection with the relocation of the electrical service for this project. There are no other landscaping improvements or public improvements that require any bonding.

1 Proceedings

2 So, apart from the Board's typical general
3 conditions of approval, the only special
4 condition will relate to the relocation of the
5 electrical service.

6 CHAIR EWASUTYN: Okay. And that would
7 also take into consideration the recreation fee
8 associated with this.

9 MR. CORDISCO: That would be a standard
10 general condition, that's correct.

11 CHAIR EWASUTYN: All right. Having
12 heard the advice from Planning Board Attorney
13 Dominic Cordisco, will someone move for final
14 approval?

15 MR. DOMINICK: I'll make a motion.

16 CHAIR EWASUTYN: Okay, I have a motion
17 by Dave Dominick.

18 MR. GALLI: Second.

19 CHAIR EWASUTYN: Second by Frank Galli.

20 We'll have a roll call vote, starting
21 with Stephanie DeLuca, in the back there.

22 MS. DeLUCA: Aye.

23 MR. DOMINICK: Aye.

24 MR. BROWNE: Aye.

25 CHAIR EWASUTYN: Aye.

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MR. MENNERICH: Aye.

MR. GALLI: Aye.

CHAIR EWASUTYN: Motion carries, thank
you.

MR. CORDISCO: Thank you, Mr. Chairman.
I will prepare a resolution, it will be ready for
you early next week.

CHAIR EWASUTYN: Thank you.

(Time noted: 7:08 p.m.)

Proceedings

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

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

In the Matter of:

LANDS OF JAN KADNAR
(20-09)

275 Pressler Drive
Section 6; Block 1; Lot 10.5
AR Zone

INITIAL APPEARANCE
TWO LOT SUBDIVISION

Date: August 6, 2020
Time: 7:08 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: DARREN DOCE

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: Our second item of
3 business is the initial appearance for a two lot
4 subdivision for Lands of Jan Kadnar. It's
5 located on 275 Pressler Road. It is in an RV
6 zone, and is being represented by Darren Doce.

7 MR. DOCE: Good evening. We're
8 proposing a two lot subdivision of the 42 acre
9 parcel. The parcel contains an existing
10 dwelling that the applicant plans on updating
11 into a four bedroom home. That dwelling will be
12 subdivided from the parcel and be a 2.2 acre
13 lot. The remaining 40 acres will be not a
14 building lot at this time, and we have a note on
15 the plans stating that.

16 I just want to mention also that the
17 existing building received a variance for a
18 front yard setback, but when this parcel was
19 subdivided in the past it was an approved
20 subdivision from July of 2009.

21 Yeah, that sums it up.

22 CHAIR EWASUTYN: Darren, did you have
23 an opportunity to review and consider Pat Hine's
24 comments?

25 MR. DOCE: Yes. I don't see anything

1 Proceedings

2 in that that I would disagree with or that can't
3 be done.

4 I just had a question on the variance
5 aspect of going back to, possibly going back to
6 the ZBA. I'm not quite following that. We've
7 got a variance on the existing building, and
8 it's not going to be any closer to the front
9 line with this subdivision than it has been like
10 on the previous ZBA approval. So I don't
11 follow, quite follow how we're making the front
12 yard any more nonconforming than it already is
13 and when it was approved by the ZBA.

14 CHAIR EWASUTYN: Jerry Canfield, did
15 you hear Darren Doce?

16 MR. CANFIELD: Yeah, I did.

17 CHAIR EWASUTYN: Would you comment on
18 that, please?

19 MR. CANFIELD: Sure. I believe that
20 this does need to go to the ZBA to reaffirm that
21 previous front yard setback for the other
22 building. We talked about it at the work
23 session. Excuse me, you're correct in 2009 they
24 did receive a variance for the front yards for
25 both. But now that the lot is being further

1 Proceedings

2 subdivided I believe it's lost its existing
3 nonconforming protection that was granted for
4 the previous subdivision. So it would be my
5 determination that it would need to go to the
6 ZBA.

7 CHAIR EWASUTYN: We'll ask the same of
8 Pat Hines, and then our attorney, Dominic
9 Cordisco. Pat Hines?

10 MR. HINES: Yeah, I concur with that,
11 and it's in my comment number five. We believe
12 that because of the subdivision, it is reducing
13 the lot size. It was a variance on a 42 acre
14 lot, and now it's on a 2.2 acre lot. And the
15 Town has a policy that you lose your protections
16 as you're changing either the lot area or the
17 uses on the site. And that's been consistent
18 that we send those to the ZBA.

19 CHAIR EWASUTYN: Dominic Cordisco?

20 MR. CORDISCO: Yes, that is the Board's
21 policy. And so that is an action that the Board
22 could take tonight if it so chooses to make that
23 referral.

24 CHAIR EWASUTYN: Darren.

25 MR. DOCE: Yeah, if that's the policy,

1 Proceedings

2 yeah. I just didn't understand that the
3 nonconforming was for front yard setback, not
4 lot area, so that's why I wasn't following it.

5 MR. HINES: Yeah, you're not --

6 MR. DOCE: We're not increasing any
7 nonconforming, and it didn't seem --

8 MR. GALLI: But you've lost --

9 MR. DOCE: Because it's still
10 conforming to the area --

11 MR. GALLI: Yeah, but you've lost it
12 because you're changing the area.

13 MR. HINES: You're changing it, you're
14 going from 42 acres to two acres.

15 MR. GALLI: Right. You're changing it.

16 MR. HINES: It's really changing -- it
17 changes the circumstances under which the
18 variance was granted, and by doing that, the ZBA
19 historically, we send those to the ZBA and they
20 historically take action on them.

21 MR. DOCE: Okay.

22 CHAIR EWASUTYN: So if the Board so
23 approves, our attorney, Dominic Cordisco, will
24 bear a letter to the Zoning Board of Appeals.

25 MR. BROWNE: Yes.

1 Proceedings

2 CHAIR EWASUTYN: Dominic, when you have
3 the time?

4 MR. CORDISCO: Yes, I certainly will,
5 thank you.

6 MR. HINES: We were suggesting that a
7 copy of that, if you have a copy of that
8 variance that it be provided to Dominic, it may
9 help him draft his letter.

10 MR. DOCE: Yeah, I do, but I also, I
11 saw Jerry had it.

12 MR. HINES: Oh, okay. Oh, that's
13 right, you said it before.

14 MR. CANFIELD: Yeah, I sent that to
15 Dominic and Pat this afternoon, but I think --

16 MR. HINES: Both of us are having
17 internet issues.

18 MR. DOCE: Oh, okay, all right.

19 MR. CORDISCO: Yes, I did receive it,
20 thank you.

21 MR. HINES: And then the only other
22 issue on my comments that is major is we want to
23 see the septic system, that rather than
24 referring to a 2009 map that's shown on this
25 one.

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CHAIR EWASUTYN: okay?

MR. DOCE: Okay.

CHAIR EWASUTYN: Thank you.

MR. DOCE: Thanks.

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

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH PLANNING BOARD

4 -----X
In the Matter of:

5 CHADWICK WOODS
6 (19-02)

7 174 South Route 300
8 Section 14; Block 1; Lot 51
RR Zone
-----X

9 APPEARANCE
10 FIVE LOT SUBDIVISION

11 Date: August 6, 2020
Time: 7:13 p.m.

12 Place: Town of Newburgh
13 Town Hall
14 1496 Route 300
Newburgh, New York 12550

15 BOARD MEMBERS: JOHN P. EWASUTYN, Chair
16 FRANK S. GALLI
17 CLIFFORD C. BROWNE
18 KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

19 ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
20 PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

21 APPLICANT'S REPRESENTATIVE: CHARLES BROWN

22 Reported by: Kari L. Reed
23 -----

24 MICHELLE L. CONERO
25 3 Francis Street
Newburgh, New York 12550
(845) 541-4163

1 Proceedings

2 CHAIR EWASUTYN: Our third item of
3 business this evening is the return of a five
4 lot subdivision, Chadwick Woods. It's located
5 on Route 300. It's in the RR zone. And it's
6 being represented by Charles Brown of Talcott
7 Engineering.

8 MR. BROWN: Thank you, John.

9 This five lot subdivision has been
10 before the Board before. At that time we were
11 showing wells and septic and all the access off
12 of the state highway. As requested by the Board
13 and Pat Hines, we now show a cul-de-sac. We only
14 have one house coming off of Route 300. And the
15 houses are all served by town water. That's it.

16 Oh, we also, sorry, we also show septic
17 now on lot five. On the last version we had that
18 as a lot not to be built at this time.

19 CHAIR EWASUTYN: Okay. Charlie.

20 MR. BROWN: Yeah.

21 CHAIR EWASUTYN: Did you have an
22 opportunity to read --

23 MR. BROWN: I did.

24 CHAIR EWASUTYN: -- the comments from
25 Pat Hines?

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2 MR. BROWN: Yes, I did. And yeah, I
3 don't have a problem with the comments. I do have
4 one question based on that, though. If we can
5 work out a deal with DOT to trench, we would
6 actually probably prefer to do individual services
7 instead of extending a line and putting a hydrant
8 in. And I, you know, would want to know if that's
9 okay with the Board and Pat.

10 MR. HINES: Yeah, I have a concern of
11 how long the laterals are even with the hydrant --
12 the line being extended. There's -- I think the
13 one to lot five and lot four is over 500 feet
14 long.

15 MR. BROWN: Yeah, we might have to
16 upsize them to --

17 MR. HINES: So I would suggest that you
18 set up a meeting with myself and the water
19 superintendent to discuss that. But I think the
20 right way to do it would be to extend that line.
21 And I do have a concern about the flow of pressure
22 on -- a lot of the laterals that you're proposing
23 now are very long, even with the couple hundred
24 foot of water main extension.

25 MR. BROWN: Mm-hmm.

1 Proceedings

2 MR. HINES: Now, there's a note on the
3 plans regarding the need for booster pump stations
4 on each of the houses right now.

5 MR. BROWN: Well, we haven't -- we
6 don't have the results of a pressure test on that
7 water line. So I talked to my client today about
8 getting that coordinated, so we'll give that to
9 you also. And, you know, that's, that's going to
10 be the big thing, because we had to do it up at
11 Bannerman at both houses because there was not
12 enough pressure, even though it was right next to
13 a water tank.

14 MR. HINES: Yeah, it was just the
15 elevations. So I think if you can gather that
16 information, I mean, I'm in favor right now of
17 running the water main across the state highway
18 rather than having -- I believe the water main is
19 on the opposite side of the state highway?

20 MR. BROWN: Correct.

21 MR. HINES: So it would make sense to
22 run the main extension. That does require Health
23 Department approval, but I think we need some
24 additional information. I'm not even sure that
25 the laterals you have now are going to function,

1 Proceedings

2 so we'll need that information developed.

3 MR. BROWN: Okay.

4 MR. HINES: And then I have a comment
5 on DOT or -- did you have any conversation with
6 them allowing the additional driveway with the
7 private road?

8 MR. BROWN: Yes. They're okay with it.

9 MR. HINES: So that's --

10 MR. BROWN: There's no problem on that.

11 MR. HINES: And then the rest of my
12 comments, a lot of them have to do with the water
13 main. Private road access, a maintenance
14 agreement will be required. The construction of
15 the private road does trigger the need for a
16 stormwater pollution prevention plan. So probably
17 an erosion sediment control plan in there. A
18 report will be required by the Town. Town of
19 Newburgh stormwater management regulations are
20 triggered upon the construction of a road.

21 MR. BROWN: I'm aware of that.

22 MR. HINES: Yeah.

23 CHAIR EWASUTYN: Jerry Canfield?

24 MR. CANFIELD: I have nothing
25 additional.

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2 CHAIR EWASUTYN: Okay. I turn to the
3 Board for comments. Stephanie DeLuca?

4 MS. DeLUCA: None at this time.

5 CHAIR EWASUTYN: Dave Dominick?

6 MR. DOMINICK: Nothing further.

7 CHAIR EWASUTYN: Cliff Browne?

8 MR. BROWNE: No. This doesn't clean up
9 all that pressure testing stuff, but.

10 MR. HINES: So we -- the project is
11 located in the Town of Newburgh's Chadwick Lake
12 Critical Environmental Area, which makes any
13 action a Type I action, so it needs to be
14 circulated to the involved agencies and the DEC.

15 CHAIR EWASUTYN: Excuse me.

16 MR. CORDISCO: My apologies.

17 MR. HINES: And the DEC. So the Board
18 could declare its intent for lead agency and we
19 can begin that process to circulate to the
20 agencies.

21 CHAIR EWASUTYN: Ken, Ken Mennerich,
22 any comments?

23 MR. MENNERICH: No questions.

24 CHAIR EWASUTYN: Frank Galli?

25 MR. GALLI: No.

1 Proceedings

2 CHAIR EWASUTYN: Dominic Cordisco, did
3 you have anything to add?

4 MR. CORDISCO: Only that the action
5 that the Board can take tonight, it would be to
6 circulate for lead agency, as this is a Type I
7 action and that is required.

8 CHAIR EWASUTYN: Okay. Would someone
9 make a motion to declare its intent for lead
10 agency? We'll circulate to the Orange County
11 Health Department, the DOT, and DEC? It's too
12 early to circulate -- is it too early to notify
13 the Orange County Planning Department?

14 MR. HINES: Yeah. I think we need to
15 work out --

16 CHAIR EWASUTYN: Okay.

17 MR. HINES: -- some of these water
18 issues, but I think we can start that.

19 MR. BROWN: Agreed.

20 MR. GALLI: So moved.

21 MR. MENNERICH: Second.

22 CHAIR EWASUTYN: I have a motion by
23 Frank Galli. I have a second by Ken Mennerich.
24 Please say roll call vote starting with Stephanie
25 DeLuca.

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2 MS. DeLUCA: Aye.

3 MR. DOMINICK: Aye.

4 CHAIR EWASUTYN: Aye.

5 MR. GALLI: Aye.

6 MR. MENNERICH: Aye.

7 MR. BROWNE: Aye.

8 CHAIR EWASUTYN: The motion carries.

9 MR. BROWN: Thank you.

10 Did you need additional sets, Pat?

11 MR. HINES: Yeah, I'll need sets for
12 each of those agencies that we talked about, to
13 complete the EAF and everything.

14 MR. BROWN: Okay. Thank you.

15 (Time noted: 7:19 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

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within-entitled matter and that the within
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my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

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

In the Matter of:

BUILDING BLOCKS CHILD CARE CENTER-EXPANSION
(20-10)

248 Lakeside Road
Section 51; Block 10; Lot 11.1
B Zone

INITIAL APPEARANCE
AMENDED SITE PLAN

Date: August 6, 2020
Time: 7:19 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: ASHLEY TORRE

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: Our fourth item of
3 business this evening is the initial appearance
4 for an amended site plan for Building Blocks Child
5 Care Center expansion. It's located on Lakeside
6 Road in a B zone, and it's represented by Ashley
7 Torre; is that correct?

8 MS. TORRE: Yes, that's correct.

9 CHAIR EWASUTYN: Thank you.

10 MS. TORRE: Hello all. This is an
11 application to amend the existing site plan to
12 extend -- currently it's being used as a child
13 care center, nursery school/day care, and there's
14 an accessory building that's 567 square feet, and
15 they're looking to expand the use into that
16 building. There's no new construction or no new
17 improvements to the proposed application. The
18 current use was pursuant to a use variance that
19 was obtained many years ago. But since then the
20 Town of Newburgh had actually amended the zoning,
21 so now it's a permitted use in the B district
22 subject to Planning Board approval.

23 So, as far as SEQRA goes, we believe
24 this is a Type II action. It does require being
25 brought to the County Planning Department, so we

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2 would ask that that be done tonight. As far as
3 the public hearing, I understand that's
4 discretionary for this type of application. And
5 given the nature -- the nature of we're just
6 extending an existing use and it's a small
7 building that's involved, and no new improvements
8 or construction, we'd ask that the Board consider
9 waiving that.

10 Also, there's some time pressing need
11 to expand for my client, and Ms. Maria Marino is
12 here and can explain all that, but really due to
13 the Corona virus and the need for additional child
14 care because of what's going on with the schools
15 right now and the uncertainty there.

16 So there are some existing variances,
17 area variances as well, but those aren't being
18 impacted at all by this application.

19 CHAIR EWASUTYN: Thank you. At this
20 point we'll turn to Gerry Canfield, code
21 compliance officer.

22 MR. CANFIELD: Once you get through the
23 planning process, should the Board approve the
24 project, then you'll proceed with the building
25 permit.

1 Proceedings

2 MS. TORRE: Mm-hmm.

3 MR. CANFIELD: And there will be some
4 code issues that need to be addressed as far as
5 the building goes. I see you're running a water
6 line, a fire protection line, you're sprinklering
7 the building, which is required, and I'm glad to
8 see that you're addressing that. If you need or
9 have any questions regarding the code
10 requirements, such as bathrooms and alarm systems
11 and whatnot, you can contact our department.

12 MS. TORRE: Okay. Thank you.

13 CHAIR EWASUTYN: Pat Hines, with
14 McGoey, Hauser & Edsall.

15 MR. HINES: Yeah. Our first comment
16 just has to do with the recent changes to Chapter
17 185 allowing this use in the B zone. So it's now
18 a conforming use. There's no new construction on
19 the project. It's a 567 or 576 square foot
20 building proposed, converted from I believe
21 storage. When I rode by today there was a hair
22 styling sign, I don't know what the use is, but
23 it's becoming into a conforming use now for child
24 care. The existing structures are shown connected
25 to the Town's water system. And we weren't sure

1 Proceedings

2 if this building is connected to the sewer system
3 currently.

4 MS. MARINO: It is.

5 MR. HINES: Oh, it is? So that's not
6 shown on the plans, but that's something that the
7 codes office can take a look at.

8 During the work session the members had
9 brought up that there's several vehicle parking
10 bumper blocks, concrete blocks along Lakeside Road
11 that are in pretty rough condition, the rebar is
12 sticking out of one side, so they're requesting
13 that those be updated.

14 The access doors to the 500 square foot
15 building, the Board was looking for some
16 additional curbing so that when you're coming out
17 of the doors there's some vehicle and traffic
18 control both on Lakeside Road and the other access
19 just to -- right now if you walk out of that
20 building you're in the parking lot like that, so
21 you can have some curbing put in there for
22 protection of your clients.

23 MS. MARINO: Mm-hmm.

24 MR. HINES: And there's an ADA
25 accessible parking sign that seems to be tipped

1 Proceedings

2 over in the parking lot, maybe some snowplow
3 damage that hasn't been rectified. So those were
4 discussed at the meeting.

5 CHAIR EWASUTYN: All right.

6 MS. TORRE: Do you have, I'm sorry, do
7 you have a copy of your comments or --

8 MR. HINES: I can -- I'll email them to
9 you as soon as I get email back in my office.

10 MS. TORRE: Perfect.

11 MR. HINES: I am currently --

12 MR. DOMINICK: Off the grid.

13 MR. HINES: Off the grid. It's not
14 fun.

15 MR. GALLI: Did you get his initial
16 ones?

17 MS. TORRE: No.

18 MR. GALLI: Here.

19 MS. TORRE: Great, thank you.

20 CHAIR EWASUTYN: Comments from Board
21 members. Stephanie DeLuca?

22 MS. DeLUCA: I had -- I did have a few
23 comments from the work session, but I believe
24 they're mostly code issues, so I'll defer them for
25 another time.

1 Proceedings

2 CHAIR EWASUTYN: Okay.

3 Frank Galli?

4 MR. GALLI: No additional comment.

5 CHAIR EWASUTYN: Ken Mennerich?

6 MR. MENNERICH: No questions.

7 CHAIR EWASUTYN: I'd like to see some
8 site plan improvements. I'd like to see pavers
9 going in along the side of the building where the
10 entry is, that full length, five foot wide to
11 accommodate for people. I'd also like to see the
12 same pavers along the front of the building, five
13 foot wide along Lakeside Road. I think it's an
14 active site, and I think you have to improve the
15 site to proper circulation and safety for
16 everyone. And I agree, I think with the curb
17 stops it might be more advantageous to replace all
18 of them, probably blend in the old, it would make
19 it much more proper to replace when you have the
20 ADA signage.

21 Ken Mennerich? I mean, excuse me,
22 Cliff Browne?

23 MR. BROWNE: No, I think it's all been
24 covered. Thank you.

25 CHAIR EWASUTYN: So at this point we

1 Proceedings

2 have to circulate to the Orange County Planning
3 Department. Dominic, would this be a proper time
4 for the Board, to poll the Board if they want to
5 waive the public hearing?

6 MR. CORDISCO: Yes, you certainly may.
7 And, in addition to that, I would note that the
8 application itself is a Type II action under SEQR.
9 So there's no requirement to take any further
10 action under SEQR, given the fact that it's less
11 than 4,000 square feet of commercial space is
12 what's proposed.

13 CHAIR EWASUTYN: Thank you.

14 I'll poll the Board members if they'd
15 like to have a public hearing or waive the public
16 hearing.

17 MR. GALLI: I think we should waive the
18 public hearing. It was a zoning change in the
19 Town. We noticed it publicly and had public
20 hearings on it and meetings, so I think that it
21 was held already. So I think that with the
22 content of what's taking place on the site we can
23 waive the public hearing.

24 CHAIR EWASUTYN: Thank you.

25 MR. MENNERICH: I agree with Frank.

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CHAIR EWASUTYN: Thank you.

MR. BROWNE: I agree. Thank you.

MR. DOMINICK: I agree.

MS. DeLUCA: I agree.

CHAIR EWASUTYN: Let the record show
that the Board waived the public hearing. And we
also are under the understanding that it's a Type
II action. Any additional comments or questions?

(No response.)

CHAIR EWASUTYN: Thank you.

MS. TORRE: Thank you very much.

CHAIR EWASUTYN: You'll work with Pat
Hines as far as an additional set of plans so we
can circulate it to the Orange County --

MS. TORRE: I actually have one on me I
can give you.

I think that's everything.

CHAIR EWASUTYN: Thank you.

MS. TORRE: Thank you.

(Time noted: 7:27 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

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

In the Matter of:

YOUNG SUBDIVISION
(20-02)

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

FINAL
FOUR LOT SUBDIVISION

Date: August 6, 2020
Time: 7:28 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

Reported by: Kari L. Reed

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

1 Proceedings

2 CHAIR EWASUTYN: Our fifth item of
3 business this evening is the final approval for
4 a four lot subdivision for the Young
5 Subdivision, located on Millhouse Road in the AR
6 zone. And it's being represented by Ross
7 winglovitz, from Engineering Properties. Ross.

8 MR. WINGLOVITZ: Good evening. For the
9 record, Ross Winglovitz with Engineering &
10 Surveying Properties here on behalf of the
11 Youngs.

12 A public hearing has been held, there
13 was a ten day period after that. I think there
14 was one comment that came in that was similar to
15 the comment which that was addressed at the
16 public hearing regarding drainage. We've got
17 Ulster County Health Department approval. The
18 attorneys are working out some notes as far as
19 making sure the lots stay combined and don't get
20 sold off because somebody doesn't pay taxes on a
21 piece of it.

22 At this point we would respectfully
23 request the Board consider granting additional
24 final approval to the application.

25 CHAIR EWASUTYN: Pat Hines, you work

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Proceedings

for both the Town of Marlborough and also the
Town of Newburgh and you're well versed on this.

MR. HINES: I do. So the Town of
Marlborough assumed lead agency for this project
and issued a negative declaration. The reason
behind that was that all the improvements on the
lots are in the Town of Marlborough, the two new
houses are located in the Town of Marlborough.

As a side note, we had a discussion
regarding recreation fees. I don't know if you
or Jay had given me a call regarding that issue.
And it's this Board's feeling that because the
houses are in the Town of Marlborough that the
Town of Marlborough recreation fees would apply.

The only outstanding condition we have,
we did discuss the drainage comments that we
received, and we passed those on to the highway
superintendent. There are existing conditions.
There's some ponding in the roadway during
wetter times of the year, that happens now, it's
not as a result of this subdivision, and the
highway department is aware of those. There are
some other existing drainage conditions and the
town is looking at that towards the Gomez

1 Proceedings

2 Millhouse as well.

3 There's that condition that Ross had
4 mentioned, the need to tie the project together
5 across the municipal town and county boundaries,
6 which would be a condition of approval.

7 That's all we had.

8 CHAIR EWASUTYN: Dominic Cordisco,
9 would you like to add to that?

10 MR. CORDISCO: Nothing further other
11 than that, as we've discussed previously, there
12 would be additional language that would be added
13 to both plats that would be filed in both the
14 Orange and Ulster County clerk's offices, as
15 well as deed language that would make it clear,
16 as Ross had mentioned, that the lots are
17 actually connected across county lines.

18 CHAIR EWASUTYN: Okay. Gerry Canfield,
19 do you have anything to add at this time?

20 MR. CANFIELD: No, nothing.

21 CHAIR EWASUTYN: All right.

22 Mr. Cordisco, if you could give us conditions
23 for approval for the Young Subdivision.

24 MR. CORDISCO: Yes. In addition to the
25 condition which I just mentioned, the Board

1 Proceedings

2 should also make a determination that no
3 recreation fees are due because there's no
4 physical structures that would be created, no
5 residences that would be created in the Town of
6 Newburgh. And also the other standard
7 conditions that all permits and fees are paid.

8 CHAIR EWASUTYN: Thank you.

9 Would someone move to grant final four
10 lot subdivision approval to the Young
11 Subdivision subject to the conditions that were
12 presented by Planning Board Attorney, Dominic
13 Cordisco?

14 MR. MENNERICH: So moved.

15 MR. DOMINICK: I make a motion.

16 CHAIR EWASUTYN: I have a motion by Ken
17 Mennerich, I have a second by Dave Dominick.
18 I'll also do a roll call vote starting with
19 Stephanie DeLuca.

20 MS. DeLUCA: Aye.

21 MR. DOMINICK: Aye.

22 MR. GALLI: Aye.

23 MR. MENNERICH: Aye.

24 CHAIR EWASUTYN: Aye.

25 MR. BROWNE: Aye.

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CHAIR EWASUTYN: The motion carries.

Thank you, Ross.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:32 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
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I further certify that I am not
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interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

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

In the Matter of:

O'BRIEN/GREENSHIRE SUBDIVISION
(20-05)

21 Greenshire Way
Section 11; Block 1; Lot 92.42
R1 Zone

TWO LOT SUBDIVISION

Date: August 6, 2020
Time: 7:32 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

Reported by: Kari L. Reed

MICHELLE L. CONERO
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Proceedings

CHAIR EWASUTYN: Our sixth item of business this evening is a return of a two lot subdivision, the O'Brien/Greenshire subdivision, located on Greenshire Way. It's in the R1 zone. And there again it's being represented by Engineering Properties. Ross?

MR. WINGLOVITZ: Yeah. For the record, Ross Winglovitz with Engineering & Surveying Properties, here on behalf of John and Ester O'Brien for a proposed two lot subdivision. This was first presented a few months ago in front of the Board. We had to wait for the DEC to get back out and delineate wetlands, they weren't delineated for a while. So they have delineated this wetland and we survey located the flags, completed the soil testing for the lot two and showed the design for a three bedroom home and septic system on a proposed 4.9 acre roughly lot, in addition to the existing home that will remain on 5.3 acres. I didn't get to chance to look at Pat's comments. The DEC approval block, we're just sending that out. It won't be on here, it will be a separate map --

MR. HINES: That's fine.

1 Proceedings

2 MR. WINGLOVITZ: -- which you'll get
3 with that on it.

4 The preexisting nonconforming front
5 yard scenario, I heard the discussion a little
6 earlier, and our position obviously would be that
7 that is not changing as a result of the
8 subdivision, but I understand the Town's position
9 is that if we're subdividing that lot that we
10 would need to go to the ZBA for relief even though
11 it's an existing condition.

12 MR. HINES: That is the case. You lose
13 that grandfathered protection upon the
14 subdivision, similar to the last discussion. I
15 apologize for not picking up on it last time, but
16 I saw it during this review.

17 MR. WINGLOVITZ: No worries.

18 MR. HINES: So the action would be a
19 referral to the ZBA for the front yard setback.

20 CHAIR EWASUTYN: Any comments while
21 Ross is before us now on the O'Brien subdivision?

22 (No response.)

23 CHAIR EWASUTYN: There being no
24 comments from Planning Board members, our
25 attorney, Dominic Cordisco, will prepare a

Proceedings

referral letter to the Zoning Board of Appeals,
Dominic?

MR. CORDISCO: Yes, that's correct.

CHAIR EWASUTYN: Okay, Ross.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:34 p.m.)

Proceedings

C E R T I F I C A T E

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) SS:
COUNTY OF ORANGE)

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interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

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

In the Matter of:

POLO CLUB
(18-12)

Route 300 and Jeanne Drive
Section 39; Block 1; Lot 1 and 2.12
R-3 Zone

PUBLIC HEARING
SDEIS

Date: August 6, 2020
Time: 7:35 p.m.

Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chair
FRANK S. GALLI
CLIFFORD C. BROWNE
KENNETH MENNERICH
STEPHANIE DELUCA
DAVID DOMINICK

ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

Reported by: Kari L. Reed

MICHELLE L. CONERO
3 Francis Street
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Proceedings

CHAIR EWASUTYN: Our sixth item of business this evening is a return of a two lot subdivision, the O'Brien/Greenshire subdivision, located on Greenshire Way. It's in the R1 zone. And there again it's being represented by Engineering Properties. Ross?

MR. WINGLOVITZ: Yeah. For the record, Ross Winglovitz with Engineering & Surveying Properties, here on behalf of John and Ester O'Brien for a proposed two lot subdivision. This was first presented a few months ago in front of the Board. We had to wait for the DEC to get back out and delineate wetlands, they weren't delineated for a while. So they have delineated this wetland and we survey located the flags, completed the soil testing for the lot two and showed the design for a three bedroom home and septic system on a proposed 4.9 acre roughly lot, in addition to the existing home that will remain on 5.3 acres. I didn't get to chance to look at Pat's comments. The DEC approval block, we're just sending that out. It won't be on here, it will be a separate map --

MR. HINES: That's fine.

1 Proceedings

2 MR. WINGLOVITZ: -- which you'll get
3 with that on it.

4 The preexisting nonconforming front
5 yard scenario, I heard the discussion a little
6 earlier, and our position obviously would be that
7 that is not changing as a result of the
8 subdivision, but I understand the Town's position
9 is that if we're subdividing that lot that we
10 would need to go to the ZBA for relief even though
11 it's an existing condition.

12 MR. HINES: That is the case. You lose
13 that grandfathered protection upon the
14 subdivision, similar to the last discussion. I
15 apologize for not picking up on it last time, but
16 I saw it during this review.

17 MR. WINGLOVITZ: No worries.

18 MR. HINES: So the action would be a
19 referral to the ZBA for the front yard setback.

20 CHAIR EWASUTYN: Any comments while
21 Ross is before us now on the O'Brien subdivision?

22 (No response.)

23 CHAIR EWASUTYN: There being no
24 comments from Planning Board members, our
25 attorney, Dominic Cordisco, will prepare a

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Proceedings

referral letter to the Zoning Board of Appeals,
Dominic?

MR. CORDISCO: Yes, that's correct.

CHAIR EWASUTYN: Okay, Ross.

MR. WINGLOVITZ: Thank you very much.

(Time noted: 7:34 p.m.)

1 Proceedings

2 CHAIR EWASUTYN: Our seventh item of
3 business this evening is a public hearing for the
4 SDEIS for the Polo Club, which is located on Route
5 300 and Jeanne Drive, in an R-3 Zone. Engineering
6 Properties will be discussing the project tonight.
7 I'm going to turn the meeting over to Dominic
8 Cordisco, Planning Board Attorney.

9 MR. CORDISCO: Thank you. Just give me
10 one moment, please.

11 At this point I have started the audio
12 on the Zoom meeting. And, once again, this is a
13 hybrid meeting tonight, that there is a public
14 portion for items that are not public hearings,
15 which are being held here at Town Hall, and there
16 is also a public hearing on the Polo Club
17 Supplemental Draft Environmental Impact Statement,
18 which, in accordance with the Governor's Executive
19 orders, is being done solely remotely. So at that
20 point, if I may, I'm going to read the Public
21 Hearing Notice that Mr. Mennerich would normally
22 be reading to the public.

23 CHAIR EWASUTYN: Thank you, please,
24 Dominic.

25 MR. CORDISCO: Notice of Acceptance of

Proceedings

Draft Supplemental Environmental Impact Statement as adequate for public and agency review, and Notice of Public Hearing. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York, will hold a public hearing on the site plan and Supplemental Draft Environmental Impact Statement pursuant to SEQRA for the application of the proposed Polo Club multi-family with senior housing bonus project. The public hearing will be held on the sixth day of August, 2020, at the Town of Newburgh Town Hall, at which time all interested persons will be given an opportunity to be heard regarding the contents of the Supplemental Draft Environmental Impact Statement and the proposed plan. Due to public health and safety concerns related to COVID-19, the Planning Board will not be meeting in person. In accordance with the Governor's Executive Order 202.15, the public may attend the August 6th Planning Board meeting via videoconference only, and a transcript will be posted on the Town's website at a later date. The public will have the opportunity to see and hear the meeting live and provide comments either during the public hearing

Proceedings

portion of the meeting or by mail or email up to ten days following the closing of the public hearing. Written comments may be mailed to the address above, or preferably sent by mail, by email, to planningboard@townofnewburgh.org. Members of the public wishing to speak at the public hearing must do so via Zoom or by telephone. To use Zoom, the Zoom app must first be downloaded and installed on smartphones, tablets or computers. And the Zoom link is included as well as the meeting ID and password, as well as the telephone number.

The Polo Club multifamily housing with senior housing bonus, Planning Board Project number 2018-12, is located off of New York State Route 300, south of Jeanne Drive in the Town of Newburgh, on property designated on the Town's tax maps as Section 39, Block 1, Lots 1 and 2.12. The project is a proposed 242 multifamily apartment complex, with 27 of the units being designated for seniors. The project proposes two alternatives for sanitary sewer treatment, including an on-site sewage treatment plant for conveyance of the sanitary effluent to the existing Town of Newburgh

1 Proceedings

2 collection system. Water supply will be provided
3 by the Town of Newburgh municipal water system.
4 The project is located in the Town's R-3 zoning
5 district, which permits six units per acre. The
6 project is seeking a senior density bonus, which
7 allows up to nine units per usable acre. A
8 minimum of one-third of the additional units must
9 be designated for senior housing.

10 Copies of the Supplemental Draft
11 Environmental Statement and site plans can be
12 viewed online at the Town's website or at
13 www.eppc.com, or at the office of the Planning
14 Board or at the Newburgh Free Library.

15 At this point I will be turning the
16 mute off for participants who are here by Zoom.
17 We ask that the participants identify themselves
18 for the record.

19 You should know that this is not a
20 question and answer session. All questions and
21 comments that you may have are being recorded, and
22 everything will be responded to in a Final
23 Environmental Impact Statement, which will be
24 considered by the Planning Board at later time.
25 If you agree with a comment that someone else made

1 Proceedings

2 previously, please say so rather than repeating
3 the comment.

4 By order of the Town of Newburgh
5 Planning Board.

6 So with that, Mr. Chairman, if it's all
7 right I would like to start to turn -- there are
8 several participants here, I'm not sure if they
9 all wish to speak, but I would like to start
10 opening it up to the public at this time.

11 CHAIR EWASUTYN: Is there anyone here
12 that would like to speak?

13 (No response.)

14 CHAIR EWASUTYN: Okay, let the record
15 show that there is no one here that would like to
16 speak. At this point we'll turn the meeting over
17 to Engineering Properties & Surveying.

18 MR. CORDISCO: Mr. Chairman, I'm
19 talking about on Zoom.

20 CHAIR EWASUTYN: Oh, I'm sorry, I'm
21 sorry.

22 MR. CORDISCO: I have not unmuted the
23 people on Zoom yet.

24 MR. HINES: Do we want to have the
25 applicant do a presentation before they speak?

1 Proceedings

2 CHAIR EWASUTYN: Normally we would.

3 MR. CORDISCO: But the problem is that
4 they wouldn't be able to see it.

5 MR. HINES: They'll hear it.

6 MR. CORDISCO: That's correct. Nor may
7 they not hear it if they're across the room.

8 MR. HINES: Yeah.

9 CHAIR EWASUTYN: Okay.

10 MR. CORDISCO: All right, at this point
11 there's an individual identified as Bill Dencker.
12 I am asking you to unmute. Mr. Dencker, if you
13 would like to speak, now would be your
14 opportunity.

15 (No response.)

16 MR. CORDISCO: Moving on, there's an
17 individual named Jeffrey Dobrinsky.

18 (No response.)

19 MR. CORDISCO: There are several other
20 people that are here. So, with that said,
21 Mr. Bill Feder is being asked to be unmuted.

22 I'm sorry, we cannot hear you.

23 MR. HINES: I have an email from
24 Mr. Feder.

25 MR. CORDISCO: Okay. I understand

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Proceedings

that, but we're not actually able to hear him at this time.

MR. GALLI: Do you want to read it?

MR. FEDER: Probably not. John, can you hear me, John Ward?

MR. CORDISCO: Actually, we can hear you now, Mr. Feder.

MR. FEDER: Oh, thank you very much. Thank you very much. I'd like to -- it's Bill Feder, 29 Rockwood Drive. And I'd like to talk about the options for the wastewater treatment.

The existing -- with the plant that's proposed, the existing stream for discharge is not much more than a dry swale in the area of this property. I was out there just this afternoon, and looking for, at least what I could see from Jeanne Drive, there's no water course at the beginning of this stream or creek or whatever they may want to call it. I even went all the way down to Gardnertown Road by Abbott Mills there where the stream empties out, and it's not much more than a trickle at this point. And the applicant knows, is aware of this being an intermittent stream because in the EIS his discharge said we'll

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comply with the intermittent stream requirements. That's all well and good, but when there's no flow at all, we have no dilution for what's coming into the stream. And some of the requirements in the SPDES application are comparative, they're not absolute, they're not limited, such as phosphorous is one milligram per liter I think it is, it may be less than that. But others, total dissolved solids are no more than 500 parts per million in excess of the background of the stream that it's feeding. Well, we have no stream, so what limit.

Same with temperature, water temperature. They have to maintain one or two degrees plus or minus the stream that's flowing. Well, there is no stream. What numbers do we use? If the plant fails then we potentially have, maybe not raw sewage, but not completely treated sewage going down an empty swale with no water dilution at all.

There's growing evidence in the area too with other similar SPDES operations, two right in the northern part of the Town of Newburgh, that are discharging directly into streams that feed Orange Lake that are seemingly contributing to the

1 Proceedings

2 alga growth in Orange Lake. Another in New
3 Windsor which feeds Browns Pond has been
4 questionable from -- by the City of Newburgh,
5 investigation by the City of Newburgh and
6 Riverkeeper. That letter is on file and hopefully
7 the Town was copied on that back earlier this
8 year.

9 So with that I'd just like to put in a
10 plug to dig a trench for four or five thousand
11 feet, whatever it is, pay the cost upfront and not
12 have to worry about long term maintenance of this
13 thing, operational costs, chemical disposal,
14 potential failures, whatever else. If the
15 applicant really cares about the future of the
16 environmental quality of the streams in town, I
17 think they should consider the direct connect.

18 So I said my piece. I'm really
19 discontent that the rest of the meeting was muted.
20 That's not fair to shut out the public, and I
21 think more should be said about that. Thank you,
22 have a good night.

23 MR. CORDISCO: Thank you, Mr. Feder.

24 MR. FEDER: I don't know if anybody --

25 MR. CORDISCO: All right. So there's

1 Proceedings

2 also someone here with the name Robert's iPhone.

3 MR. GEIGER: No questions or comments
4 from me. Thank you.

5 MR. CORDISCO: Could you please
6 identify yourself?

7 MR. GEIGER: My name is Robert Geiger.

8 MR. CORDISCO: Thank you very much.

9 There is also a T. Danker. Hello?

10 MR. DENCKER: Yes, hi. This is Bill
11 Dencker. I had a little difficulty getting on.
12 From Gardnertown Farm and Polo in Newburgh. Can
13 you hear me?

14 MR. CORDISCO: Yes.

15 MR. DENCKER: Can you hear me all
16 right?

17 MR. CORDISCO: Yes, we can,
18 Mr. Dencker, yes, thank you.

19 MR. DENCKER: I had a couple of
20 comments about the project. We've been here, I
21 don't know, 42 years, and we have Gardnertown Polo
22 for 30 years. And it's concerning to me the name
23 that they're using. As a polo club I'm not happy
24 with it at all. After establishing a club that's
25 nationally known for 30 years, as you could

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2 understand. So I just want to make that point
3 because I think that's important.

4 And I think I'm a little concerned
5 about it being so close to us, and we deal with
6 horses daily, and, you know, there's smells and
7 dust and we have horse shows and PA systems. So I
8 don't want someone to come up, you know, four
9 years from now, oh, you can no longer do that for
10 this reason, because we've done it here for 42
11 years.

12 And that's, that's the points that I
13 would want to place.

14 MR. CORDISCO: Thank you, Mr. Dencker.

15 Once again, there's a Jeffrey Dobrinsky
16 that is here.

17 MR. DOBRINSKY: This is Mr. Jeff
18 Dobrinsky. I have no comments.

19 MR. CORDISCO: Thank you.

20 There's someone identified as Yvonne.

21 MS. PHILLIPS: Hi. Yvonne. I live
22 directly across the street from where the
23 development will be. I'm just concerned about the
24 traffic that will be coming into the area.

25 MR. CORDISCO: Ma'am, would you mind

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2 providing your last name for the record, please?

3 MS. PHILLIPS: My name is Yvonne

4 Phillips. I'm at 1593 Route 300.

5 MR. CORDISCO: Thank you. Do you have
6 any additional comments, ma'am?

7 MS. PHILLIPS: That's it for now.

8 MR. CORDISCO: Thank you.

9 In addition there are two people that
10 have called in solely by phone, so I'd like to
11 unmute them now as well. There's someone that
12 called --

13 MR. CORBETT: Hello.

14 MR. CORDISCO: -- with a telephone
15 number 2489. Could you please identify yourself
16 if you'd like to speak?

17 MR. CORBETT: Yeah. That's me, it
18 would be John Corbett at 9 Gargoyle Lane, directly
19 across from the complex they want to put in.

20 MR. CORDISCO: Okay, Mr. Corbett. If
21 you --

22 MR. CORBETT: Hello?

23 MR. CORDISCO: Yes, thank you, we can
24 hear you. If you would like to provide your
25 comments, you may do so now.

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2 MR. CORBETT: Okay. My comment is that
3 the state road that's out there is set up so all
4 the water flow that comes down comes to the
5 Gargoyle side from Jeanne Drive on down. The road
6 was improperly put when the town turned it over to
7 the state and the state done nothing about it. I
8 don't know if they're going to do anything to kind
9 of fix that problem a little bit, because there is
10 no crown in the road.

11 Also, is there going to be an entrance
12 lane put in on the north side so that it doesn't
13 impact traffic anymore than it is? Traffic is
14 terrible here as it is. Have they done a traffic
15 study lately? And also, at one time they were
16 talking about putting a traffic light in. Is that
17 still under investigation to put one at Jeanne
18 Drive, or what are they going to do so that we're
19 able, as residents in this area, to get in and out
20 of our driveway, whether it be we go to the left
21 or the right.

22 MR. CORDISCO: Thank you, sir. Do you
23 have any additional comments?

24 MR. CORBETT: Nothing else at the
25 moment that I can come up with, you know. My

1 Proceedings

2 biggest concern is the traffic.

3 MR. CORDISCO: Thank you, sir.

4 with that we'll be moving on to the
5 last person that has attended, and that is also a
6 person by telephone, with the numbers 2138. would
7 you please identify yourself for the record?

8 MR. DENCKER: 2138, that would be my
9 house line. I called up on two different lines.

10 MR. CORDISCO: Ah. Understood. Thank
11 you, Mr. Dencker.

12 MR. DENCKER: Yeah, thank you.

13 MR. CORDISCO: With that said, it is
14 now 7:51, Mr. Chairman. Everyone who has attended
15 by Zoom has been given the opportunity to speak.

16 CHAIR EWASUTYN: Dominic, I'm not sure
17 of this, do we now turn to the Planning Board
18 members if they have any comments or --

19 MR. CORDISCO: You most certainly may.
20 We also discussed the fact that the power outage
21 has affected various different things, including
22 here.

23 CHAIR EWASUTYN: Why don't we take the
24 Planning Board members first and then we'll talk
25 about the August 20th extension.

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2 MR. CORDISCO: Certainly.

3 CHAIR EWASUTYN: Okay? That way we
4 kind of did a full circle from A to B.

5 MR. CORDISCO: Understood. But for the
6 purpose, I just want to mention one thing, for the
7 purposes of the people that are attending via
8 Zoom, we are not set up here to broadcast the
9 meeting fully for the public to participate in.
10 So the public cannot see what is occurring in the
11 room, nor may they be able to hear. I will
12 certainly leave it on unmuted at this point, but
13 it's not the intention of this Zoom meeting to
14 provide a full public access to this meeting. The
15 purpose of this Zoom meeting was solely to allow
16 for the public to provide their comments on the
17 Supplemental Draft Environmental Impact Statement,
18 and that was being done to make sure that we were
19 fully in compliance with the Governor's Executive
20 Order. That said, I just want to be clear for
21 everyone, because if you're not able to hear the
22 Town Board, the Town Planning Board members'
23 comments, it is not -- it was not designed to be a
24 portion of this meeting.

25 CHAIR EWASUTYN: Thank you.

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2 Stephanie DeLuca, do you have any
3 comments at this point?

4 MS. DeLUCA: Well, on the -- two of the
5 public members had mentioned two of the factors
6 that I was most concerned about, one being the
7 environmental and one also the traffic. From the
8 very beginning I was concerned about the capacity
9 on that road being rather -- just rather large.
10 And just, I've just been very concerned about
11 that, and also the environmental conditions. And
12 so I just wanted to echo that as well.

13 CHAIR EWASUTYN: Okay.
14 Dave Dominick?

15 MR. DOMINICK: Just taking off of
16 Mr. Feder's comments with the trench and the
17 wastewater, any comment on that and the sewage?

18 MR. WINGLOVITZ: In response to his
19 comments?

20 MR. DOMINICK: Yes.

21 MR. WINGLOVITZ: We'll provide a --
22 we'll provide a full written response to that in
23 the EIS. But the DEC has specific standards in
24 consideration of that flow, and they're called
25 intermittent stream standards for that reason.

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2 And it's the highest quality tertiary treatment is
3 required for the treatment plant. So it's treated
4 once, twice, and then a third time it's filtered
5 before it's discharged, and then it's also
6 potentially oxygenated, depending on what the
7 requirements are. That will be fully vetted as we
8 go through the DEC's detailed review process. So
9 they have issued a draft SPDES permit for us so
10 that we can at least get the design parameters for
11 the plant down at this point.

12 MR. DOMINICK: Thank you.

13 CHAIR EWASUTYN: Cliff Browne.

14 MR. BROWNE: I believe all the comments
15 that were addressed by the public have already
16 been involved or a good part of the environmental
17 study that will be in place, and at this point I'm
18 okay with going forward with what we have there.

19 CHAIR EWASUTYN: Okay.

20 Ken Mennerich.

21 MR. MENNERICH: Concerning traffic, in
22 the summary, the summary statement indicates that
23 really there's no difference between the build and
24 not build. And the only thing that's being
25 proposed is some traffic modifications on 300, 32

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2 and 300 -- Route 300 and Gardnertown, and the
3 Route 300 and Route 52 intersection. And that was
4 to reduce wait times. I guess in the final report
5 I would like to see more detail on that, because
6 it just is not intuitive for somebody that lives
7 in this area and travels these roads in the
8 conclusion.

9 CHAIR EWASUTYN: Frank Galli.

10 MR. GALLI: I just have a concern with
11 the sewer treatment plant. And I know this
12 project has been around a long time, and we have
13 discussed different options. And we keep coming
14 back to the sewer treatment plant, and I'm sure it
15 all have to do with costs. But bringing up what
16 Bill Feder just said about the -- it has to get
17 discharged into a stream that doesn't exist. I
18 mean, there's other options out there. I don't
19 know what the cost is to hook up to a sewer line
20 or run a sewer trunk line up Union Avenue, you
21 know, the road up there. I don't know what the
22 cost difference is between the sewer plant and
23 that type of thing, between the maintenance or
24 just hooking up to a sewer trunk line and then
25 there's no maintenance as far as compared to a

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2 sewer treatment plant. And that's my only
3 concern, if it's been looked at really well and
4 the cost has been put down on paper and the cost
5 difference, and I'm sure it has, but it's maybe
6 something you might want to consider, you know.
7 We're in the 21st century here, so sewer treatment
8 plants, I don't know, a sewer out front that you
9 can really run a line up and stuff, so.

10 MR. HINES: Frank, you're looking for a
11 cost-benefit analysis between the two
12 alternatives?

13 MR. GALLI: Yes.

14 MR. HINES: To be included in the FEIS?

15 MR. GALLI: Yeah.

16 CHAIR EWASUTYN: Gerry Canfield, do you
17 have anything to add?

18 MR. CANFIELD: Nothing additional.

19 CHAIR EWASUTYN: Okay. At this point
20 we'll turn the meeting back over to Dominic
21 Cordisco. Dominic.

22 MR. CORDISCO: Thank you, Mr. Chairman.
23 One of the difficulties tonight is due to the
24 power outages that have affected us after Tropical
25 Storm Isaias. There is no internet service here

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2 at Town Hall, so one of the things that we've had
3 to do is run the meeting off of my cell phone,
4 which is a somewhat limiting factor. There's also
5 existing outages that are continuing through the
6 Town. Ken Worstead had sent me a copy of the
7 current outages, and there is a number of
8 neighborhoods that are still without power at this
9 time. And since this was a public hearing
10 intended for people within the Town of Newburgh,
11 and it was being solely virtually, it is
12 conceivable that there are people that were not
13 able to participate simply because they either
14 didn't have power or, like us here at Town Hall,
15 we have power but we have no internet service. So
16 as a result my recommendation would be that this
17 public hearing be held open for and carried over
18 to the Board's next Planning Board meeting, which
19 would be on August 20th.

20 CHAIR EWASUTYN: Thank you.

21 Can I have a motion from the Planning
22 Board to extend the written comment and public
23 hearing to the 20th of August?

24 MR. GALLI: So moved. To keep it open,
25 right?

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2 CHAIR EWASUTYN: Yes.

3 MR. CORDISCO: Yes. To clarify that,
4 this would be to keep the public hearing portion
5 open.

6 MR. GALLI: Yes.

7 MR. CORDISCO: But public comment,
8 written public comment would be accepted as per
9 SEQR regulations for up to ten days following the
10 closure of the public hearing, whenever that may
11 be.

12 MR. GALLI: So moved.

13 MR. MENNERICH: Second.

14 MR. DOMINICK: I second that.

15 CHAIR EWASUTYN: I have a motion by
16 Frank Galli, I have a second by Ken Mennerich.
17 I'll ask for a roll call vote starting with
18 Stephanie DeLuca.

19 MS. DeLUCA: Aye.

20 MR. DOMINICK: Aye.

21 MR. GALLI: Aye.

22 MR. MENNERICH: Aye.

23 CHAIR EWASUTYN: Aye.

24 MR. BROWNE: Aye.

25 CHAIR EWASUTYN: The motion carries.

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Are we finished with this for now?

MR. CORDISCO: That's it for now.

CHAIR EWASUTYN: Ross, thank you.

MR. WINGLOVITZ: Thank you very much.

CHAIR EWASUTYN: Pat, Ross asked me
outside of the meeting, did you have written
comments? He didn't receive them.

MR. HINES: We will be providing those
to him within the time frames, but we wanted to
get a handle on the public input as well. But we
will be providing written comments prior to the
closing of the public comment period.

CHAIR EWASUTYN: Thank you.
Ross?

MR. WINGLOVITZ: Okay.

(Time noted: 8:00 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of August, 2020.

Kari Reed

KARI L. REED

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH PLANNING BOARD

4 -----X
5 In the Matter of:

6 TRINITY SQUARE
7 (2006-53)

8 Requesting a Six Month (180 day)
9 Extension, from August 6, 2020 to
10 February 6, 2021.
11 -----X

12 DISCUSSION

13 Date: August 6, 2020
14 Time: 8:01 p.m.

15 Place: Town of Newburgh
16 Town Hall
17 1496 Route 300
18 Newburgh, New York 12550

19 BOARD MEMBERS: JOHN P. EWASUTYN, Chair
20 FRANK S. GALLI
21 CLIFFORD C. BROWNE
22 KENNETH MENNERICH
23 STEPHANIE DELUCA
24 DAVID DOMINICK

25 ALSO PRESENT: DOMINIC CORDISCO, ESQ., Board Counsel
PAT HINES, P.E., Town Engineer
GERRY CANFIELD, Code Enforcement

APPLICANT'S REPRESENTATIVE: DARREN DOCE

Reported by: Kari L. Reed

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

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2 CHAIR EWASUTYN: This evening we have a
3 letter from Darren Doce requesting an extension
4 for the Trinity Square site plan. He'll be
5 requesting a six month extension, from August 6th
6 to February 6th, 2020, or 2021, excuse me.

7 Darren, do you want to speak to the
8 Board?

9 MR. DOCE: Yes. The applicant is still
10 trying to market the site. He doesn't have
11 really any plans of building it now that they're
12 at the age they are. And they're just requesting
13 to keep extending it. As long as the Board is
14 willing to keep giving them extensions, they're
15 going to keep requesting them.

16 CHAIR EWASUTYN: Frank Galli, your
17 opinion on granting an extension?

18 MR. GALLI: No, I don't want to extend
19 it.

20 CHAIR EWASUTYN: What?

21 MR. GALLI: No, I don't want to extend
22 it.

23 CHAIR EWASUTYN: Ken Mennerich.

24 MR. MENNERICH: How many extensions has
25 there been?

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2 MR. GALLI: 2006.

3 MR. MENNERICH: Since 2006?

4 CHAIR EWASUTYN: Darren, about how many
5 extensions from --

6 MR. DOCE: I believe the first --

7 MR. HINES: About 2008.

8 MR. DOCE: -- was approved in 2009, I
9 believe, they had two years after that. Or
10 approved in 2007, and I think the first extension
11 was in 2009 when they went back to preliminary.
12 And since then every six months.

13 MR. HINES: So 22.

14 MR. DOCE: For 13 -- 13 years, yeah.

15 MR. HINES: Twelve years, 11 years.

16 MR. DOCE: Twelve years.

17 CHAIR EWASUTYN: Ken Mennerich?

18 MR. MENNERICH: I guess no.

19 CHAIR EWASUTYN: Dominic Cordisco, I
20 have a question for you, it's more of a legal
21 question. It was Mike Donnelly who introduced to
22 the Planning Board members the procedure that a
23 applicant can rescind their final approval and go
24 back to conditional approval and that conditional
25 approval can last for whatever.

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2 MR. HINES: Yeah, they drop back to
3 preliminary is what it is.

4 THE ARBITRATOR: Thank you. Do you
5 remember that, Pat?

6 MR. HINES: Yeah, yeah. It was during
7 that 2008 era when the real estate market had
8 really crashed, and the Board made provisions for
9 ones that had conditional and final to drop back,
10 because otherwise we were tolling these along.

11 MR. CORDISCO: Yes. And at the time I
12 should add that part of the rationale for that,
13 not that I would ever fully understand or
14 appreciate Mr. Donnelly's rationale I'm sure, but
15 part of the rationale was that in 2008, while
16 preliminary approval could have been granted and
17 then extended indefinitely, that final approvals
18 during that time according to the Town Law were
19 subject to a 360 day maximum limit. It was a 180
20 day period, and then there was two 90 day
21 extensions that someone could get. And then
22 after that the conditional approval could not
23 have been extended any further. And so back in
24 that time period people were either really
25 careful about making, you know, wanting to make

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2 sure that they were truly ready for conditional
3 final approval, or, you know, they were hopeful
4 and they got conditional final approval but then
5 were not able to satisfy or were not prepared to
6 move forward during that time frame. And so
7 moving back, stepping back to preliminary was
8 entirely appropriate at that time.

9 Since then, there have been amendments
10 to New York State law that have removed that
11 restriction, so that now it actually tracks
12 preliminary approval. So that there is an
13 indefinite number of extensions that you can
14 theoretically grant for conditional and final
15 approval projects. However, the Board also can
16 certainly take into account whether or not
17 there's been any subsequent changes in law or
18 changes in circumstances in deciding whether or
19 not to grant any extensions. So a change in law,
20 for instance, would be if this was subject to
21 stormwater requirements and was designed pursuant
22 to stormwater requirements that were in place in
23 2006, but here we are in 2020 and it may not meet
24 those requirements, there may be a need to
25 revisit that, and so that would be an appropriate

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2 basis to step back to a preliminary approval
3 because you may want to factor that in. I'm just
4 -- I'm not saying that that's the case here.

5 MR. HINES: Right. Traffic conditions.

6 MR. CORDISCO: I'm saying that there
7 could have been an intervening change in law that
8 would need to be addressed. Or, more broadly,
9 the other category that case law says that the
10 Board has the discretion to withhold an extension
11 is whether or not there's been a change in
12 circumstances. And a change in circumstances
13 could be seen more broadly as changes in traffic
14 levels in a particular area or changes in things
15 that are happening in the neighborhood or there
16 might be other development that may potentially
17 have an impact on this particular project. I'm
18 throwing that out as a broad example. I'm not
19 saying that that's necessarily what you have to
20 find or what's particular to this. But you have
21 these two categories that you can consider when
22 deciding if or whether to or not grant
23 extensions. And that's either changes in law,
24 changes in circumstances.

25 CHAIR EWASUTYN: Pat, as far as the

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2 SWPPP that was done when he received this final
3 approval, and change in the law?

4 MR. HINES: There's been substantial
5 changes in the stormwater management regulations.
6 It was probably approved under the 2003
7 regulations which were initially updated in 2008,
8 then '10, then '12, '15, and '17. So it went
9 from, you know, stormwater management that was
10 quantity control with some water quality, and now
11 we're into green infrastructure and runoff
12 reduction requirements that the Board is aware of
13 that we look at during the SWPPPs. What changes
14 in condition the Board could consider, as Dominic
15 said, whether the traffic conditions are the same
16 or whether there's increased traffic. The
17 impacts of some of the residential developments
18 that you have in town have increased traffic
19 certainly.

20 CHAIR EWASUTYN: Well, I think Ken
21 Worstead stated just recently in a traffic report
22 that --

23 MR. HINES: The volumes are down.

24 CHAIR EWASUTYN: -- the volume is down
25 on Route 52.

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MR. HINES: Yeah.

CHAIR EWASUTYN: So that's been a recent study.

Darren, would the applicant, in order to maintain his conditional final approval, be willing to redo a drainage study on the property?

MR. DOCE: I assume he would if that's how he -- if that's the only way he could maintain it, yeah. I'd have to ask if he'd be willing to do that.

MR. CORDISCO: If I may, Mr. Chairman, it might not be an option.

MR. DOCE: Right.

MR. CORDISCO: I mean, because if a notice of intent was not filed with the DEC at that time, there were certain periods, and Pat can correct me if I'm wrong, but there were certain periods where if you design to a current plan and then it changed like at the next level, you would essentially be grandfathered with the prior plan. But, as Pat mentioned, there's been several iterations since that time, so I don't think that there's any grandfathering that occurred in the 2006 plan. Unless you filed and

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2 have opened a current notice of intent where you
3 started that process formally with the DEC.

4 MR. HINES: You'd be paying.

5 CHAIR EWASUTYN: Would you consider

6 a --

7 MR. DOCE: Can I just ask a question?

8 CHAIR EWASUTYN: Sure.

9 MR. DOCE: If this preliminary approval
10 is extended or it has been extended, and he wants
11 to eventually go back to final, does he have to
12 -- he would have to update everything to current
13 standards, right --

14 MR. HINES: Yeah, but that --

15 MR. DOCE: -- or is it all based on
16 what was previously --

17 MR. HINES: No, you would have to
18 update it. And that was the caveat back when
19 Mike Donnelly suggested this, is that you are
20 losing the protection of that conditional final
21 approval that you had by dropping back. But with
22 the real estate market and the condition of the
23 economy at that point, people were willing to
24 take that risk.

25 MR. DOCE: So then is there any harm in

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2 extending it, if he does come back to reinstate
3 final, he'd have to update everything then
4 anyway.

5 CHAIR EWASUTYN: Talking about
6 conditions, somewhat there's similar conditions
7 going back to 2008 that exist today in the retail
8 market in the area in general. I mean, because
9 of the virus, because of Amazon and shopping
10 online. The value of this property --

11 MR. DOCE: Right.

12 CHAIR EWASUTYN: -- where the site plan
13 is has been drastically affected. So there is a
14 strong similarity between 2008 and 2020. And the
15 fact that right now we don't know, but the shops
16 that haven't opened up, how long can they
17 continue to pay their lease or get credit on
18 their lease, and once that expires, we're going
19 to have a greater number of vacancies than
20 currently exist. And that's just my way of
21 looking at it.

22 MR. DOCE: I would agree. I mean, it's
23 approved as retail, and he's really getting no
24 interest in a retail project. He just is holding
25 out hopes that this will get built.

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2 But I certainly understand the Board's
3 position. This is thirteen years and going. How
4 many extensions are you willing to give.

5 CHAIR EWASUTYN: Cliff Browne.

6 MR. BROWNE: I personally would
7 consider extending this, but only this one last
8 time, with the condition that this be the last
9 extension.

10 CHAIR EWASUTYN: Okay.

11 MR. BROWNE: Just because of all these
12 things. If nothing has happened up to this
13 point, the chances of something happening in the
14 next six months are small, possible but small.
15 But I would be in favor of giving him that one
16 last chance. If it doesn't happen, he's not
17 going to go forward, then this will be the last
18 extension, from the way I'd look at it.

19 CHAIR EWASUTYN: Dave Dominick.

20 MR. DOMINICK: Darren you said your
21 applicant probably, for various reasons, is
22 really, you know, pulling back and not
23 proceeding. And the needle, as referred, in 13
24 years hasn't moved, it hasn't moved at all. So
25 there I'm with Cliff and, or excuse me, with Ken

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and with Frank, I cannot see another extension.

CHAIR EWASUTYN: Okay. Stephanie DeLuca?

MS. DeLUCA: I go back and forth, you know, just, it just seems like he's just holding out hope and holding out hope and holding out hope and it just kind of keeps not going anywhere. So it's a hard decision for me because of that. But I --

CHAIR EWASUTYN: What are you saying there?

MS. DeLUCA: I think I'm going to have to go with the rest of the guys.

CHAIR EWASUTYN: The -- I'm now speaking on my own. The retail or the square footage of the building is how many square feet, how many square foot total?

MR. DOCE: Just over ten.

CHAIR EWASUTYN: Ten. I'm looking for examples of between 2008 and 2020 where we approved a 10,000 square foot retail building like this, and I'm not comparing it to a CVS, which of course is larger. If I think and look quickly, I don't know of any that we have

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approved.

MR. GALLI: Gas stations.

CHAIR EWASUTYN: Yeah, well, you can't compare gas stations.

MR. HINES: What about the couple of strip malls ones down 52 here by the bowling alley there?

CHAIR EWASUTYN: They were existing.

MR. HINES: They were before that even, yeah?

CHAIR EWASUTYN: Yeah. One of them was. As a matter of fact, your father represented one of them, and he's a fellow who put in the concrete paving or concrete parking area, and apparently at that time he was in the concrete business.

MR. DOCE: Oh, okay, that's --

CHAIR EWASUTYN: But even now there's been more vacancies in and out. We have a building across from Shop Rite on North Plank Road that is probably somewhat less in square footage but similar in concept that's been vacant, it's been a white elephant. So I really don't see conditions between 2008 to our current

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2 conditions that were promoting or putting value
3 in what he has.

4 So again, my opinion is, I'm willing to
5 grant the one more six month extension because of
6 circumstances. Again, in my opinion they haven't
7 changed from 2008. Realizing also that this
8 family are much older, they appeared before us.
9 There's a lot of hardship because family members
10 have pretty much put in their life savings to try
11 and keep this afloat. So again, my opinion is I
12 would grant it, but I don't have the majority of
13 support on that.

14 So one more time we'll poll the Board
15 members. Frank Galli?

16 MR. GALLI: No.

17 MR. MENNERICH: No.

18 CHAIR EWASUTYN: Yes.

19 MR. BROWNE: Yes, one time.

20 MR. DOMINICK: No.

21 MS. DeLUCA: After hearing you say what
22 you did, John, I'm thinking of some things moving
23 up, I'm going to change my vote to yes.

24 CHAIR EWASUTYN: Okay. Let the record
25 show that we don't have a majority vote this

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2 evening, and we'll have to table it until we have
3 a full board; correct?

4 MR. CORDISCO: Yes, Mr. Chairman. You
5 should know that Mr. Ward did message me and he
6 does agree with your position and Cliff Browne's
7 position on this. But unfortunately he is not in
8 attendance tonight and so he cannot vote.

9 CHAIR EWASUTYN: All right. So Darren,
10 we'll let you know when we have a full board.

11 MR. DOCE: Thank you.

12 CHAIR EWASUTYN: Okay. And I think you
13 ought to have a discussion with the owners just
14 to let them know what may be at risk, what may be
15 at stake. Okay?

16 MR. DOCE: All right.

17 MR. HINES: Maybe next time when he
18 appears, if you could do a presentation for some
19 of the Board members who weren't here in 2008, so
20 they can --

21 MR. DOCE: All right.

22 MR. HINES: -- get a handle on what
23 you're --

24 MR. MENNERICH: The second part of that
25 site is a very tight site, he's got a screen

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2 behind it. And these changes that Pat has been
3 discussing --

4 MR. DOCE: Yeah, I know, the drainage
5 changes are --

6 MR. MENNERICH: -- you wonder if it's
7 still going to work.

8 MR. DOCE: Right, right.

9 CHAIR EWASUTYN: That's a good point to
10 bring up to the owners, it's a good point. That
11 was a property that originally belonged to, do
12 you remember Joe Costa?

13 MR. DOCE: Right.

14 CHAIR EWASUTYN: And Joe Costa went
15 ahead, and it was a very wooded site with oak
16 trees and everything, and Joe Costa came in, and
17 remember that Gerry, Joe Costa clear cut that
18 property, which triggered a lot of activity.
19 Then it was purchased by Ira Conklin.

20 MR. DOCE: Right, Ira Conklin.

21 CHAIR EWASUTYN: Ira Conklin did some
22 work, got some DEC approvals, and then got a
23 subdivision and sold what is today the storage
24 place. And then your, the people we are speaking
25 about tonight, bought this residual piece.

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2 MR. DOMINICK: What was the square
3 footage of the part you are talking about?

4 MR. GALLI: Five thousand, or five --

5 CHAIR EWASUTYN: Five hundred square
6 feet.

7 MR. GALLI: Or 600.

8 MR. CORDISCO: Yeah.

9 CHAIR EWASUTYN: Five hundred
10 seventy-six.

11 MR. CORDISCO: Yeah. It was a Type II
12 action under SEQRA because it was less than four.

13 MR. GALLI: Okay.

14 CHAIR EWASUTYN: All right? Thank you.

15 MR. DOCE: All right, thank you.

16 CHAIR EWASUTYN: Yeah, drive around
17 town. I'm not looking to sway anyone, but drive
18 around town and look at, and then you could
19 question when was it done, how long -- we had
20 some activity on North Plank Road, you know, but
21 they were even less than this place. The only
22 thing that you may want to consider somewhat
23 significant, but it was all part and parcel of
24 the original Price Chopper subdivision, and that
25 dates back to when they came in with that square

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2 footage. That's the only thing I could think of.

3 Okay, and then Pat Hines, for the
4 record would you discuss with us the Lakeside
5 senior housing project?

6 MR. HINES: Yeah. The Board received a
7 request from the owners of the Lakeside senior
8 housing project. There is a proposed gazebo
9 shown on the approved site plan associated with a
10 nature trail or exercise path on the site. They
11 have applied for the building permit for that
12 gazebo, and there's an issue with the
13 accessibility of the gazebo being on the nature
14 trail and the ability of people that are
15 physically challenged to access the gazebo. The
16 applicants have requested that they remove the
17 gazebo from the plan as a field change, as the
18 code department cannot issue them a building
19 permit due to the compliance issues. There was
20 discussion at the work session maybe the gazebo
21 should be replaced with a series of benches to
22 provide for some seating along the path, and it
23 seemed that the Board was willing to accept that
24 as a series of three benches in lieu of the
25 gazebo as a field change to allow the project to

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2 continue with a modified plan to eliminate the
3 gazebo.

4 CHAIR EWASUTYN: And what was the
5 suggestion coming the Planning Board members, or
6 recommendation?

7 MR. HINES: I believe it was a series
8 of three benches along at the beginning and the
9 end and then at the midpoint, and/or in the area
10 of the gazebo.

11 CHAIR EWASUTYN: Are the Board members
12 in favor of that?

13 MR. GALLI: Yes.

14 MS. DeLUCA: Yes.

15 MR. DOMINICK: Question, John?

16 CHAIR EWASUTYN: Sure.

17 MR. DOMINICK: With that I'd like to
18 see the material be like a Trex or a composite
19 bench.

20 CHAIR EWASUTYN: A what?

21 MR. DOMINICK: A composite, Trex type
22 bench material. Can we do that?

23 CHAIR EWASUTYN: And why is that?

24 MR. DOMINICK: Just something durable
25 that's going to last long, it will be out --

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2 MR. CANFIELD: Weather resistant.

3 MR. DOMINICK: What?

4 MR. CANFIELD: Weather resistant.

5 CHAIR EWASUTYN: Okay. Pat, can you
6 mention that to the applicant?

7 MR. HINES: Yes, I can.

8 CHAIR EWASUTYN: Would you ask him if
9 it would be possible for Stephanie DeLuca and
10 others at this point in time to walk the trail?

11 MR. HINES: Sure.

12 CHAIR EWASUTYN: Thank you.

13 No, you know, just so you're
14 comfortable, you know. We talk about these
15 things, and it's not meant to go in one ear and
16 out the other ear, otherwise we're wasting each
17 other's time. And I respect your comments and
18 your opinion. And I may want to go with you,
19 seriously.

20 Can I have a motion, please, to --

21 MR. DOMINICK: Make a motion.

22 CHAIR EWASUTYN: -- close the Planning
23 Board meeting of the 6th? I have a motion by
24 Dave Dominick.

25 MR. GALLI: Second.

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CHAIR EWASUTYN: Second by Frank Galli.
I'll ask for a roll call vote starting with Frank
Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIR EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIR EWASUTYN: The motion carries.

(Time noted: 8:23 p.m.)

C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public with and for the
State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this ____ day of _____, 2020.

Kari Reed

KARI L. REED