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

----- X

In the Matter of

ESTATE OF CRAIG M. MARTI
(2020-11)

Southwest corner of Nottingham Road/Yeoman Road
Section 63; Block 3; Lot 4.1
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: September 17, 2020
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
KENNETH MENNERICH
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
DAVID DOMINICK
JOHN A. WARD

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: FRANK VALDINA

----- X

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

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. We'd like to welcome you to
the Town of Newburgh Planning Board meeting of
September 17th. We have three items of business
on the agenda this evening.

At this point we're going to turn the
meeting over to -- first we'll start with a roll
call vote.

MR. GALLI: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. WARD: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MS. DeLUCA: Present.

MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Code
Compliance Supervisor, Town of Newburgh.

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

CHAIRMAN EWASUTYN: Thank you.

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

MR. GALLI: Stand for the Pledge, please.

(Pledge of Allegiance.)

MR. GALLI: Silence your cellphones, please.

CHAIRMAN EWASUTYN: Our first item of business this evening is a public hearing for the Estate of Craig Marti. It's being represented by Frank Valdina.

MR. VALDINA: Thank you, John.

The proposal is a --

CHAIRMAN EWASUTYN: Frank, I was just reminded that we have to read the notice.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Lands of the Estate of Craig M. Marti Two-Lot Subdivision, project 2020-11, for a two-lot subdivision on 41 Innis Avenue in the Town of Newburgh, designated

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on Town tax maps as Section 63, Block 3, Lot 4.1. The project proposes a two-lot subdivision of a parcel which is just over .99 acres in size. Existing and proposed lots will be serviced by municipal water and sewer. The project is located in the Town's R-3 Zone. A public hearing will be held on the 17th day of September 2020 at the Town Hall Meeting Room, 1496 Route 300, Newburgh, New York at 7 p.m. at which time all interested persons will be given an opportunity to be heard. By order of the Town of Newburgh Planning Board. John P. Ewasutyn, Chairman, Planning Board Town of Newburgh. Dated 3 September 2020."

CHAIRMAN EWASUTYN: Thank you.

MR. VALDINA: As the notice indicated, we have an existing roughly 1 acre parcel which has a residence on it. The proposal is to cut off one additional lot, approximately 1.5 acres in size, leaving the existing residence.

Both lots meet all zoning requirements.

The existing house is served by Town water and sewer. The proposed lot does have water and sewer available to it.

It meets all the zoning requirements.

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The comments at the last meeting were the addition of a culvert under the proposed driveway, 15-inch HDPE pipe would be installed.

All the signatures have been added to the mapper the request of the Planning Board.

There had been one additional amendment, a requirement by the County, which was the addition of the owner of the property, to indicate that the owner has deceased.

That basically is the scope of the project.

It's at the southwest corner of Yeoman and Nottingham. The existing residence actually fronts on Innis, opposite Algonquin Drive.

CHAIRMAN EWASUTYN: Thank you.

At this point, if there's anyone here in the audience that has any questions or comments, would you please raise your hand and give your name and your address.

MR. TOPLIFF: Ross Topliff, 30 Algonquin Drive.

CHAIRMAN EWASUTYN: Thank you. Your question or comment?

MR. TOPLIFF: I have a number of

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comments. I'm not opposed to the subdivision as is, however I question whether that lot is suitable for building a home on it, the reason being that there is an intermittent stream that runs down through that property. The stream drains sections of -- I have a written report here. I have a copy I can submit to you. The stream runs through the property, actively flowing at least six months out of the year, and there is a significant amount of water through that stream whenever there's a major rain event. The culvert under Innis/Nottingham Road continues down along the property line to various streams. The stream drains runoff from adjacent lots on Friar Lane, Yeoman Road and parts of Shady Lane. There are specific guides or gutters along the side of the road, as well as some culverts, to direct this water onto the property that is being requested for the subdivision. I have a number of photos showing the course of the stream, and I also took a section of the tax map and kind of laid that out for you.

The plans I thought would be on the minutes from the meeting where this was

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previously discussed. I did not find that, but that's okay.

Yes, we have -- my wife Carolyn and I have been in our home at 30 Algonquin Drive for almost fourteen years. Very active in the Town. We have a vested interest in keeping that particular lot wild. We enjoy, and our neighbors enjoy, the wildlife, plants and animals that are on that land. We also recognize the high value of open space and trees that currently inhabit that space.

This is one of only two undeveloped lots in this entire neighborhood. In talking to some of our neighbors when we received the notice of this hearing today of the subdivision, there are a number of us here because of that.

I spoke to Mr. Ken Mennerich in the past week and ascertained, if I understood him correctly, the Town of Newburgh does not presently have adequate provisions to permit the Town itself to purchase a lot such as this. But, you know, we're wondering if there might be some provision. I have not had the opportunity yet to follow up with organizations who might be able to

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-- if the subdivision is approved, to then purchase that lot and keep it in its current wild state. Obviously we would like that.

We really do not believe that this lot, because of the stream flowing through it primarily, as well as some of the other geography of that, that we believe it is not suitable for a subdivision -- suitable for a single-family home, even though we agree with Mr. Valdina that it does meet all of the zoning requirements.

CHAIRMAN EWASUTYN: Frank, do you have any questions or comments to answer this?

MR. VALDINA: The only comment I have is there's an existing culvert under the road that picks up the drainage that comes off of the lands to the west. They do go through the property and they do have access to that culvert. The Town has installed a drainage system on Yeoman which does have a pipe that comes down and discharges onto the site. In my mind that's an illegal discharge. But anyway, that water does come from across basically all the westerly side of the property, joins up with the line coming -- the drainage from the west and proceeds on

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easterly to the culvert under the road. The rest of the site is -- the grading will be sufficient for a single-family residence.

As far as keeping it natural. If they want to purchase the lot, it will be for sale, they can do what they want with it.

As far as anything else, I have no other comment.

CHAIRMAN EWASUTYN: Do you have something you can submit to Pat Hines?

Pat Hines, would you raise your hand?

MR. GALLI: Frank, will you show us where that stream supposedly runs?

MR. VALDINA: Well what it is, coming off the back there's a lot over there that has a three-foot wide drainage easement which discharges onto this property. There's no drainage easement required by the Town to carry that drainage through the lot. It's just where it naturally flows. It's basically approximately along this proposed property line. The drainage coming off the road, which I say the Town just dumps onto the private property without any easement, then comes basically in a southerly

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direction and joins up with that drainage and proceeds through the culvert under the road. The Town put this culvert in. I know it was going back when Herb Orr was the Town engineer, they did go in and put a new culvert in there. They put an underdrain system under Yeoman. Again, an underdrain system discharging on private property without an easement, in my opinion, even though I'm not an attorney, should not be allowed. Just like the drainage system they put in. They just picked up road drainage and are dumping onto the property. The Town does have the right to carry water from one side of the road to the other without easements. As far as just picking up drainage and dumping it on private property, as far as I'm concerned, even though I'm not an attorney, is not quite kosher.

CHAIRMAN EWASUTYN: Pat Hines, have you had an opportunity to look at that?

MR. HINES: I did. The photos right now don't show any water flowing. I assume it might flow during storm events.

MR. TOPLIFF: Correct. Approximately six months out of the year. You know, winter and

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spring there is active water flowing. Obviously right now, because of the dry season, there is no water flowing through that streambed.

MR. HINES: We also did note the culvert at Nottingham, which I always thought was Innis. The culvert is depicted there. I assume during construction any water will be put down the Town property line that will then exist between the two lots.

MR. VALDINA: That would be grading. Anything that's needed along the westerly property line and the southerly property line to get the water to the existing culvert. The majority of the lot is high enough where it's not impacted by the runoff.

CHAIRMAN EWASUTYN: Okay.

MR. HINES: Yeah. It looks like -- I don't know if I'd call it a stream. It looks like certainly during rainfall time there is runoff going through the site. There is evidence there are no leaves in the bottom of that swale. I do note the topo doesn't show any swale on the site really. I believe that whatever stormwater enters the site could be addressed as long as it is

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discharged. That's the reason we requested the culvert at the driveway. We took a look at that topography as well and believe that the culvert at the driveway would also allow water on Nottingham to drain to the existing culvert where it does today, making sure the driveway doesn't create an impediment.

CHAIRMAN EWASUTYN: Thank you.

Is there anyone else in the audience that has any questions or comments?

MR. FETTER: Bill Fetter, Rockwood Drive. Nothing regarding the project of any significance. The description on the agenda doesn't quite match what we saw on the public announcement. I was just wondering which one is correct. I don't know if the lot description was the same. At least on the agenda I'm looking at. Section 20, Block 1, Lots 1 and 3.35.

MR. HINES: My agenda doesn't say that.

MR. DOMINICK: He's got something different.

CHAIRMAN EWASUTYN: You may have an older agenda that was posted. I apologize.

MR. FETTER: Okay. Thank you.

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CHAIRMAN EWASUTYN: The lady.

MS. CAMPOS: Hi. My name is Diana Campos, I live at 1 Friar Lane.

CHAIRMAN EWASUTYN: Can you spell that, please?

MS. CAMPOS: D-I-A-N-A C-A-M-P-O-S. I live at 1 Friar Lane. My husband and I have lived there for about seventeen years.

I guess my concern is yes, there is a stream that runs through it. I know because my dog has tried to run into it.

Also the concern of taking this one lot, which is green space in our neighborhood, which all of the neighbors enjoy, there is wildlife living there. The concern is, A, is there any -- is there any way of ensuring that it is only a one-family house that will be built, number one?

Number two, if a house is eventually built there, is there any way of ensuring it's not just a rental which will change -- the undoing of this lot will change the entire complexion of our neighborhood.

So really that is -- I'm coming here

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with that concern. Our neighborhood is not the newest one in the Town but it is a very close neighborhood.

I've also seen, since I've lived there, how many new people have come into the community and have really painstakingly taken time to improve their homes, improve their lots, improve their land. There's no way of ensuring that a new build on this lot that was previously green space will not become a rental. It will not become a three-family house.

So that's really my concern. That's why I'm here today. Thank you.

CHAIRMAN EWASUTYN: I'd like to turn the meeting over to Jerry Canfield, Code Compliance. Jerry.

MR. CANFIELD: What's before the Board right now is a single-family. The zoning that is for the area -- the project as presented, it meets the zoning, so that is permitted. If the property were to become anything other than a single-family, such as a two-family or a three-family, that would be a violation and of course our department would have to take legal action

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against the owner to make it a single-family.

MS. CAMPOS: In the meantime everything has been upended and changed.

MR. CANFIELD: If they do that I would ask the neighbors report it to us, and then the owner has the option to come back to this Board to ask for something different, or probably the Zoning Board. That's what the approval or the project is proposed as, a single-family dwelling.

The other question that you had raised, whether it be a rental. There are no restrictions on it being rental property. If it's rented and it's not maintained properly, then there are rules and regulations for that as well, which the Code Compliance Department enforces.

I hope that answers your questions, those two items.

MR. HINES: The lot size would not permit a two-family house to be permitted there. In this zone a two-family house would require 50,000 square feet and they're proposing less than half of that.

CHAIRMAN EWASUTYN: Additional comments from the public?

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(No response.)

CHAIRMAN EWASUTYN: At this point we'll turn the meeting over to Pat Hines with McGoey, Hauser & Edsall.

MR. HINES: Our only outstanding comment, as was mentioned by Mr. Valdina, was we requested the highway superintendent weigh in on the driveway location and that an appropriate culvert be placed under the driveway so that runoff was not restricted across the lot. Those are the two outstanding issues we have.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance, do you have anything additional to add?

MR. CANFIELD: One question for Frank. The water service, Frank, is that coming in across -- it's off of Yeoman. Okay.

MR. VALDINA: The existing water line is both on Yeoman and Nottingham. There is an existing sewer lateral off Yeoman to service this lot, the proposed lot.

MR. HINES: It was stubbed out originally.

MR. VALDINA: Excuse me?

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MR. HINES: It was stubbed out originally.

MR. VALDINA: Yes. When they put the sewer main in.

MR. CANFIELD: So there would be no conflicts with the crossing?

MR. VALDINA: No. We meet all the Town requirements as far as separation, ten feet.

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

CHAIRMAN EWASUTYN: Comments from Board Members. We'll start with Cliff Browne in the back.

MR. BROWNE: No additional comments, John.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Nothing at this time.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No. You've answered the questions I had.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No additional.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

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MR. GALLI: I'm good.

CHAIRMAN EWASUTYN: Any additional
comments from the public?

(No response.)

CHAIRMAN EWASUTYN: I'm going to move
for a motion to close the public hearing on the
two-lot subdivision for the Estate of Craig
Marti.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by,
was that Frank Galli?

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Motion by Frank
Galli. Second by John Ward. I'll ask for a roll
call vote, please, starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

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Pat Hines or Dominic Cordisco, will you give us conditions of approval for the two-lot subdivision?

MR. HINES: The only conditions we have would be the highway superintendent's sign off, modification of the plan to show the culvert, and then payment of any fees, including recreation fees for the additional lot.

MR. CORDISCO: I concur, Mr. Chairman.

CHAIRMAN EWASUTYN: Having heard the conditions of approval for the two-lot subdivision for the Estate of Craig Marti, would someone move for that motion?

MR. WARD: So moved.

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a motion by John Ward. I have a second by Frank Galli. I'll ask for a roll call vote again starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you for coming out.

MR. VALDINA: Thank you.

(Time noted: 7:16 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 27th day of September 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

MILLER ENVIRONMENTAL GROUP
(2019-27)

77 Stewart Avenue
Section 98; Block 1; Lot 27.2
IB Zone

----- X

SITE PLAN

Date: September 17, 2020
Time: 7:16 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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

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CHAIRMAN EWASUTYN: The second item of business this evening is Miller Environmental Group. It's a site plan located on 77 Stewart Avenue in an IB Zone. It's being represented by Talcott Engineering. Charlie.

MR. BROWN: Thank you, Mr. Chairman. At our last appearance before the Planning Board it was noted there was an encroachment by my client on the Burton property and one by Conklin on our property. We have since contacted both of the property owners and have included in this application appropriate lot lines so that encroachment disappears. However, there are still quite a few variances required.

We're here tonight to request a referral to the Zoning Board. Or referrals.

CHAIRMAN EWASUTYN: Let's discuss the considerations for the variances, the lot line changes. I'll have Pat Hines, for the record, and Jerry Canfield speak on the matter.

Jerry, do you want to speak first or do you want Pat Hines to speak first?

MR. CANFIELD: We'll just echo Pat's comments. There are a couple added things that I

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have.

MR. HINES: I did review the revised plans as submitted, and I made an attempt to identify all of the variances that would be required. The onus is on the applicant's representative to identify those and provide a list for the Planning Board. There may be others that I missed. It's on the applicant to identify those variances. I think I hit the majority of them. There are quite a few.

The Miller Environmental lot, tax lot 27.2, has what's identified as a proposed enclosed drone containment pad. That is capital letter A on the plans. It has a 14.2 proposed side yard where 30 is required. What is identified as B on the plan, the proposed tank enclosure, has an 11.93 foot side yard where 30 is required. The existing office, identified as letter C, has a 9.14 foot side yard where 30 is required. The existing building and ramp, which is identified as D, has a 6.1 foot side yard where 30 foot is required. The existing storage building, identified as E, currently has a negative .8 encroachment which will be addressed

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by the lot line change to provide 5 feet where 30 feet is required. I think the attempt at 5 feet was to identify it as an accessory structure, but commercial site plans don't have accessory structures. That will also need a side yard. The existing shed, identified as F, has a 13.9 foot side yard where 30 feet is required. Once again, that is an accessory -- it looks like it's identified as an accessory structure, but it will be on a commercial site plan.

Tax lot 18, which is one of the residential lots, has a 39.94 foot front yard where 40 feet is required. A 14.83 foot side yard where 15 feet is required. A minimum lot area, after the proposed lot line change, of 14,107 square feet where 15,000 square feet is required.

Lot 20.1, which I will note in some locations is identified as lot 20 on the plans, so that needs to be cleaned up, has a 9.7 foot side yard where 15 feet is required. A 15.1 foot side yard where 30 feet is required. That's a total of -- that's a both side yard issue. They don't total to 30. The shortest one identified is

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2 15 and the other one would be where 30 is
3 required. Maximum lot building coverage is
4 identified as existing at 88 percent. After the
5 lot line change it will be reduced to 63 percent
6 which is in excess of the 25 percent permitted.
7 The maximum lot area of 14,000 square feet after
8 the lot line where in that case 17,500 feet is
9 required. There is an existing shed identified as
10 building H which has -- this is on the
11 residential lot, so it would be accessory -- a
12 1.18 foot side yard where 5 feet is required for
13 the accessory structure. The plan identifies
14 existing sheds K and L which are shown on the
15 smaller plan but are not identified on the larger
16 plan. I believe they're proposed to be removed,
17 but they should be reflected on the larger plan.

18 During the work session we did identify
19 the project is in the IB Zone abutting an R-3
20 Zone. The provisions of the buffer requirements
21 for projects in the IB Zone abutting a
22 residential district would also apply and may
23 require zoning relief for that as well. So you'll
24 need to take a look at that to determine if
25 relief from the IB to residential buffer is met

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on the project.

Again, I tried to do a comprehensive review but it is up to the applicant to identify the variances that are required.

MR. BROWN: I think you got them all, Pat.

As far as the 5 foot to the existing material storage building, I did that for building maintenance. Mr. Burton was courteous enough to accommodate us on that, so I didn't want to take a big chunk of the property.

MR. HINES: It still needs a variance.

MR. BROWN: Understood. Understood.

We have shed K and L to be removed over the title block here. I can include it in the plan.

You nailed them, Pat.

MR. HINES: Again, it's up to you to confirm that.

CHAIRMAN EWASUTYN: Mr. Cordisco, as Charlie said, Pat nailed them. Can you elaborate on nailing and unnauling as far as your referral letter to the ZBA?

MR. CORDISCO: Yes. I'll prepare a

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referral letter tomorrow.

Because they're in separate ownership, you should identify each lot as being in separate ownership. As Mr. Brown eluded to earlier, it may require three separate applications to the Zoning Board because they're all in separate ownership. The Board, however -- the Zoning Board may decide to consider them in a consolidated way so that it's all heard concurrently. But we do have the separate ownership issue.

CHAIRMAN EWASUTYN: And you also said that it would be the applicant's responsibility to do his due diligence and make sure that all the necessary variances are completed and done and not depend upon our consultant.

MR. CORDISCO: Yes. This is a little bit more complicated than a referral where there's only one variance involved.

MR. BROWN: A little.

MR. CORDISCO: There's quite a bit here and we want to make sure that the applicant does its due diligence and obtains -- seeks to obtain everything that would be required for the project at this time.

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MR. BROWN: When this project first came to me this was, I can't remember how many lots. The first thing I asked my client to do was combine all the lots so we're dealing with one parcel and didn't have buildings splitting lot lines. So we inherited it this way. We're trying to make the best of it. Again, I'm in agreement with Pat's assessment on the variances required.

I agree that we should submit three different applications. It will make it easier for me to make the presentation before the Zoning Board so what we're requesting is understood.

CHAIRMAN EWASUTYN: Thank you.

Comments from Board Members. Cliff Browne, do you have any comments?

MR. BROWNE: No.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: Charlie, just one housekeeping that was mentioned at the workshop. That's the Orange Lake Fire District, not Cronomer Valley.

MR. BROWN: Okay. I'll take care of that.

MR. DOMINICK: You nailed it.

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CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: No additional.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: No comments.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: You've got your work cut
out for you.

MR. CANFIELD: Excuse, me, John.

CHAIRMAN EWASUTYN: Jerry Canfield.

MR. CANFIELD: On lot 20, Charlie, we
discussed at the work session that most of these
area variances are required because the site --
you're losing the existing nonconforming
protection. The residence itself on lot 20 is in
an IB Zone. Currently existing single-family
residences are permitted. Existing. It's
existing nonconforming. You're losing that
protection and now that use may be in jeopardy. I
feel you should add that to your list of
variances. Perhaps you may want to ask the ZBA
for an interpretation on that in conjunction with
all the other variances that are required based

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on them losing the existing nonconforming protection. So I just bring that to your attention. You may want to add that.

MR. BROWN: Okay. Thank you, Jerry.

CHAIRMAN EWASUTYN: Would someone make a motion to have the Planning Board Attorney, Dominic Cordisco, prepare a referral letter to the Zoning Board of Appeals?

MR. DOMINICK: I'll make a motion.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a motion by Dave Dominick and a second by Cliff Browne. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. BROWN: Thank you very much.

(Time noted: 7:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of September 2020.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

THE POLO CLUB
(2018-12)

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

----- X

SDEIS

Date: September 17, 2020
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

----- X

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

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CHAIRMAN EWASUTYN: Our third item of business this evening is The Polo Club. It's located on Route 300 and Jeanne Drive. It's in an R-3 Zone. It's being represented by Engineering & Surveying Properties. It's before us for the SDEIS.

Pat Hines, would you bring us along on this?

MR. HINES: Sure. This project was before you for two public hearings, one of which was rescheduled due to the storm that had taken out power in various parts of the Town and was held remotely by an online web-based meeting. There was a concern that some of the public that may have wanted to participate could not. It was re-noticed last month and a second public hearing was held. That public hearing was left open for written comments for ten days after the minutes were posted on the Town's website. That time has elapsed now. I believe that no written public comments were received after the public hearing that was held by the Board.

In addition, I have provided my technical comments on the SDEIS, some of which

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were identified during the public hearing and others during a review of the information submitted.

At this point the Board would be in a position to close the public hearing and identify that the applicant should prepare the supplemental final environmental impact statement based on the comments from the Board, the public and its consultants.

CHAIRMAN EWASUTYN: Jerry Canfield, do you have anything to add to that?

MR. CANFIELD: Nothing.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney?

MR. CORDISCO: Nothing further, other than procedurally there are new timeframes that are in place at this time. It is up to the applicant to prepare a final environmental impact statement, in this case a supplemental final environmental impact statement. That document, when it's presented, even though it's prepared by the applicant, it becomes the Board's document. The conclusions and statements that are contained therein are really the position of the Board, not

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the applicant. The Board will have a full and complete opportunity to review that document to make sure that the statements and any mitigation measures that are included in it are fully satisfactory and address all the concerns of the Planning Board.

CHAIRMAN EWASUTYN: Thank you.

Would someone make a motion to close the public hearing on The Polo Club SDEIS?

MR. WARD: So moved.

MR. CORDISCO: Just to clarify. It should be the public comment period because the hearing itself has already been closed. This concludes all of the comments on the draft supplemental environmental impact statement.

CHAIRMAN EWASUTYN: I'll reword that motion. Would someone make a motion to close the public hearing comment on The Polo Club for the SDEIS?

MR. WARD: So moved.

MR. DOMINICK: Second.

CHAIRMAN EWASUTYN: Motion by John Ward.

MR. DOMINICK: Second.

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CHAIRMAN EWASUTYN: Second by Dave Dominick. Thank you. I'll ask for a roll call vote starting with Cliff Browne.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: So carried. Thank you.

MR. WINGLOVITZ: Thank you. There are a lot of comments here regarding the sewer. That's kind of the big thing that we heard going through the process.

One of the things we will do is we'll obviously provide more detail regarding the on-site plant versus the alternative sewer design connecting some 4,000 feet down 300 to the Newburgh existing sewer system.

There was a lot of concern regarding the intermittent stream and discharge to the stream. I just want the Board to know that the

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intermittent stream standards were specifically designed knowing that at some time during the year there will be no water in that stream corridor. They're the highest level of treatment. In fact, we're going to have primary sediment, there will be a sequential batch reactor, and then there will be filtration. After filtration there will be ultraviolet radiation to remove any bacteria, and then it will be re-oxygenated. That's how the process is proposed. Pat has some thoughts. We'll address those in the response, the SFEIS.

I'd be glad to answer any comments you have on that issue.

CHAIRMAN EWASUTYN: Does anyone have any comments while they have the opportunity? You've heard from Ross.

Cliff Browne, we'll start with you.

MR. BROWNE: There was a considerable discussion on the sewage treatment. I'd be very interested in that detail, how it's going to come out and how it'll work out. We'll be paying a lot of attention to that. Please do your homework on that really good.

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CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No. I'll just echo what
Cliff said.

CHAIRMAN EWASUTYN: Stephanie DeLuca?

MS. DeLUCA: Ditto what he said.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: The same thing. Just for the
capacity, to make sure it's upgraded.

MR. MENNERICH: Ross, will you be able
to show the economic cost of extending the sewer
line?

MR. WINGLOVITZ: We'll do that
comparison. I think that was asked for by Pat.
Yup.

CHAIRMAN EWASUTYN: Frank Galli?

MR. GALLI: I echo the same thoughts as
the rest of the Board.

CHAIRMAN EWASUTYN: Thank you.

MR. WINGLOVITZ: Thank you.

CHAIRMAN EWASUTYN: While the meeting
is still open; Cliff Browne, you won't be at our
next meeting?

MR. BROWNE: I will be.

CHAIRMAN EWASUTYN: You will be.

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John, you won't be at our next meeting.

MS. DeLUCA: I won't be either. October 1st. No, I won't be here.

CHAIRMAN EWASUTYN: Okay. Everyone else will be here. Thank you. Just for my own keeping, send me an e-mail, that way I can circulate it. I'd appreciate that.

MS. DeLUCA: Sure.

CHAIRMAN EWASUTYN: Then would someone move for a motion to close the meeting of September 17th?

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. Second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. WARD: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MS. DeLUCA: Aye.

(Time noted: 7:40 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of September 2020.

Michelle Conero

MICHELLE CONERO