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

----- X

In the Matter of

POLO CLUB
(2018-12)

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

----- X

FSEIS - 242-UNIT MULTI-FAMILY/SENIOR

Date: December 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
CLIFFORD C. BROWNE
STEPHANIE DeLUCA
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ, JAYNE
DALY & DAVID WEINBERG

----- X

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

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POLO CLUB

2

CHAIRMAN EWASUTYN: Good evening, ladies and gentlemen. We'd like to welcome you to the Town of Newburgh Planning Board meeting of December 17th. We have eight items on the agenda this evening. It's the last meeting for 2020.

We're trying to limit the amount of people sitting here this evening, and we'll do it based upon application by application just to be safe. We're not looking to restrict anyone but we're looking to keep everyone healthy.

So at this point we'll call the meeting to order with a roll call vote.

MR. GALLI: Present.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. BROWNE: Present.

MR. DOMINICK: Present.

MR. CORDISCO: Dominic Cordisco,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

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POLO CLUB

3

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

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

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand for the
Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DOMINICK: Please silence your
cellphones.

CHAIRMAN EWASUTYN: The first item of
business this evening is the Polo Club, project
number 18-12. It's located on Route 300 and
Jeanne Drive. It's in an R-3 Zone. It's for an
FSEIS, 242-unit multi-family project with senior
housing. It's being represented by Ross
Winglovitz of Engineering & Surveying Properties.
Ross.

MR. WINGLOVITZ: Good evening. For the
record, Ross Winglovitz, Engineering & Surveying
Properties. I'm here with the applicant, David
Weinberg, and his Counsel, Jayne Daly.

We were last in front of the Board in

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POLO CLUB

4

early November receiving comments on the draft of the FSEIS that we had submitted back on December 7th. We made a resubmission of that document along with some supplemental information, including an updated landscape plan.

We subsequently did receive comments from the Department of Transportation via Ken Wersted -- thank you -- and we were able to get a brief response in on those earlier this week.

I'd be glad to discuss any of the comments or submissions that the Board may desire.

CHAIRMAN EWASUTYN: Comments from Board Members at this point first?

MR. GALLI: I have no additional.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Excuse me?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: Did we get your response to the DOT comments?

MR. WINGLOVITZ: There was an e-mail that I had sent out with comments -- a comment

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response to the DOT. The primary issue was whether or not a left-turn lane would be required. Phil Grealy looked at that. We responded with a brief response letter and showed that we're committed as necessary to do a left-turn lane into the site. We do have the right-of-way by donating property on our side, so it is within our control. If that's what they require, that's what we'll do. We provided a sketch to show how that would be accomplished.

MR. MENNERICH: Thank you.

MR. WERSTED: To add to that, the response letter is dated December 15th. That was Tuesday I think.

MR. WINGLOVITZ: Yeah. The DOT letter came, I think, the day after we submitted the resubmission. We had to get something in quick, but we did get something back to Ken.

MR. MENNERICH: Did that also cover their comments about the Route 300/Route 52 intersection?

MR. WINGLOVITZ: Yes. There was an updated analysis included and a commitment from us to do the controllers, I guess, and for the

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signal work that they wanted on both that intersection and the Gardnertown Road intersection as part of our fair share improvements to that.

MR. WERSTED: The controllers that he's referencing are basically modems and transfer switches. It's equipment that would go into the cabinet, the signal cabinet, and allow DOT to communicate with those signals. So they're more -- they're new signals. They can sit in their office in Poughkeepsie and see what's happening at the traffic signal. If they decide to change the timings, they can push that information out to them. There are signals that they do not have communication with and they can't. They would have to have a field technician go out to the signal and manually change things. So that equipment being added would allow DOT to have that opportunity.

MR. WINGLOVITZ: There's only six or seven comments. If you want me to go through each one, I'd be glad to.

So one of their comments was about the width of the access drive. We're showing 20 foot

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wide. They want us to narrow the exit drive so that we don't have people going right and left at the same time. We don't have a problem with that at all. We need to maintain one of them at 20 feet. I did speak with Ken. We'll maintain the entrance at 20 feet and narrow the exit.

They just wanted to know the width of the emergency access road. By law that has to be 20 feet. We'll add a label on that. That's what it's drawn at, 20 feet.

They just want signage on that gate, which is no problem.

Number 4, they talked about a school bus -- this is going to be a school bus pickup. They talked about the fact if it was a bus pickup they'd want a pull off. We don't think that's a very good idea. I think it creates confusion when a school bus is pulled off to the shoulder and the stop sign is up, people don't know if they're supposed to go by or not. We're not proposing to put that in.

The left-turn lane analysis, this was the result basically. Phil's group said yes, we're going to need it because of the amount of

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through traffic that's already on the highway.

There was an updated analysis based on timing information they provided. I don't think anything changed of any significance.

The commitment to those transfer switches and modems that we agreed to do as part of our fair share.

MR. BROWNE: We spent considerable time at the work session discussing the sewage disposal plant. At this point in time you're going to go forward with the on-site plant?

MR. WINGLOVITZ: Correct.

MR. BROWNE: That's what you're going to?

MR. WINGLOVITZ: Both alternatives were analyzed but our proposal is that option.

MR. BROWNE: You analyzed the cost and all that. Could you give us a rationale as to why you're doing the on site versus trying to put together a --

MR. WINGLOVITZ: Specifically off the top is the cost. It's significantly more expensive, and that's primarily a combination of the cost of construction and the fees involved

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with connecting to the Town system. That puts the off-site option well over, I think it's close to 2.5 million we estimated. The on-site option was estimated at 1.3.

Second is control. Everything on site is within our control. We don't need agreements to have private improvements outside of the State right-of-way, which will be expensive.

The design and permitting of that is going to be quite extensive as well.

MR. BROWNE: Thank you.

MR. WINGLOVITZ: That was the two reasons.

MR. BROWNE: Thank you.

CHAIRMAN EWASUTYN: Dave Dominick?

MR. DOMINICK: No questions.

CHAIRMAN EWASUTYN: We have some of our consultants here. Karen was here earlier. She had another meeting to attend. She was in agreement with the resubmission on the landscape plan. We'll make that part of the record.

At this point, I think for the record we'll have Ken Wersted from Creighton, Manning speak.

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MR. WERSTED: We've reviewed DOT's comments and the applicant's responses. I think the responses probably still need to be submitted to the Board and shared. We're in general agreement with it.

DOT had also submitted an e-mail comment discussing the intersection of Gardnertown Road and Route 300. They felt that there should be improvements there but it's not necessarily the burden of one applicant. We did talk a bit at length about how to, you know, approach that and the challenges we have of one applicant who is much further ahead in the process than the next one, the next one being the next project on the agenda which is the Farrell Industrial Park which is north of this site and will contribute, obviously, to the traffic concerns at that intersection.

So trying to move forward, I think the Planning Board's Attorney had discussed a couple of options, one of which may be to try and come up with a resolution to that improvement or that intersection.

I think the question is is the Polo

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Club willing to contribute their fair share to that intersection relative to the improvements, the cost of which we don't really know. So one of those options is to do the engineering for it, determine what that cost is, the timing of which could be, you know, months from now. It's certainly not going to be a short-term answer.

Dominic, I'm probably not saying it eloquently enough, but --

MR. CORDISCO: The mechanisms that we discussed, you know, differ depending on whether or not the applicant acknowledges that there are traffic improvements that could be made at this particular intersection of Route 300 and Gardnertown and is willing to contribute its fair share towards that improvement. They're not the only applicant before the Board that has an impact to that. It's not as if anyone is suggesting that, you know, all the cost of potential improvements be made there.

One of the key issues is whether or not -- we're talking about the installation of a left-turn lane. Sitting here today, we do not know whether or not there's sufficient land

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within the New York State DOT right-of-way to accommodate that because it's a different proposition, right, as to if it's all within the DOT right-of-way then it costs X and if you have land that's outside the right-of-way then it costs Y.

I think that one of the mechanisms that we talked about was a condition in the findings statements that identified certain steps that this applicant could take to move that improvement forward. As Ken had mentioned, one of them would be the design, and the design would include a survey that would identify whether or not additional land was required.

MR. WINGLOVITZ: I'll look to my client.

MR. WEINBERG: So is the cost of that something that needs to be done now? I'm a little bit confused because I thought that some of the improvements that we were making to the traffic --

MR. WINGLOVITZ: What we proposed as part of the DOT response was the controls we would be putting in would be our fair share. Our

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POLO CLUB

13

impact on that intersection, I can't imagine, is very significant because all of our movements are through movements. There would be no left-turn movements at that intersection from our project, otherwise you would be driving out of the way. So we think we have a very limited impact on that intersection. I'll look to Ken as the expert to confirm or deny that. That's why we thought that doing the control work would be our fair share improvement towards that intersection.

MR. WERSTED: There's a contribution to the southbound left-turn movement on Route 300 then heading eastbound on Gardnertown Road. So that is -- that's where the project would put more burden on that intersection. Right now in the northbound direction there's a little bit of an area where if a left turner is stopped in the intersection, you can drive around if you're just heading northbound. In the southbound direction there isn't that opportunity. So if there is a left turner there waiting, everyone else is backed up behind them. That's where the Polo Club would impact that.

MR. WEINBERG: Again I'm a little bit

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confused in terms of the contribution that we would be putting forth. Is it something that we would do today or is there a cap on this contribution? I just can't agree to say to you without having any knowledge of what the cost is going to be or what the implications are, to say yes, we'll contribute X. If we had some idea of what we were talking about in terms of the dollar amount, that would make things a lot easier to make a rational decision on.

MR. WERSTED: DOT suggested having a meeting between the Town, the applicant and the agency to try and resolve or, you know, identify what some of those -- what the next steps, you know, would be.

MR. WEINBERG: I mean traditionally I never really had a problem doing our fair share in terms of working with DOT. Because, quite frankly, with the amount of traffic and the volumes, okay, on that State highway, I'm not sure that we have this tremendous burden.

MR. WERSTED: Right.

MR. WEINBERG: But I still need to have some idea of what we're agreeing to, if you will.

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MR. WINGLOVITZ: Were you suggesting some survey work and a conceptual plan as part of our fair share potentially as an idea?

MR. CORDISCO: That's what I understood was being suggested as a potential fair share contribution that would be volunteered by the applicant. That's what I was understanding.

MR. HINES: I thought there was going to be a credit. If that fair share was larger than that, there would be a credit for that work towards it. We don't know, similar to you don't know, what the scope of that work is yet, or the cost.

MR. WERSTED: To try and move forward, because we do have an applicant that is appearing before us tonight for the first time and their project is, you know, 1,000 feet up the road and their traffic impacts cover the same areas, that we try and establish a meeting with DOT and the applicants to discuss that matter further. I think the goal is to move the findings statement, that's what we're trying to get to, moving that forward, but we don't want to lose touch of this question, this concern that we have that we don't

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necessarily have resolved yet.

MR. WEINBERG: Again, I have -- I will agree to do our fair share with this. If it requires us to do the engineering upfront, okay, I don't really have an objection to that if it goes towards that fair share. It seems to me that between the modems -- and again, I'm not sure what I'm really talking about in terms of that -- the other work that we're doing and the engineering that we've been suggested that might help, that would seem to me would be sufficient to be able to handle our fair share on this.

CHAIRMAN EWASUTYN: I think this is a conclusion and an agreement that the Planning Board Members would defer to Ken Wersted and to Dominic Cordisco for our clear understanding and for your understanding. We discussed cost originally at the meeting. There was a question that I brought up. It seemed like, I apologize, it was putting the cart before the horse. Something you may not want to hear. A had to be done first. B had to be done first. C would be the formula based upon A and B.

Do you want to go through that one more

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time?

I agree with you, it's always good to have a number.

MR. WERSTED: Certainly. One of the first aspects would be to look at the engineering side of it. What is the available right-of-way there. What would the design look like. If the right-of-way isn't available there, it's a mute point. You know, you'd have to purchase private property to make this happen. So that's a whole other avenue. If the availability is there, the design gets done, cost estimates are prepared, now we know what the overall fee is to construct that. Then it could be divided up by the applicants before the Board. But that's the hurdle A and B that we need to get to before we can get to the answer, that being C.

MR. CORDISCO: If I could add to that. There's value in every step of that process because the survey itself, if the survey coupled with the design for the left-turn lane shows that it can all occur within the DOT right-of-way, that then is very helpful. Whether or not it occurs at this period in time or at some future

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date, it shows it's feasible and can be accomplished.

To Ken's point, that if there's land that outside the right-of-way that needs to be incorporated in that, that's not necessarily -- it doesn't mean that it can't move forward, it just has to move forward once, you know, a private landowner is either willing to give up that property or the DOT takes it as a taking. But at least it identifies what would be necessary for that. So there is true value in the engineering aspect of this at this time.

If the Board is deferring to us, my suggestion would be to work with the applicant to include revisions, not only that you put together in your letter, the response to the points made by DOT in their written correspondence, but also in the e-mail to address this particular comment and how the applicant is moving forward, and that we can provide that language in a revised final supplemental environmental impact statement.

I think the question for the Board is whether or not you are otherwise satisfied with the final supplemental environmental impact

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POLO CLUB

19

statement or whether or not there are other open issues that you would like to consider.

CHAIRMAN EWASUTYN: I'll start with Dave Dominick. Are you satisfied?

MR. DOMINICK: Yes. No further questions.

MR. BROWNE: Yes.

MR. MENNERICH: Yes.

MS. DeLUCA: Yes.

MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Yes, we are.

Let the record show that all Planning Board Members present this evening are satisfied with the record that's before us for the FEIS on the 242-unit project and senior combination that's being presented by the Polo Club and Ross Winglovitz of Engineering Properties & Surveying.

MR. HINES: Subject to the DOT meeting or --

MR. CORDISCO: Well --

MR. HINES: All other items except that; right?

MR. CORDISCO: I did not consider this an adoption of this document. The question is

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POLO CLUB

20

whether or not you want to adopt it tonight or do you want to see the revisions to address the traffic. You can do it either way.

CHAIRMAN EWASUTYN: I thought the question was do we want to adopt it this evening.

MR. CORDISCO: We had discussed that. So I think -- your comments to date show, and tonight in particular, show that you're satisfied with the overall elements and components of the project. So if the Board, at this time you want to adopt a resolution -- a motion, rather, that adopts the final supplemental environmental impact statement as complete and ready for public circulation subject to and conditioned upon revisions to address the open issues as identified by the DOT and as discussed tonight in connection with the potential improvements to Route 300 and Gardnertown, the Board can do that. So the Board could adopt it tonight so they don't have to come back just to hash out whether or not the written portion of the document fully satisfies that.

I understand that the Board is deferring to myself and to Ken Wersted to make

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sure that the language fully addresses that.

So if you would like to make a motion to adopt the document subject to what I just said, and please don't ask me to say it again because I'll never get it right the second time --

CHAIRMAN EWASUTYN: Which has always been a matter in which we adopt or approved, either under a subdivision or a site plan, subject to the conditions that were stated by our Planning Board Attorney, Dominic Cordisco.

So having heard from our Planning Board Attorney, Dominic Cordisco, on adopting the FEIS and the conditions associated with it, would someone make -- a question?

MR. DOMINICK: No. I'll make a motion.

CHAIRMAN EWASUTYN: We have a motion by Dave Dominick. Do we have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: Do we have any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: We have a second by Frank Galli. I'll ask for a roll call vote

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POLO CLUB

22

starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. WINGLOVITZ: Thank you very much.

MR. WEINBERG: What's the best way --
we can set up a meeting? Or how can I expedite
this with you guys?

MR. CORDISCO: We'll be in touch by
e-mail. We'll set up a call, because I think we
can probably do this over the phone.

MR. WEINBERG: Perfect.

MR. WINGLOVITZ: A question. In
preparation of a finding, is that something we
should take a stab at and circulate to the staff?
Put together the bones of it?

MR. CORDISCO: That would be good.

MR. WINGLOVITZ: I'm sure Pat has
plenty of time to do that.

(Time noted: 7:20 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 21st day of December 2020.



MICHELLE CONERO

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

----- X
In the Matter of

FARRELL INDUSTRIAL PARK
(2020-16)

NYS Route 300
Section 1; Block 1; Lot 63.23
IB Zone

----- X

INITIAL APPEARANCE - SITE PLAN

Date: December 17, 2020
Time: 7:20 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

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

APPLICANT'S REPRESENTATIVE: JOSEPH MODAFFERI,
PHILIP CLARK, STANLEY SCHUTZMAN, MARC PETRORO

----- X

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Newburgh, New York 12550
(845)541-4163

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CHAIRMAN EWASUTYN: Our second item of business this evening is Farrell Industrial Park, project number 20-16. It's located on Route 300. It's an initial site plan. It's in an IB Zone. It's being represented by JMC.

MR. MODAFFERI: Good evening, Chairman, Members of the Board. My name is Joe Modafferi, I'm the project manager/landscape architect for the project. I'm here tonight with Greg Hancock with Farrell Building; Stanley Schutzman, the project attorney; Marc Petroro, the traffic engineer for us; and Phil Clark, our project architect.

CHAIRMAN EWASUTYN: Let me interrupt for one moment. If any of you professionals have a business card with you, would you please be so kind to leave them on the table where Pat Hines sits so our Stenographer, Michelle Conero, could have that as part of her record? Wearing masks today, it's very difficult to affectively hear what's being said.

MR. MODAFFERI: So tonight we're here for two things, initially to present our project. It's our first submission here. We are

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requesting a referral to the Zoning Board of Appeals, because we need a variance, and site plan approval from your Board.

So is it something for tonight you'd like us to focus on the variance aspect to refer to the Zoning Board or go through the whole project, just explaining what we want to do? How would you like to proceed?

CHAIRMAN EWASUTYN: We're actually looking at this as being a concept plan, although your submission is well advanced. Why don't we discuss it as a concept plan. You'll give us an overview of what's being proposed with the understanding that Dominic Cordisco, the Planning Board Attorney, at the conclusion of your presentation, and within a week or so, will prepare a letter to the -- referral letter to the ZBA stating what the variances are you're looking for.

MR. MODAFFERI: Okay.

CHAIRMAN EWASUTYN: Great.

MR. MODAFFERI: Sounds good. So our site is on Route 300, the east side of Route 300, north of Little Brook Lane, which is a private

1 road here, and opposite the Storage Stop, which
2 is right here. The site is about 35.5 acres and
3 it's made up of -- it's one tax lot but it's made
4 up of two parcels. It's split kind of down the
5 middle with this line here. The zoning is IB,
6 Interchange Business. To the north it abuts the
7 R-1 District. This is a residential district up
8 here. Again, it's encompassed by Route 300 to
9 the west, undeveloped area and wetlands to the
10 east, residential to the north, and some
11 industrial/commercial type uses to the south and
12 southwest.
13

14 On the site today there is an abandoned
15 residential structure and a few other small shed-
16 type structures that will be demolished as part
17 of the project.

18 What we're proposing for this site is a
19 warehouse distribution center that would consist
20 of two buildings. Building A would be on the
21 west side of the site, 185,000 square feet; and
22 building B would be on the east side, 105,000
23 square feet. They both have about ten percent
24 office within them, which is standard for this
25 type of use. Building A is supported by 129

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parking spaces of which 124 are required and 44 loading spaces where 6 are required. Then there's 22 truck parking or trailer parking spaces on the end. So these have loading bays, these do not, the ones on the south. Similarly, building B is supported by 122 spaces where 70 are required. It has the loading spaces on the side and the trailer parking to the south there as well.

Because your code doesn't have a specific parking requirement for this type of use, we are doing our parking on a per -- I guess it's based on employees, and we're figuring on 1 employee per 1,000 feet which was determined using the U.S. EPA Energy Star data trend. So the Energy Star is -- you know, you go to the store and see the stickers on your microwaves and stoves and all that kind of stuff. They don't just do that. They look at kind of the overall energy usage throughout the country. They created this portfolio manager which is an online tool that people can use to calculate their energy uses. All this information gets put into there, they take that information out and develop

1
2 these data trends where they can identify the
3 number of employees and things for these
4 different uses. So the average use for -- the
5 average number of employees per square foot in a
6 use like this is half, half an employee per 1,000
7 feet, and the 95th percentile is 1.5 per 1,000
8 square feet. We went somewhere in the middle and
9 said it would probably be around 1. That
10 calculation that they do includes the entire
11 floor area, all the sub-uses and supporting
12 spaces such as the office.

13 The access to Route 300 is a single
14 lane in and out with an island in between. It's
15 been designed to accommodate the trucks and --
16 you know, delivery trucks and emergency vehicles.

17 Internal circulation. As you're coming
18 up through the site, the loading zones, as you
19 can see, are facing inside the buildings. So
20 there's nothing that's really facing out to 300
21 or the other areas that are already developed.

22 We are proposing an emergency access
23 from the end of Berry Lane. This is Berry Lane.
24 There is currently -- as I showed on the existing
25 plan, there is a small driveway/turnaround area

1
2 at the end here that served this existing house
3 at some point. So our thought was since we have
4 that access already, and the firehouse is right
5 at the intersection of 32 and 300, it's almost a
6 quicker loop for them to get to here from -- you
7 know, from just turning up on 32 and coming down
8 Berry Lane, so we made this connection. You
9 know, we're happy to discuss it with the Board
10 and see what your thoughts are.

11 The landscape design. Because we're
12 adjacent to a residential zone, we're required to
13 have 100-foot buffer. So this line right here
14 shows our 100-foot buffer of which the first 40
15 feet has to be undisturbed. We left that area
16 undisturbed. Within this plan we're proposing
17 over 243 evergreens, and 200 shade trees, and
18 then another 86 or so understory or flowering
19 trees mixed in with various meadows and lawns
20 throughout the site depending on whether it's a
21 slope, or the septic system, or the bottom of the
22 detention basins. We tried to stick primarily to
23 the native species where we could.

24 The site grading is intended -- there's
25 a big nub at the top of the hill here that we're

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pushing down. The intention is to balance the site so we're not shipping material either onto the site or off the site. The roadway slopes in this area here are less than 7 percent. We didn't want to get too steep because of course we're dealing with the larger trucks.

And then, as I said earlier tonight, we're requesting a variance. We're in need of a variance. That variance is for building height. So the building height is measured from the average grade for the facade of the building that is facing the street. We figured Route 300, this is the side facing the street for building A, and for building B this is. Although it's blocked by building A, it's still facing the street. So based on average grade -- both buildings are at the same finished floor elevation. Based on average grade, because we need to have -- we need to get to grade at the end here and here, we need to climb up a little bit on both ends. The average height for building A is 45.8 feet and the height for building B here is 48.8 feet average. Again, that's the loading dock side. The grade at the loading dock side has to be 4

1 feet below the finished floor. The building
2 heights practically -- I guess if you looked at
3 it without average grade, just from a finished
4 floor to top of the building, the buildings are
5 45 feet. That's a 42 foot roof and a 3 foot
6 parapet. What that does is that allows us to
7 get, I think it's 38 feet which is interior
8 height which is pretty much standard for this
9 type of use. Mr. Clark will go through that a
10 little bit more in his presentation.

12 A SWPPP was submitted for the project.

13 CHAIRMAN EWASUTYN: You mentioned the
14 heights. Just for conversation, the bulk
15 schedule for this zone, what's the maximum
16 height?

17 MR. MODAFFERI: I'm sorry. Yes. The
18 maximum height is 40 feet based on average grade.
19 So we're at 45.8 for the one that's closest to
20 the road and 48.8 for the one that's further from
21 the road and blocked by the first one.

22 So a SWPPP was submitted. We have
23 three different stormwater management basins, two
24 in the front here and one in the rear, that will
25 discharge to the wetlands.

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Utility services. We are proposing a sanitary septic system to the south of the access drive, in this area here, which is subject to Health Department approval as we get further into the project.

Water for the project is available in Route 300. There's a 16-inch water main that we'll be connecting to and bringing water up to the site.

We provided a loop through the site itself with fire hydrants. We understand we have to work through that with the -- you know, with your staff and consultants and things, but we took a first stab at that.

At this point I'll pass it off to Marc Petrero, our Traffic Engineer, to present the traffic.

MR. PETRORO: Good evening. Marc Petrero from JMC, professional engineer.

We worked on the traffic study for this development. Right here is a figure just showing the traffic study area that was studied. As you can see, it encompasses the same intersections as the Polo Club development, plus, however, we also

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added the intersection of Jeanne Drive and also the site driveway.

Jeanne Drive, we actually counted that intersection ourselves. Due to the current circumstances of COVID, the counts at Jeanne Drive were lower than when you compare the Polo Club traffic study to the actual counts that we did on Jeanne Drive for the peak hour. Those counts were approximately 13 to 22 percent lower than the Polo Club. What we did was we utilized the Polo Club's peak hour volumes at these areas but we increased our counts at Jeanne Drive to bring them up to the levels that would be comparable to what it would be when the Polo Club did the study, which was in 2019 they did their counts. So our counts were factored up to be adjusted to pre-COVID conditions. That's what we used as a base condition, was using the Polo Club's existing volumes. From there we projected out and we -- sorry. We studied the peak a.m. and peak weekday p.m. hours for this. So utilizing those as a base condition, we factored up the volumes to the future design year, which is 2022, utilizing the general growth rate of 1

1 percent per year which is conservative based on
2 DOT data. We also included other developments as
3 well as. We included the Polo Club volume. We
4 included all the other developments that were
5 included in the Polo Club as well. There's BJ's
6 and various other volumes that were included in
7 the Polo Club site. It's everything Polo Club
8 studied plus Polo Club themselves are in the
9 study. That was our no build condition, so in
10 the future without the project. And then we went
11 further and added in and determined our build
12 condition. Our build condition is the same year
13 as no build but we included the development
14 volumes for the proposed warehouse development.

15
16 Based on the industry standard data
17 from the Institute of Transportation Engineers,
18 the warehouse development is projected to
19 generate 60 trips total in the weekday a.m. hour
20 and 63 trips total in the weekday p.m. hour.
21 Then when you compare the build volumes, which is
22 the future with the development, and no build
23 volumes, when you look at the operations at these
24 intersections, the overall intersections of
25 service are the same from no build to build. So

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there's no change in the overall intersection levels of service. When I mean levels of service, it's based on the delay at the intersection, and it's like a letter grade like you get in school, A through F. So level of service is unchanged from the no build to the build condition.

However, we did recommend some improvements, some signal timing improvements. We have some signal timing improvements specifically at Route 300 and Route 32, and also at 300 and Gardnertown Road, as well as some operational improvements at 300 and Route 52 which we'd be willing to coordinate with the DOT who owns those signalized locations, actually, and maintains them to implement those recommended timing changes and operational changes that we're proposing in our study.

Additionally, we looked at the sight distance at the proposed site driveway location there. We looked at the sight distance from the tractor trailer truck perspective since they would be utilizing the driveway more frequently than other users. We looked at it and we used

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2 the 85th percentile speed on the roadway in this
3 section. Based on our field measurements, the
4 available sight distance at the site driveway can
5 accommodate the desirable stopping and
6 intersection sight distance which is based on
7 AASHTO standards which is a publication that
8 provides guidelines on how look at sight
9 distances. That would be someone from the site
10 driveway looking to the north and looking to the
11 left and being able to exit onto the roadway.

12 We also did a left-turn lane analysis
13 which is mentioned in the traffic study. We
14 looked at if there was a need or a warrant for a
15 left-turn lane coming down Route 300 to make a
16 left into the site here. AASHTO, again the same
17 publication, provides some volume thresholds in
18 there. Based on the volumes that are projected
19 for that left-turn movement, the a.m. hour meets
20 the volumes slightly, however the p.m. hour does
21 not. There are some other criteria that New York
22 State DOT looks at in determining if the left-
23 turn lane is warranted. We determined that it's
24 not something that would be warranted and pursued
25 by the applicant. Again, this is something we'll

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be coordinating with the DOT since this is their roadway and we will need a permit from them for the access as well.

That's a very quick synopsis. I know you have a long night. I don't want to take up much of your time. If there are no specific questions, I'll just hand it over to Bill to go over some of the building features.

CHAIRMAN EWASUTYN: Are there any questions from any Board Members?

MR. GALLI: The analysis you did, is that on car traffic?

MR. PETRORO: It includes heavy vehicles. Tractor trailers as well.

MR. GALLI: So tractor trailers are only going to come out in the night and not during the day?

MR. PETRORO: No.

MR. GALLI: You said a.m. peak hours and p.m. peak hours.

MR. PETRORO: When you look at -- typically in a traffic study you look at the peak hours of the roadway traffic. The peak hours of the roadway traffic usually occur between 7 and 9

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in the morning and 4 to 6 at night. So between -- there's a peak hour between those timeframes, and that's typically what you look at, more the intense time periods. During the day it's a little less intense on the roadway so it's not the design hour that you would look at to do any kind of mitigation or improvements.

MR. GALLI: So it doesn't change the effect of A, B, C, D, that intersection?

MR. PETRORO: Generally during the day -- your volumes are less busy on the weekday, say after, you know, 11:00 or maybe 2:00 versus your evening and your morning commute times. That's typically how you do a traffic study, you look at those designs there, because that's the more higher volume on the roadway.

MR. GALLI: So a tractor trailer stuck at a light, it takes -- a car can get out a lot quicker than a tractor trailer can move. So I just -- how many trucks will be going in and out of the site?

MR. PETRORO: I don't have that number offhand. I'll have to get back to you on that.

MR. GALLI: That's fine. That's all I

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have, John.

CHAIRMAN EWASUTYN: The hours of operation would be a 24 hour a day -- I believe at this point you're stating you don't have a tenant. I think I read that somewhere. I guess my question is this potentially could be a 24-hour operation?

MR. BROWNE: You have to assume it.

CHAIRMAN EWASUTYN: What do you have to do?

MR. BROWNE: You have to assume it.

CHAIRMAN EWASUTYN: Again, we're trying to piece it together. Marc did a good presentation, but, you know, we're just trying to -- we understand level of service. Creighton, Manning is with us. Ken Wersted will talk about traffic. I've never heard a proposal based upon parking calculations. Jerry Canfield, Code Compliance, would be someone that I suggest you speak with in the future as far as how he may interpret the code as far as parking. I'm not doubting your energy proposal.

I would turn to Ken Wersted also at this point to say how we do analyze parking based

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upon the standards that we're familiar with and speaking about. Again, this is a concept plan and we're learning about it.

Who is next?

MR. PETRORO: The architect will give a brief presentation on the building.

MR. CLARK: My name is Phil Clark and I'm the architect of record for the project.

Again, the campus is two buildings. The architectural would be the same on both as far as what we're proposing for the colors. The two buildings both are tilt-up concrete walls and concrete slab on the interior, structural steel, and on top of that would be the rubber roof. With rubber interior drains, there will be no gutters or downspouts on the outside of the building.

Someone mentioned, too, there will be a 3-foot parapet. The mechanical units required by the tenant, they'll be moved back and you won't see any rooftop units on the buildings. They are 45 feet high. The parapet on the roof itself is 42 feet high.

There's a row of glass, clear story

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windows surrounding the building. That was a request by the client. He wants to get natural light into the building, which also will help with the lighting load during the day.

We did dress up the corners, the main corner which is the entrance on the north side of the buildings. You come in the driveway and that kind of identifies where the entrance is.

We did prepare for 10 percent of the building to be office. We actually are showing a second story if required. The concrete is adjusted for that.

We did dress up the front. It is concrete, again with a different color basically. A bluish/steel color. That's pulled away a little bit from the building. And then we have glass -- aluminum storefront glass as the main entrance, so it gives a little bit of a nice shadow line. It's a cute way of approaching the building. We did mimic that on the other corner, the north corner, with the same color. This is a cream colored earth tone. We got an e-mail today, or a letter from one of the consultants saying the grays that we were first proposing,

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they thought maybe the cream color would be -- would look a little better. It's gray and the creams we rarely get on the drawing. Either one I think looks good with the bluish/steelish color of the entrances. I'm looking for guidance on this final palette of colors.

Other than that, it's a pretty straightforward design. Again, both buildings will be identical. There you have the architecture, or at least proposed.

CHAIRMAN EWASUTYN: Any questions from the Board Members on the architecture?

MS. DeLUCA: This kind of goes back to maybe another one, but the building looks lovely. Just curious. Simple question. What type of materials will you be distributing?

MR. CLARK: So I don't think a tenant is -- it's more a speculation building right now. There's ample docks. If someone comes in and just needs 20 docks, we won't -- if it's not built at that time, we'll delete the other 24 docks. So it's just flexible I think right now. As many docks as they can. Again, what I like about the layout is they did put the docks for

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each building on the interior space facing each other. That's on the other side of the building. They kind of pull it together. So the outside is the more attractive structure.

MR. BROWNE: Which side of your rendering is facing 300?

MR. CLARK: So this is the north. This is looking from the northeast. Northeast is here. So over here is 300. Let me see. I believe this is -- I believe this section.

MR. BROWNE: That's the side facing 300?

MR. CLARK: Yes. Make sense?

MR. BROWNE: Thank you.

MR. CLARK: Sure.

CHAIRMAN EWASUTYN: We're in the initial stages. They did supply us with --

MR. HINES: They've given us a SWPPP. My office is reviewing it. It's quite a large document.

They're initially here for referral to the ZBA for the building height for both buildings.

They have submitted a full

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environmental assessment form.

I have numerous technical comments. One of my comments was whether or not we should wait to declare lead agency until the ZBA takes action. I know Dominic has a comment on that regarding the fact that it's a Type 1 action, greater than 100,000 square feet.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Thank you, Mr. Chairman. This action is a Type 1 action. Since there are a number of approvals that are required for the project, a Type 1 action requires circulation for lead agency and a coordinated review. It has to be done at the outset of the process, so it's not an option to wait until later like you could with an Unlisted action. It's often times the Board's practice to refer matters to the ZBA. The ZBA considers the applications and then it has to come back to this Board. That's highly appropriate when an action is an Unlisted action. It gives you that flexibility. But with a Type 1 action the rules are very strict and require circulation for lead agency at the outset, and

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all other agencies have to hold and not render their decisions until the lead agency, in this case if it's the Planning Board, then lead agency completes it's environmental review. So that adds an additional wrinkle here as far as the process is concerned.

If the Board is prepared to move forward tonight, you have two steps to consider. One would be authorizing the circulation of the notice to declare yourself lead agency, and the second would be the referral to the ZBA for the height variance. They are welcome to make their application to the ZBA, but since it's a Type 1 action, the ZBA, following procedure, would not be able to complete its approval and grant variances until this Board is in a position to complete the environmental review.

CHAIRMAN EWASUTYN: Let's take the first step and we'll conclude the actual meeting with a referral letter to the ZBA. Would someone make a motion to declare our intent for lead agency for the Farrell Industrial Park, project number 20-16, located on Route 300 in an IB Zone?

MR. MENNERICH: So moved.

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CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. Do I have a second?

MR. GALLI: Second.

CHAIRMAN EWASUTYN: I have a second by Frank Galli. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Again we'll conclude this presentation, one more time, with a description of the referral to the ZBA for a height variance. If we take a moment to hear from Ken Wersted, our Traffic Consultant. Ken.

MR. WERSTED: Certainly. We did receive the site plans and the traffic study. Knowing that a ZBA referral was going to be necessary, we didn't look at a lot of the detailed analysis of the traffic study. We did go through some of the highlights and agreed with

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several of the assumptions included in it.

We had a couple of comments about the site plan, noting that it's very well prepared for kind of the concept, initial level. That helps relieve us of requesting additional comments on certain items.

We thought the truck circulation plan looked very well thought out.

The fire truck access assumes a pumper truck. I would defer to the fire jurisdiction to find out whether they need a ladder truck through there. I think those details will come eventually.

One of the significant comments is that we don't know what the tenant is of this project, so the traffic analysis is based off of warehouse which in general has a large square footage to trip rating. If a manufacturer were to come in here and look at these buildings, the traffic could be triple that assumed in the traffic study. There are a number of projects that we've had with DOT. When we've come across a project like this, even if the client is saying warehouse, DOT has requested us to look at

1 industrial park or general light industrial, some
2 other uses that could potentially use buildings
3 of this size, to at least study the impacts
4 relative to traffic. So I would expect, if and
5 when this goes to DOT, they'll be looking for
6 that as well.
7

8 We agree with the trip distribution.
9 You had identified the potential need for a
10 left-turn lane getting into the site, identifying
11 that one of the peak hours would -- it would meet
12 the criteria and one peak hour wouldn't. We
13 factored in some other things. In the end you
14 were recommending not to install a left-turn lane
15 there.

16 As with the application on the agenda
17 tonight before this one, the Polo Club, we had
18 discussed some DOT comments that we received on
19 that project, one of which was identifying
20 potential impacts at the intersection of
21 Gardnertown Road and 300, which is the signal
22 right outside of the Town Hall here. Part of
23 those impacts would be the need for a left-turn
24 lane on Route 300. The Polo Club would
25 contribute to that need, as would this project,

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with 78 percent of the traffic from this site heading southbound in this direction.

That concludes the bulk of our comments. Moving forward with the Polo Club and improvements, I think it would be best to share this information with DOT so that they can have a complete look at what's happening out on Route 300.

CHAIRMAN EWASUTYN: Are we clear on this point?

MR. MODAFFERI: I think so. If I can just --

CHAIRMAN EWASUTYN: One more. Dave Dominick.

MR. DOMINICK: One question. When you come back for more of the finalized landscaping, can we soften the entrance, the main entrance to the complex? Maybe a stonewall. Something a little soft in that area.

MR. MODAFFERI: Okay.

MR. DOMINICK: Something a little more warm if you can.

MR. CLARK: Did you say a stonewall?

MR. DOMINICK: Like a half stonewall

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with a sign.

MR. CLARK: Maybe we can incorporate the sign with the stonewall.

MR. MODAFFERI: We'll look at more detail of that. As we said, this was our initial submission. We're looking forward to working through some of those details.

To respond to the one comment about the warehouse as opposed to the manufacturing use. As I pointed out in my initial presentation, there's a few other factors that relate to this site, such as the septic, and parking, and a few other things that really limit the use of this site to warehouse. With the septic system we can't put heavy metals or food products or whatever into our septic system. That is the space we have. Based on our field testing, the area has been designed for that number of -- you know, this size building using this number of employees and all that. So we're kind of limited to the warehouse.

There's a project that we're working on currently in another municipality where the DOT was acceptable of having a condition in the

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resolution of approval that it would be warehouse and distribution only, it wouldn't be these types of uses. Our client, the applicant, would be amenable to that as a condition of approval. We would present that -- when we make our submission to DOT, we would make that same presentation to them.

CHAIRMAN EWASUTYN: Thank you.

Dominic Cordisco?

MR. CORDISCO: Nothing further at this time other than the consideration of the referral to the ZBA.

CHAIRMAN EWASUTYN: For the record, would you --

MR. CORDISCO: Yes. The applicant is proposing a roof that would be 45.8 feet, I believe, in height. There is a height restriction in this zone of 40 feet. So they're looking for a variance of 5.8 feet for the project.

MR. MODAFFERI: There's also a second building which is taller. So this one is --

MR. HINES: 48.8.

MR. MODAFFERI: -- and 48.8 and then

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45.8.

MR. HINES: I guess the variance would be for the 48.8, the worst-case second building. The rear building.

MR. CORDISCO: It should be for both buildings, should it not?

MR. HINES: It probably should.

MR. MODAFFERI: That would be the cleanest way to do it.

MR. CORDISCO: This would be a referral to the ZBA for the pursuit of the height variance, 40 feet is allowed in the zone. One building is proposing a 48.8 feet roof line and the other is 45.8 feet.

CHAIRMAN EWASUTYN: Would the Planning Board agree to have Dominic Cordisco, Planning Board Attorney, send this proposal to the ZBA?

MR. GALLI: So moved.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli.

MR. DOMINICK: Second.

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

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MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Pat, one other understanding. Would this be the time that you will be preparing an informational letter?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: For the record, let's get on board as to how it's going to be handled, who is going to make the appropriate call to the responsible person and have an appointment to bring everything in, please.

MR. HINES: So the Town of Newburgh has a requirement that prior to you returning to this Board, there's an informational letter sent to all properties within 500 feet early in the process rather than waiting for a public hearing at the end. I will prepare the informational letter. I will provide you with a list of addresses from the assessor's office. That informational letter will be placed in an

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envelop, stamped first class mail and addressed.
You will then contact Charlene in the Personnel
office and schedule an appointment with her to
drop those off. She will physically mail those
and give you an affidavit of mailing. I will
provide that information with the letter as well.
It's important that you contact her first rather
than showing up at her office.

MR. MODAFFERI: So we take them -- you
prepare it, you give it to us, we put them in the
envelop --

MR. HINES: Bring them here to Town
Hall.

MR. MODAFFERI: And you guys mail it.
Okay.

MR. HINES: The important step is to
coordinate that with Town Hall.

MR. MODAFFERI: Absolutely. Especially
in today's world.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you very much.

MR. HINES: I'll contact you. I'll
need additional sets for the circulation. I have
a couple comments in my comments on the EAF that

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need to get revised.

MR. MODAFFERI: That was one of the things. Based on your referral I think we're going to make our application to the ZBA. There's a number of -- maybe not all of them but there's a handful of technical comments from all of your consultants, and we'd like to at least address some of them and get a package back to you. So I guess we wait for that letter.

MR. HINES: I'm talking about the lead agency circulation. I'm going to need multiple sets of these plans along with the EAF to circulate the notice of intent for lead agency. My calculation here right now is seven sets, but I'll confirm that with you.

MR. MODAFFERI: So we can just make the EAF revisions and send it just to you then?

CHAIRMAN EWASUTYN: I think I would like to have a copy for the record.

MR. MODAFFERI: Yeah, for the record.

CHAIRMAN EWASUTYN: At this particular point, you can e-mail me that. I like to have a paper set. The e-mail I would forward on to the Planning Board Members. Most importantly you

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keep in mind you're before the Planning Board.
Pat Hines is a consultant. We, the Planning Board, would like to read the information which would help us make a decision.

MR. MODAFFERI: Okay.

CHAIRMAN EWASUTYN: With all due respect, always keep us in mind.

MR. MODAFFERI: Absolutely. Always in the loop.

CHAIRMAN EWASUTYN: Thank you.

MR. MODAFFERI: Thank you very much. Have a wonderful day. Enjoy the holiday.

(Time noted: 8:02 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 21st day of December 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

O'BRIEN/GREENSHIRE SUBDIVISION
(2020-05)

21 Greenshire Way
Section 11; Block 1; Lot 92.42
R-1 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: December 17, 2020
Time: 8:03 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

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: The next item on the agenda is O'Brien/Greenshire Subdivision. It's a two-lot subdivision located on 21 Greenshire Way in an R-1 Zone. It's being represented by Engineering & Surveying Properties. It's a two-lot subdivision.

Ken Mennerich will read the public notice.

Dave, would you ask in the audience if there's anyone there that's here for the O'Brien/Greenshire Subdivision?

MR. DOMINICK: I did, John. Let me double check.

CHAIRMAN EWASUTYN: Thank you.

(Pause in the meeting.)

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 O'Brien Subdivision, project 2020-05. The project is a proposed two-lot subdivision on Greenshire Way in the Town of Newburgh, designated on Town tax maps

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as Section 11, Block 1, Lot 92.42. The project proposes a two-lot subdivision of a parcel which contains one existing single-family residence. The lots are proposed to be serviced by on-site septic tanks and wells. The existing parent parcel is 10.15 acres in size. Portions of the lots contain New York State DEC regulated wetland areas. The project is located in the Town's R-1 Zone. A public hearing will be held on the 17th day of December 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 30 November 2020.

MR. WINGLOVITZ: For the record, Ross Winglovitz of Engineering & Surveying Properties here on behalf of the O'Briens and the proposed two-lot subdivision that was before the Board in the summer.

We had to go get a variance because of the existing nonconformity of the existing residence. That was received back in October.

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We were in front of the Board in November and we're set for a hearing this evening.

Ken adequately described the project. It's about a 10-acre lot. We're subdividing two roughly 5-acre parcels. One new well and septic.

The wetlands have been delineated. Everything is outside the wetlands.

I think that's it.

CHAIRMAN EWASUTYN: Questions from Board Members?

MR. GALLI: No.

MR. BROWNE: No.

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: We noted that they received the ZBA variance for the front yard setback.

All of our previous comments have been addressed. We have no outstanding issues.

CHAIRMAN EWASUTYN: Let's the record show there is no one here this evening for the O'Brien two-lot subdivision.

Would someone move for a motion to close the public hearing?

MS. DeLUCA: So moved.

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MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca. I have a second by Ken Mennerich. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

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

MR. CORDISCO: Thank you, John. As you noted, the variance had been previously obtained in October. The project completed the SEQRA process at the November 19th meeting. So you've already adopted a negative declaration for this.

I'm unaware of any particular conditions that would be required other than the Board's general conditions which are part of every approval, unless I'm missing something.

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MR. HINES: I have none. There are no public improvements, no landscaping, no stormwater securities.

CHAIRMAN EWASUTYN: Just the rec fee.

MR. HINES: Recreation fee. Yes.

MR. CORDISCO: Yes. And all other fees being paid.

CHAIRMAN EWASUTYN: Would someone move to approve the two-lot subdivision of O'Brien?

MR. GALLI: So moved.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have an approval by Frank Galli. I have a second by Cliff Browne. Can I have a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

MR. WINGLOVITZ: Thank you very much.

CHAIRMAN EWASUTYN: Have a happy holiday.

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MR. CORDISCO: Chairman, the ZBA
referral and this resolution will be prepared
tomorrow.

(Time noted: 8:09 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 21st day of December 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

PATTON RIDGE
(2012-18)

Patton Ridge & Route 52
Section 47; Block 1; Lot 44
R-2 Zone

----- X

UPDATE - REQUEST FOR AN EXTENSION
SIXTEEN-LOT SUBDIVISION

Date: December 17, 2020
Time: 8:09 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: KIRK ROTHER & STANLEY
SCHUTZMAN

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is an extension request for the Patton Ridge project. The project has been before us for many years. It's project number 12-18. It's in an R-2 Zone. It's located on Patton Road and Route 52. It's a request for a sixteen-lot subdivision, again in an R-2 Zone. It's being represented by Kirk Rother. Kirk.

MR. ROTHER: Good evening, Board Members. So Patton Ridge is a sixteen-lot subdivision that received preliminary approval from your Board some years ago, I believe in 2011. Subject to the recession. I was here last year asking for an extension which the Board granted.

There was not a lot of activity in the fall of last year into the spring, but this summer we kind of got the project back on track. We got updated documents signed by the Town Supervisor for water and sewer extensions. Those have been submitted to the agencies. I forwarded those letters to you today, Mr. Chairman, just so the Board has them.

We're asking the Board for an extension

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of preliminary approval. Right now it's taking about eight weeks to get responses back from the Board of Health. I imagine one more round with them and we'll be finished.

I would ask for at least ninety days if the Board is so inclined. Six months.

CHAIRMAN EWASUTYN: Pat, what updates do we need from any of the interested agencies?

MR. HINES: So they're before the agencies right now. Mr. Rother had provided us with correspondence, recent correspondence from the Health Department as well as the DEC.

Their stormwater is protected by a previously issued neg dec, so that's been completed.

What I suggested for this project and a couple others that are dated is that your ordinance allows for a final public hearing. Your public hearing on this project was many years ago. I don't know exactly when but 2014, '13 or so. So I would suggest that the Board consider holding a final public hearing on this because property owners in that area -- properties could have been turned over, neighbors

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could be moved out and people may not be familiar with the project.

Otherwise they have given us documentation that they're working with the various outside agencies. Very recent correspondence, November -- October, November correspondence.

CHAIRMAN EWASUTYN: Would there be logic in granting them a six-month extension with the understanding that six months from now, or prior to that date, there would be a public hearing? My reasoning for that is based upon the COVID and current conditions, if we could minimize -- this encompasses a fairly large area. If we could minimize. In six months from now -- you know, we're all living and believing in six months from now conditions will be healthier. Maybe we'll just put off the public hearing.

MR. HINES: I'm not suggesting we do it now. Actually, when they're complete with their outside agency review, then we could consider scheduling that. Knowing the agencies right now, most of the stuff is electronic, especially when there's multiple reviewers involved. It takes

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PATTON RIDGE

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time.

CHAIRMAN EWASUTYN: So what date would we be extending this to six months from now?

MR. CORDISCO: That would be May.

CHAIRMAN EWASUTYN: Can we tie it in sequentially somehow to our meeting dates in May?

MR. HINES: You have a May 6th or a May 20th.

CHAIRMAN EWASUTYN: What would you suggest?

MR. SCHUTZMAN: Excuse me. Wouldn't six months be June?

CHAIRMAN EWASUTYN: January, February, March, April, May, June.

MR. HINES: We're June 3rd or June 17th.

CHAIRMAN EWASUTYN: So today is the 17th. Let's kind of set it for the 17th.

MR. BROWNE: John, if I may.

CHAIRMAN EWASUTYN: Sure.

MR. BROWNE: You mentioned that you're back on track. Does that mean you're actually going forward with the project?

MR. ROTHER: Yes.

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PATTON RIDGE

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MR. BROWNE: It's actually going to be built out? Okay. Or subdivided I should say, or whatever?

MR. ROTHER: Yes.

MR. GALLI: John, I had a question. Are they the ones being marketed now that I see on Patton Road?

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

MR. GALLI: Okay.

MR. ROTHER: If they were it would be through Tom. Tom Anarumo was just here.

MR. GALLI: I see.

MR. HINES: They shouldn't be marketing them without approvals.

MR. GALLI: Okay.

MR. HINES: I'll defer to Mr. Schutzman on that one.

CHAIRMAN EWASUTYN: Would someone make a motion to grant a six-month extension to June 17th for the sixteen-lot subdivision of Patton Ridge.

MR. DOMINICK: I'll make a motion.

MR. BROWNE: Second.

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CHAIRMAN EWASUTYN: Motion by Dave
Dominick. Second by Cliff Browne. May I please
have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

MR. ROTHER: Thank you.

MR. SCHUTZMAN: Thank you very much.

(Time noted: 8:15 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 21st day of December 2020.



MICHELLE CONERO

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

----- X
In the Matter of

AMER & DUCH LOT LINE CHANGE
(2020-13)

Kathleen Heights & Frozen Ridge Road
Section 20; Block 1; Lots 134.2 & 14.13
R-2 Zone

----- X

FINAL APPROVAL
LOT LINE CHANGE

Date: December 17, 2020
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

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CHAIRMAN EWASUTYN: Our next item of business this evening is Amer & Duch Lot Line Change. It's here for final approval. It's located on Kathleen Heights and Frozen Ridge Road. It's project number 20-13. It's in an R-2 Zone. It's being represented by Advanced Construction Enhanced Solutions, Jonathan Millen.

MR. MILLEN: Good evening. Yes.

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

MR. HINES: This project is a lot line change. It was before the Board previously. Lot line changes by definition are Type 2 actions that require no SEQRA review. The Town has a streamlined review process, however they were required to send out the adjoiner notice. There's no public hearing required. That adjoiner notice has been prepared and mailed out.

The Board is in a position now to grant a final approval for the lot line change.

CHAIRMAN EWASUTYN: Dominic Cordisco, Planning Board Attorney.

MR. CORDISCO: Yes, Mr. Chairman. The Board is prepared procedurally to move forward at

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this time. I am not aware of any specific conditions other than the general conditions that would be associated with this approval.

CHAIRMAN EWASUTYN: Good. Would someone like to make a motion to approve the lot line change for project 20-13?

MR. MENNERICH: So moved.

MS. DeLUCA: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Jonathan, at some point in time you'll coordinate with Pat Hines how we're going to follow up with having a scheduled appointment to hand deliver the maps that need to be signed.

MR. MILLEN: Right.

CHAIRMAN EWASUTYN: There will be four

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paper sets -- rolled paper sets that the Planning Board requires. You'll also submit one rolled paper set and one mylar for your own records. Check with Pat Hines. We'll have to coordinate that with the Building Department to drop them off.

MR. MILLEN: Okay. Thank you.

CHAIRMAN EWASUTYN: Thank you.

(Time noted: 8:18 p.m.)

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I further certify that I am not
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blood or by marriage and that I am in no way
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IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of December 2020.



MICHELLE CONERO

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

----- X
In the Matter of

LANDS OF JAN KADNAR
(2020-09)

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

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: December 17, 2020
Time: 8:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

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CHAIRMAN EWASUTYN: Our sixth item of business this evening is a public hearing for a two-lot subdivision for the lands of Jan Kadnar. It's project number 20-09. It's located on Pressler Road in an AR Zone. It's being represented by Darren Doce.

Mr. Mennerich will read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Lands of Jan Kadnar, project 2020-09, for a two-lot subdivision at 275 Pressler Road in the Town of Newburgh, designated on Town tax maps as Section 6, Block 1, Lot 10.5. The project proposes a two-lot subdivision on a parcel which contains the remains of an existing residential structure. The existing structure will be repurposed to a new single-family residential structure. The balance of the parcel, a 39.96 acre lot, is not receiving any approval at this time and will

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require approval for any future use. The lot will be accessed by the existing curb cut from Pressler Road. The project is located in the Town's AR Zoning District. A public hearing will be held on the 17th day of December 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 30 November 2020."

CHAIRMAN EWASUTYN: Darren.

MR. DOCE: We're proposing a two-lot subdivision of a 42-acre lot that contains an existing building. That building will be on a 2-acre parcel. The remaining 40 acres won't be developed at this time.

I have one comment from the last meeting concerning the three lots on the common drive. We've added a note that if and when lot 6 comes back in for approval for any use, that that common drive will either have to be upgraded to a private road or a waiver would have to be received from the Town Board to permit more than

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the two dwelling units on the common drive. That was really the only change from the previous plans.

CHAIRMAN EWASUTYN: Comments from Board Members?

MR. GALLI: No additional.

MS. DeLUCA: No.

MR. MENNERICH: No.

MR. BROWNE: I'd just like to follow up. I happen to be a neighbor of that property. It is pretty much an eyesore. I just wanted to make a comment that I would really like to make sure that the improvements that were put into this plan are in fact followed up on after the subdivision. It's an eyesore.

MR. DOCE: Yes. Yes.

MR. BROWNE: Thank you.

MR. DOMINICK: I have nothing.

CHAIRMAN EWASUTYN: Let the record show that there is no one here this evening for the public hearing.

We'll move for a motion -- someone will make a motion to close the public hearing on the Kadnar, 20-09, two-lot subdivision located on

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Pressler Road.

MR. GALLI: So moved.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

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

MR. CORDISCO: At last month's meeting the Board adopted a negative declaration on this project, completing the SEQRA process.

In addition to the note that has been noted by Mr. Doce on the plan, my suggestion would be to add that as a condition in the resolution as well, to make sure if anyone is looking at the plan as opposed to the resolution,

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that it's clear that if there's further subdivision or use of that additional lot in the future, that that road would either have -- the driveway would have to be upgraded to a private road or a waiver obtained from the Town Board at that time.

Apart from that, I'm not aware of any other public --

MR. HINES: There should be a common driveway access and maintenance agreement.

MR. DOCE: There is an existing. We submitted it at one time.

MR. CORDISCO: Yes.

MR. HINES: Was it filed?

MR. DOCE: Yeah, it's filed. For the existing common drive, yes.

MR. HINES: It was going to be a subdivision but it's all on one lot now.

MR. DOCE: Right.

MR. HINES: I think we should just follow up and make sure that common drive access and maintenance agreement is there. You may want to have provisions that it can be converted into a private road.

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MR. DOCE: I mean the original was submitted to Dominic. I don't know if he has any comments.

MR. CORDISCO: I haven't reviewed it in this context. My suggestion to the Board would be to add that as a condition as well to your approval.

CHAIRMAN EWASUTYN: Having heard the recommendations and conditions of approval for the subdivision for Kadnar represented by Planning Board Attorney Dominic Cordisco, would someone make a motion to approve the subdivision?

MS. DeLUCA: So moved.

CHAIRMAN EWASUTYN: I have a motion by Stephanie DeLuca.

MR. BROWNE: Second.

CHAIRMAN EWASUTYN: I have a second by Cliff Browne. May I please have a roll call vote.

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

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MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Motion carried.

Thank you.

MR. DOCE: Thank you.

CHAIRMAN EWASUTYN: Happy holiday.

(Time noted: 8:25 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 21st day of December 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

DZIEGELEWSKI TWO-LOT SUBDIVISION
(2020-14)

74 Cronomer Heights Drive
Section 75; Block 1; Lot 46
R-3 Zone

----- X

PUBLIC HEARING
TWO-LOT SUBDIVISION

Date: December 17, 2020
Time: 8:25 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

----- X

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CHAIRMAN EWASUTYN: The seventh item of business this evening is Dziegelewski, if I'm pronouncing it correctly. It's a two-lot subdivision, project number 20-14. It's a public hearing. It's located on 74 Cronomer Heights Drive in an R-3 Zone. It's being represented by Charles Brown, Talcott Engineering.

I'll ask Mr. Mennerich to read the notice of hearing.

MR. MENNERICH: "Notice of hearing, Town of Newburgh Planning Board. Please take notice that the Planning Board of the Town of Newburgh, Orange County, New York will hold a public hearing pursuant to Section 276 of the Town Law on the application of Dziegelewski Two-Lot Subdivision, project 2020-14, for a two-lot subdivision located at 74 Cronomer Heights Drive in the Town of Newburgh, designated on Town tax maps as Section 75, Block 1, Lot 46. The project proposes a two-lot subdivision of a parcel which contains one existing single-family residence. The lots are proposed to be serviced by on-site septic and wells. The project is located in the Town's R-3 Zoning District. A

1 public hearing will be held on the 17th day of
2 December 2020 at the Town Hall Meeting Room, 1496
3 Route 300, Newburgh, New York at 7 p.m. at which
4 time all interested persons will be given an
5 opportunity to be heard. By order of the Town of
6 Newburgh Planning Board. John P. Ewasutyn,
7 Chairman, Planning Board Town of Newburgh. Dated
8 30 November 2020."
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10 CHAIRMAN EWASUTYN: Thank you.

11 Charles.

12 MR. BROWN: Thank you. Again, this is
13 a 3.22 acre lot with an existing single-family
14 residence on it. The proposal is to cut off
15 another building lot for another single-family
16 residence.

17 It will be serviced by a well and
18 septic. The septic has Health Department
19 approval with an extension that's still valid.

20 Cronomer Heights Drive is a private
21 road. Thank you.

22 CHAIRMAN EWASUTYN: Thank you.

23 At this point we'll turn the meeting
24 over to the public. If you'd raise your hand,
25 give your name and your address. The gentleman

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in the back.

MR. PALLADINO: Good evening. I'm call Giovanni Palladino on 52 Cronomer Heights Drive. I see some other neighbors here. I'm the one that actually wrote the letter. I don't know if it was sent around. I just want to let you know there's actually two more names to be added to that letter. They just realized today was the hearing, so they just texted me and told me to add their names also to the letter. I just want to reinforce that makes eight of the sixteen residents right now that are opposed to the subdivision.

We all have deed restrictions on lots that we own. We all have lots that are 2 acres plus. Some are as big as 9 acres.

In the last approval -- this was started as what they used to call in the old days a rolling subdivision. There was a restriction put in 2004 that no further lots would be subdivided.

In addition, we have no legal vehicle to add both the road maintenance agreement and some deed restrictions. Some of the deed

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2 restrictions are pretty severe. They require
3 architectural review, landscaping restrictions,
4 business restrictions. There's minimum house
5 sizes. There's protection of people's viewshed.
6 So there's items that I don't know if the
7 existing owner is aware of, because this is now,
8 since I've been there, the fourth or fifth owner.
9 I don't know if these things were actually
10 transferred from buyer to buyer to buyer to
11 buyer.

12 I didn't want to reread what I had
13 written, but if you have any questions
14 specifically to what was written and signed by --
15 for the record I can add the two names right now.
16 One is Mr. Joe Colandrea of 5 Cronomer Heights
17 Drive, and a Brittany and Brian Miranda of 89
18 Cronomer Heights Drive.

19 CHAIRMAN EWASUTYN: Were you clear on
20 those names, Michelle?

21 MS. CONERO: Yes. Thank you.

22 CHAIRMAN EWASUTYN: Charlie, we'll
23 start with you. Deed restrictions, further
24 subdivisions, what research have you done?

25 MR. BROWN: Well my client went through

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a title company to research that. We pulled the last three deeds and forwarded those to Dominic, you and Pat. The last two deeds didn't have the restrictions in them. The previous three deeds ago did. It's such things as no clotheslines. There was nothing in anything I saw that said no further subdivisions.

CHAIRMAN EWASUTYN: We're opening up for discussion. Dominic Cordisco, you've had an opportunity to read the deed that was presented to you?

MR. CORDISCO: I have not, Mr. Chairman. What I have reviewed is the private road maintenance agreement. I have not had an opportunity to review the deed. It's not to say that there's restrictions that may otherwise apply. In the private road maintenance agreement there's not a restriction on further subdivision or further lots being added to the private road, subject to, obviously, compliance with Town Code.

MR. BROWN: This is what my client got from Larkin's office. This just came in yesterday (handing).

MR. CORDISCO: I have not received

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that.

MR. BROWN: I will forward it to you.

MR. CORDISCO: Thank you.

MR. PALLADINO: Is there an opportunity to add comment?

CHAIRMAN EWASUTYN: There is. Let's be patient about the meeting. Mr. Palladino, as a matter of policy, if you don't mind, we'd like to have everyone have an opportunity to speak first, and then we'll have others speak for a second time.

Is there anyone else here this evening that would like to speak? Your name.

MR. FETTER: Bill Fetter, Rockwood Drive. I'm just curious. I know it's pretty shallow bedrock there and the water supply is going to be by a well. Is there a mandate or a requirement in the Town that a viable supply well be provided before it's deemed a taxable living lot, a residential lot?

CHAIRMAN EWASUTYN: Good question. Pat Hines.

MR. HINES: There is no such requirement. The underlying zoning is a

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builder's lot of just less than 1-acre in the zone, 40,000 square feet. That underlying zoning is developed based on issues such as there being enough area or enough land to put in a potable well.

MR. FETTER: Could I ask the current owner, do you have any water issues there? Have you had --

CHAIRMAN EWASUTYN: Excuse me. Excuse me.

MR. FETTER: I'm sorry.

CHAIRMAN EWASUTYN: You had a question. I'm not asking you to --

MR. FETTER: I apologize.

CHAIRMAN EWASUTYN: -- manage the business of the Planning Board.

MR. FETTER: Have there been any reports to the Town that there have been water issues in that --

CHAIRMAN EWASUTYN: Pat Hines.

MR. HINES: I'm not aware of any. I will note that this was a standalone lot at one time, I believe. It was consolidated with the balance parcel at one point. So it was

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previously an independent lot, I believe, --

MR. BROWN: Yes.

MR. HINES: -- and was consolidated.

Now the applicant is attempting to mimic that previous subdivision.

My office typically reviews the septic systems and well separations on these. However, this being a previous realty subdivision, it has approval from the Orange County Health Department for the septic system. They would review, similar to that, the well separations.

MR. FETTER: Thank you.

CHAIRMAN EWASUTYN: Additional questions or comments from the public? Mr. Palladino.

MR. PALLADINO: Just to the deed restriction. The last subdivision approval in 2004, filed in April of 2004, page 4 under notes, item 7, there shall be no further subdivision of the lot shown hereon. The reason why that lot was consolidated was because at that time they had exceeded the number of lots that were required on that neighborhood so there was a restriction. That's why we have the larger 3 and

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6 and 9 acre parcels.

In addition, the wells up there are very deep. They're almost 500 feet deep. Just under 500 feet.

Understanding the concern again from the neighbors, the road is really not compliant at all. We spent almost \$150,000 between legal fees and bringing the road up to some sort of decent spec. We're just really concerned with the increased traffic and the viability of the road. Right now there's construction that's there and it's already tearing up the road. We're having problems because the road was never built to the spec that was in the final approval.

Also the comment to the well. I don't know if the engineer is aware, but there's a new septic system that is being constructed on the lot next door. I believe it might be less than 100 feet from the proposed well location. So there's that other issue also on that.

That's about all I have, unless there's questions for me.

CHAIRMAN EWASUTYN: Excuse me?

MR. PALLADINO: That's all I have

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unless there's questions for me.

MR. GALLI: Mr. Palladino, what deed were you reading from? The original one or the second or third one?

MR. PALLADINO: That was the second.

MR. GALLI: The second one.

CHAIRMAN EWASUTYN: The second deed, just for conversation, which I have read, notes basic language as far as what they don't want to see to devalue the properties around them. As he said, whether it be clotheslines or any businesses. There's general descriptions.

I'm not disagreeing with you. I did read the deed as it relates to subdivisions, so to speak. I think Mr. Palladino was part of 1. Hill Investments was part of 2, and then there was another group that was part of 3. Again, I do this just for the sake of reading.

MR. PALLADINO: They're all the same owners.

CHAIRMAN EWASUTYN: I'm understanding you said rolling subdivisions. I think at the time it was called creeping subdivisions. But again, it's just a matter of conversation.

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The other thing I just want to bring up in a general sense, and I'm not a knowledgeable individual, I don't know necessarily if the Town -- it's a Town decision -- could ever approve that road because of the grades. The Town has a restriction that the grades on a road -- a Town road, can't be any greater than what percent?

MR. HINES: I think 10 percent for a Town road.

CHAIRMAN EWASUTYN: 10 percent. I'm not arguing with you. I happened to be around, knock on wood, when this subdivision was first before the Planning Board. I think, you know, for a variety of reasons it never became a Town road because of the cost associated with it. But then I'm also aware of the fact that the Town can't afford to plow, maintain something that has a steep grade. It may be possible today but back then it wasn't.

I might make a suggestion to the Board that we keep this public hearing open, allowing Dominic Cordisco, the Planning Board Attorney, to review any of the documents that he hasn't had the time to review.

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MR. GALLI: Yes.

CHAIRMAN EWASUTYN: Then the notice -- if I'm not mistaken, help me -- won't be published in the newspaper. How is the notice of hearing if they continue the public hearing?

MR. CORDISCO: My suggestion, Mr. Chairman, would be to adjourn this public hearing to a date certain so that way the public would know when they can return.

I certainly will review the deeds that are before the Board.

I've heard some things tonight that are not necessarily dispositive of the issue. So for instance, restrictions may not be in the current deed but they may be in a prior deed and they didn't get carried forward. That doesn't always turn up in a title search because title searches typically is a last owner's search. It's to make sure that if you're buying property, you're actually buying it from someone that owns it and has the ability to sell it to you without restriction. It's not an abstractive title, which is a different thing, which goes back and looks at whether or not there's any historical

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2 restrictions of record that might appear or apply
3 to a particular property. So this may take some
4 time given the number of subdivisions that
5 occurred and development that has occurred there.
6 There are plats to review as well as deeds to
7 review. So I'm not entirely sure that we have a
8 full picture at this time.

9 I would encourage the applicant and the
10 applicant's counsel to put all of the information
11 that they have at their disposal forward, because
12 we're not in a position to do our own research on
13 these issues. So the Board does not, you know,
14 hire a title agent to go look at plats that are
15 on file in the County Clerk's office or research
16 through deeds that may be there or may not be.

17 I gave you a lot of information. My
18 suggestion would be to hold the public hearing
19 over.

20 I would encourage the applicant to
21 provide as much information that they have so the
22 Board can make a determination as to whether or
23 not this subdivision is allowed under any
24 applicable restrictions.

25 CHAIRMAN EWASUTYN: Dave Dominick.

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MR. DOMINICK: Dominic, it sounds like this is a pretty lengthy or intense process to get to some type of conclusion. February, is that when we're thinking to reconvene this public hearing?

CHAIRMAN EWASUTYN: I believe the first meeting is the 6th or 7th of January, following your train of thought.

MR. HINES: It's the 7th.

CHAIRMAN EWASUTYN: So then if we move it forward, fourteen days would be the 21st. Let's put that on the table. Do you think that's adequate time?

MR. CORDISCO: It is for me, certainly. As long as the applicant and the applicant's counsel is being forthcoming in providing all the information that they have.

CHAIRMAN EWASUTYN: We'll move in a few different directions. There's a lot of hands up.

Charlie, how much time do you think you would need to --

MR. GALLI: Are we looking for an abstract title search? Is that what we're looking for, Dominic? That goes back to the

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original? If that's what's going to say it in the first deed, that's what I'd be looking for.

MR. CORDISCO: It certainly would be most dispositive to have the title abstract for this particular project.

MR. GALLI: Maybe he has to call and find out how long it would take to get that and let us know so we can set up a public hearing.

MR. BROWN: Because it was two lots that were combined by the Galages, we only have to go back to the deed where they were combined.

CHAIRMAN EWASUTYN: Dominic.

MR. CORDISCO: There's a logic to that, but I'm not sure that that's entirely dispositive because we don't know what restrictions were on the lot at that time. It's very difficult to talk about these things in abstract without having the information in front of us.

My suggestion would be to hold it over to the January 21st meeting and we can progress at that time. The Board would be in a position to do so. There's always the chance that if more information was required and it's not forthcoming, the Board would be in the same

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position that you're in tonight, worst-case scenario.

CHAIRMAN EWASUTYN: So we would carry it over to the 21st. If we don't have adequate information at that point to make a decision, then we would reschedule it for a day further out.

MR. CORDISCO: Correct.

MR. BROWN: Okay.

CHAIRMAN EWASUTYN: I know there were one or two members of --

MR. PEREZ: Yeah. I'm Jose Perez. I live on 80 Cronomer. You stated that the Town doesn't want to take over the road.

CHAIRMAN EWASUTYN: I didn't state that.

MR. PEREZ: No, no. We went through it with attorneys and everything, and the grading wasn't there. But I don't believe it's on the homeowner to keep maintaining this road, which was a minimal road to start out with when it was a subdivision for five houses. Now we've got seventeen. It can't take the load. We keep subdividing. Now we've got 9-acre lots and those

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can be subdivided you're saying. It's like it's going to become ridiculous.

We pay a lot of money to maintain this road, which wasn't done right from the beginning.

So I don't know when it's going to stop. I get taken off the road every time a construction truck comes by.

CHAIRMAN EWASUTYN: I'm not arguing the point. There's a lot of things to look at or to consider. Private roads came in to being on or about the time that we're discussing. The reason private roads came in to being was because developers didn't want to pay -- separate of the grades and everything, they didn't want to pay to put in a Town road. The easiest thing in the world was to have a private road.

The other thing to keep in mind, and I'm not sure on this because I don't know much about what I'm saying, there's a maximum length of a Town road that you can have before you have a turnaround access. Correct?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: I think it's 900 linear feet.

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MR. HINES: Six times the minimum lot frontage.

CHAIRMAN EWASUTYN: Which would be about 900 linear feet?

MR. HINES: 900 feet.

CHAIRMAN EWASUTYN: Thank you. In the particular case that we're talking about with your private road, the length of that private road exceeds that by many times. You have 900 feet. There's always this thing about emergency access if it were a Town road. If it becomes a Town road, then it becomes the Town's liability. So there are standards that the Town requires in order to accept or adopt a Town road.

There's a lot of thinking -- I'm not opposed to you. As time goes on, many, many people like yourself realize that this is a nightmare, whether it's getting everyone to contribute and participate in snow removal. I think in your road maintenance agreement it talks about an annual meeting. It talks about a person who is responsible for the coordination of the repairs and all this. It's a lot to manage. I'm not arguing the point with you.

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MR. PEREZ: I mean we've got a managing company for that.

CHAIRMAN EWASUTYN: It's expensive.

MR. PEREZ: Still, it gets ridiculous. The traffic gets ridiculous after a certain point, right. I mean it was like six, seven houses. Now it's eleven, twelve with room for seventeen.

I mean transformers have to be changed.

I learned about electricity the first time I lived there when Central Hudson said we need bigger transformers here.

It's like you say, a creeping subdivision. It wasn't made to handle all these houses. Probably the cables aren't strong enough to handle all these houses, because some people complain about that. We don't know. When it was first made it was five houses, then they subdivided again for ten. Now it's seventeen. It keeps growing and growing.

You know, I mean the roads should have been built to like semi-Town specs. You're saying private roads can be built with thousands and thousands of linear feet without a

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turnaround.

CHAIRMAN EWASUTYN: In the Town Code -- again, it's not the Planning Board saying. You know, in the Town Code the Town has standards for private roads, limitations, restrictions, so forth. There are also standards for Town roads. They're different. I don't have an answer for you. I don't think we can because it doesn't fall under our jurisdiction.

MR. PREEZ: I mean when I bought my house, I know I bought a single-family home that couldn't be subdivided. I don't know what happened to the deeds or how it got changed, but it should have been followed. Right?

CHAIRMAN EWASUTYN: Mr. Palladino.

MR. PALLADINO: Again, building off Mr. Perez's comments, the restriction was placed on the last subdivision. All three subdivisions were the same owners, they just changed the name.

Just so everybody understands my background, I'm an architect and a planner. Just by default they had asked me to come today. I'm also one of the members of the management group that maintains the road.

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Just for the record, we have been in front of the Town, and we still are in the Town, having conversations with the town engineer and previous town attorney, Councilman Mr. Piaquadio, Ruggiero.

The issue is with the road. In the approvals, and Mr. Attorney is going to have to check this, there was a cross section of the road that was supposed to be built. The road was supposed to be widened. There was supposed to be a binder and a top course. That never happened. The original road was a driveway to Mr. Stanwicz's estate. That was never widened. It had a blacktop coating equivalent to a driveway. Those conditions were never met. The bond, or whatever was required at that time, was released, including C of Os of buildings.

We have a roadway right now that's strictly binder that is breaking apart because they never had a top coat. Believe me, we've had consulting engineers up there. We've had attorneys. This is a much larger discussion. The Town is very well aware of it already.

Also for the record, in 2004 this

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subdivision had come to the Town at that time and it was also denied.

So I would suggest, Mr. Attorney, that you look back to 2004 and why at that time it was denied. This is a much complicated -- this isn't just a single subdivision. As Mr. Perez said, this was never intended to have sixteen or seventeen lots there. Over time this has happened. Right now we have three or four lots that have not been constructed and they are owned by spec builders. They're all 6 and 9 acre lots. If we set this precedent here, okay, if a piece of paper that says no lots shall be further subdivided, then what would prevent them from doing the same?

CHAIRMAN EWASUTYN: That's what we want to research. We don't have an answer for some of the questions. An abstract will be provided. With more information, Dominic Cordisco, the Planning Board Attorney, would be better to advise us. So for now it's just conversation. For now we're going to continue this public hearing until January 21st.

MR. PALLADINO: That goes beyond the

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abstract. I think you need to involve your legal team in the Town also because they understand the issues that we've had with this road we've been dealing with now for six or seven years.

CHAIRMAN EWASUTYN: Again, based upon the advice of Dominic Cordisco, our Planning Board Attorney, we'll take the necessary steps.

MR. CORDISCO: Thank you, Mr. Chairman.

CHAIRMAN EWASUTYN: That's not being rude.

MR. PALLADINO: I'm not saying it's being rude. The Town is aware of this. There's sixteen years of history here.

CHAIRMAN EWASUTYN: Pat Hines now currently also represents the Town as far as engineering items.

MR. HINES: Yes. I work in the Town Engineer's office now as well.

CHAIRMAN EWASUTYN: So you have the advantage of having someone who is present now who, most likely, his advice would be asked for.

MR. PALLADINO: I'd urge Mr. Hines to come and drive the road.

CHAIRMAN EWASUTYN: I drove the road

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myself. Any subdivision before the Planning Board, any site plan before the Planning Board, we have the responsibility to drive the road. I did see the construction equipment up on one of the sites.

MR. PALLADINO: Right.

CHAIRMAN EWASUTYN: I did drive it to one end, came back, found the subject property which then dead ends. I'm on your side is what I'm saying, but --

MR. PALLADINO: Understand the road is four feet wide. About two years ago we ended up, at our own investment, we put that guardrail in because --

CHAIRMAN EWASUTYN: The guardrail on the right going --

MR. PALLADINO: The reason why that happened is because there were two people passing. Somebody was going at an excess speed and somebody actually went off the road, and only by the grace of God did they get stopped by a tree. You can still see the scar on the tree.

CHAIRMAN EWASUTYN: That's an example of a steep grade at that particular point, the

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curve in the road.

MR. PALLADINO: We're not talking about grade.

CHAIRMAN EWASUTYN: Just in general.

MR. PALLADINO: I understand.

CHAIRMAN EWASUTYN: All right.
Anything else?

MR. CORDISCO: I just want to point out for the record that there are a number of different concerns being raised here and they fall into different categories. One is whether or not there's a deed restriction that prevents this lot from being subdivided any further, or perhaps a note on a subdivision plat that has the same effect. Those are separate issues from the condition of the road and whether or not that road, in different opinions, can accommodate an additional house on that property.

So I think, you know, we're working through this. It's best perhaps to separate those issues for the Board's consideration. We'll provide an update on the 21st.

CHAIRMAN EWASUTYN: Thank you.

MR. BROWN: Thank you.

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(Time noted: 8:54 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 21st day of December 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

MALMARK SUBDIVISION
(2020-15)

72 Lattintown Road
Section 9; Block 3; Lot 2
AR & R-3 Zones

----- X

INITIAL APPEARANCE
FIVE-LOT SUBDIVISION

Date: December 17, 2020
Time: 8:54 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

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

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PATRICK HINES

APPLICANT'S REPRESENTATIVE: LARRY MARSHALL

----- X

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

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CHAIRMAN EWASUTYN: Our last item of business this evening is the Malmark Subdivision. It's a five-lot subdivision located on Lattintown Road. It's in both an AR and an R-3 Zone. It's being represented by Larry Marshall.

MR. MARSHALL: Yes, sir.

CHAIRMAN EWASUTYN: Good to see you.

MR. MARSHALL: Good to see you, too. Good evening. As the Chairman stated, my name is Larry Marshall from Mercurio, Norton, Tarolli & Marshall.

What we've proposed is a five-lot subdivision of an existing parcel that has two separate frontages on Lattintown Road. There's a small section of frontage down near the first end, and then we have a larger section of frontage up a little bit further.

This parcel is actually located in the AR and R-3 Zone. Proposed lot 5 is located almost entirely in the R-3 Zone with the remaining portion of property located in the AR Zone.

As we've shown it, we have a 450 foot long proposed road, a private road, that would

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serve lots 1 through 4, and then lot 5 would obtain access directly off of Lattintown Road.

Each of the proposed lots are shown with private sewers and private wells. There is a water line that runs down Lattintown -- I should say lots 1 through 4 have private wells. Lot 5 is proposed to be serviced by connecting to the existing water line that runs down Lattintown Road. There is a water line that runs down Lattintown Road to the pump house that's on the corner. This is not accessible to the homes. This section of the road -- or the water line we proposed is similar to the neighboring properties just having private wells. Lot 5 where there is a potable water source, we propose to connect to it.

The lots range in size from just over 1 acre up to 2.5 acres.

This is a sketch plan. We have completed the survey and topography. In subsequent submissions we'll have a more complete plan.

CHAIRMAN EWASUTYN: Thank you.

Questions from Board Members?

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MR. GALLI: No.

MS. DeLUCA: No.

MR. MENNERICH: No.

CHAIRMAN EWASUTYN: And this is in proximity to also where you eventually go up the road, Merritt Lane is to the right, correct, on the opposite side of the road?

MR. MARSHALL: Yes.

CHAIRMAN EWASUTYN: And you feel that the one lot has adequate sight distance? That's a steep grade turning in the road. What's the sight distance?

MR. MARSHALL: The sight distance for proposed lot 5 is 305 feet to the left and 450 feet to the right. We positioned the proposed driveway on the extreme westerly edge of the frontage. We can get a pretty good distance around that curve. It is a steep section of the road. We would obviously like to get clearance from the highway superintendent before we proceed much further.

CHAIRMAN EWASUTYN: I can't remember if I dropped off plans. You'll coordinate this with the Highway Department.

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MR. MARSHALL: Yes. Up on this section here --

CHAIRMAN EWASUTYN: It's flat.

MR. MARSHALL: -- it's flat and straight. I don't have any concerns there. Lot 5 is a concern of ours. We want to make sure that the highway --

CHAIRMAN EWASUTYN: It looks like it could have good views, the upper lot, in looking to the east.

Pat Hines.

MR. HINES: This is a sketch plan for the five-lot subdivision.

I was able to do some research for Mr. Marshall's office on the water. The water line on the northern portion is a transmission main, not a distribution main. The pressures are too high to allow connections for residential uses. Once you get below the Carter Avenue pump station, that knocks the pressures down. That's why lot 5 can connect to the Town water. The other ones will need to have wells.

The construction of the private road kicks in the Town's stormwater management

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requirements. They're more stringent than the DEC's. That will have to be addressed.

The EAF identifies potential habitat for protected bat species, so the appropriate notes will be needed.

Private road access and maintenance agreements will be required.

Subsurface sanitary sewer disposal designs.

We need the actual field survey as there's notes on here that say it's tax map and publicly available topography. So once we get the detailed designs, we can do a further review.

MR. MARSHALL: This is a realty subdivision so we'll be having to go to the Orange County Department of Health for this.

CHAIRMAN EWASUTYN: When you say it's a realty subdivision, for the benefit of the Board, what are you actually saying?

MR. MARSHALL: Because there's more than four lots under 5 acres, it signifies it's a realty subdivision. That triggers local Health Department review and approval of the water sources as well as the septic systems. So all of

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the design -- the wells for lots 1 through 4 -- the whole design will have to be reviewed, the septic system designs. They'll have to go through onsite testing with us. They will likely require us to drill one of the wells and test it to make sure it's adequate for water quantity as well as quality.

CHAIRMAN EWASUTYN: Thank you.

MR. HINES: That being said, we may want to declare our intent for lead agency as there are going to be involved agencies.

CHAIRMAN EWASUTYN: Mr. Cordisco, do you advise that?

MR. CORDISCO: Yes, sir.

CHAIRMAN EWASUTYN: Having heard from Pat Hines of McGoey, Hauser & Edsall and Dominic Cordisco, the Planning Board Attorney, would someone move for a motion to declare our intent for lead agency for the Malmark Subdivision, the five-lot subdivision.

MR. DOMINICK: I'll make a motion.

CHAIRMAN EWASUTYN: Motion by Dave Dominick.

MR. MENNERICH: Second.

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

CHAIRMAN EWASUTYN: Larry, you're familiar with it but you'll work with Pat Hines' office as far as the informational letter that's required to go out.

MR. MARSHALL: Absolutely.

CHAIRMAN EWASUTYN: I wish you all a healthy and happy holiday and a successful new year. We'll see you all back here in the beginning of January.

I'll move for a motion to close the Planning Board meeting.

MR. GALLI: So moved.

MS. DeLUCA: Second.

CHAIRMAN EWASUTYN: Motion by Frank Galli. I have a second by Stephanie DeLuca.

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MALMARK SUBDIVISION

122

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

MR. GALLI: Aye.

MS. DeLUCA: Aye.

MR. MENNERICH: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. BROWNE: Aye.

MR. DOMINICK: Aye.

(Time noted: 9:02 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 21st day of December 2020.

Michelle Conero

MICHELLE CONERO